



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
ABP-311924-21**

Strategic Housing Development	Demolition of buildings, construction of 309 no. residential units (197 no. houses, 112 no. apartments), creche and associated site works.
Location	Cork GAA Lands, Old Whitechurch Road, Kilbarry, Cork City.
Planning Authority	Cork City Council
Prospective Applicant	Cork County GAA Board
Date of Consultation Meeting	04/03/2022
Date of Site Inspection	23/02/2022
Inspector	Conor McGrath

Contents

1.0	Introduction	3
2.0	Site Location and Description	3
3.0	Proposed Strategic Housing Development.....	4
4.0	Relevant Planning History	5
5.0	Section 247 Consultation(s) with Planning Authority	6
6.0	Planning Policy	7
7.0	Submissions Received	17
8.0	Forming the Opinion	17
9.0	Conclusion and Recommendation	24
10.0	Recommended Opinion.....	25

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

The subject site comprises a stated area of 14.84 ha, located at Kilbarry off the Old Whitechurch Road on the northern edge of Cork City, approx. 1.2km north of Blackpool centre. The main part of these irregularly shaped lands (8.68ha) is relatively elevated and is under grass, having been previously in use as a playing pitch. The northwestern part of the lands falls (c. 5.18ha), relatively steeply toward the Bride River / Glenamought River Valley. Parts of the slopes include areas of scrub and the lower slopes adjoining the river are more heavily overgrown. The southern portion of the lands is located to the north of City North Business Park and to the rear / east of existing residential properties fronting the Old Whitechurch Road. To the east of the site are the grounds of Delaneys GAA club and there is a large pylon in the northeastern corner of the site, north of the GAA club lands.

An existing access lane from the Old Whitechurch Road runs along the southern edge of the site, which previously provided access to the GAA club. The club is now accessed from the Upper Dublin Hill via the Kilbarry Enterprise Centre / estate, to the southeast. An embankment toward the eastern part of the site marks a change / step-up in levels as one moves east. There is a small scale, derelict factory building on the western part of the lands, adjoining the entrance from the Old Whitechurch Road which is bounded by a number of mature trees.

3.0 Proposed Strategic Housing Development

The proposed development is described as follows:

- The development of 309 no. dwellings (197 no. houses and 112 no. apartments) as follows:
 - 98 no. semi-detached units (20 no. 4-bed units and 78 no. 3-bed units),
 - 99 no. terraced units (4 no. 4-bed units, 50 no. 3-bed units and 45 no. 2-bed units),
 - 49 no. duplex units (25 no. 2-bed units and 24 no. 1-bed units) and
 - 63 no. apartments (48 no. 2-bed units and 15 no. 1-bed units).
- A crèche facility (520-sq.m.).
- A riverside amenity park to the north and northwest of the site.
- Demolition of a disused factory and associated out buildings.
- New boundary treatment to the south and east, formalised walking paths.
- A through road from the Old Whitechurch Road to the west, accessing Delaney's GAA Grounds, to the Upper Dublin Hill Road to the east.

All associated ancillary site development and landscaping works, to include bin stores, bicycle and car parking, groundworks, foul drainage, stormwater drainage, water supply, service ducting and cabling, public lighting, and all boundary treatments.

Key development parameters include:

Site area	14.84ha gross
Gross Development area	8.54ha (excl. open space and employment zoned lands & Local Distributor Road)
Net Development area	7.51ha (excl. steep slopes)
Dwellings	309 no.
Density	36.18 / ha gross or 41.4 / ha net
Open space	7ha / 47% site area in total 1ha active space on residential lands (12%)
Parking	1 space per apartment and duplex unit, 1.5 spaces per 2 bed house and 2 spaces per 3- and 4-bedrooms house

Unit	No.	%
1-bed	39	12.6%
2-bed	118	38.2%
3-bed	128	41.4%
4-bed	24	7.8%

4.0 Relevant Planning History

There does not appear to any recent relevant planning history on the lands, however, the submitted documentation refers to previous dumping activity on the lands. I note a number of planning applications on the adjoining GAA grounds for associated development including floodlighting. IDA lands to the south have been subject to applications for development relating to commercial / industrial development therein.

Southwest of the Old Whitechurch Road, Part 8 approval was obtained on City Council lands for enabling / infrastructure works to facilitate their future development for approx. 600 no. housing units. These works were subject to LIHAF funding.

Under PA ref. 21/40047 permission was granted for the construction of a new detached dwelling and site entrance on a site to the side and rear at Winterfell, Old Whitechurch Road, immediately southwest of the subject lands.

Other cases in the wider area:

ABP Ref. ABP-312076-21: Current application for a strategic housing development comprising 275 no. residential (205 no. houses and 70 no. apartments), creche and associated site work at Ballyhooly Road, Ballyvolane.

ABP-311819-21: Current S.5 pre-application consultation request in respect of 162 residential units (74 no. houses, 88 no. apartments), creche and associated site works at Banduff Road. Mayfield. Permission was previously refused on this site under ABP-3073736-20 for the following reason:

Cork Metropolitan Area Transport Strategy 2040 (CMATS), published by NTA in 2020 sets out an integrated transport planning policy framework for Cork with supporting investment priorities. The delivery of CMATS is a critical objective of the Regional Spatial and Economic Strategy for the Southern Region and Cork Metropolitan Area Strategy Plan, which came into effect in 2020. Critically important infrastructure identified in CMATS includes a new distributor road on the north side of Cork city, referred to as the Cork Northern Distributor Road (CNDR). The proposed development has the potential to limit route choices on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy (CMATS) and in the Cobh Municipal District Local Area Plan 2017. Pending determination of the route of the CNDR, the proposal is considered to be inconsistent with Site Specific Objective NE-R-13 of the Cobh Municipal District Local Area Plan 2017; is considered to be premature and inconsistent with the proper planning and sustainable development of the area.

ABP-306325-20: Permission granted for a strategic housing development comprising 753 no. residential units (531 no. houses, 222 no apartments), creche and associated site works at Longview, off the Ballyhooley Road.

5.0 Section 247 Consultation(s) with Planning Authority

Application documentation refers to a pre-planning consultation meeting with the planning authority on 08/09/2020. The main items discussed are recorded as including the following:

- Relationship with the proposed Northern Distributor Road
- Provision of the amenity park.
- Calculation of net site area.
- Encroachment on the amenity zoned lands.
- Internal road design.
- Open space design and landscaping.
- The incorporation of SUDS measures.
- Relationship with floodlighting of adjoining pitches.

- Compliance with Cork County recreation and interim recreation policy.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than urban sprawl is a top priority. A preferred approach would be compact development focussed on reusing previously developed, 'brownfield' land.

Objective 2a targets half of future population growth in the existing five Cities and their suburbs.

Objective 3a seeks to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements, while Objective 3b further seeks to deliver at least half (50%) of all new homes targeted in the five Cities and suburbs, within their existing built-up footprints.

Objective 8 sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. It emphasises compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher building formats.

Objective 13 is that planning and related standards including building height and car parking in urban areas, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 seeks to increase residential density in settlements, through measures including infill development schemes, area or site-based regeneration and increased building height.

6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021. Five pillars for action include Pillar 2 - Accelerate Social Housing, and Pillar 3: Build More Homes, which seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period.

6.1.3. Housing for All - A New Housing Plan for Ireland (Sept 2021)

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

6.1.4. Regional Spatial and Economic Strategy for the Southern Region (2019)

The RSES strategy is to enable strong, resilient and sustainable growth through the strengthening and growth of cities and metropolitan areas, quality development including regeneration and compact growth and through the promotion and advancement of the strong network of towns and supporting villages and rural areas. Key principles include:

- A dual-track approach building on cities and metropolitan areas as significantly scaled engines of sustainable growth, and repositioning the network of towns, villages and rural areas in an imaginative, sustainable and smart manner.
- The supply of quality housing to meet existing and future demand.
- The regeneration and development of existing built-up areas as attractive and viable alternatives to greenfield development.
- Use of quality urban design to enhance the character of a place and ensure development is respectful of the existing physical, social, environmental and cultural context.

RPO 32, supports Government policy and targets under “Rebuilding Ireland”.

RPO 34: supports NPF objectives in respect of the achievement of urban infill / brownfield development.

RPO 35: supports the National Strategic Outcome of Compact Growth

RPO 176 seeks to attain sustainable compact settlements with the “10-minute” city and town concepts.

Cork Metropolitan Area Strategic Plan (MASP)

Policy Objective 1 (includes)

- a. To strengthen the role of the Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.
- b. To promote the Metropolitan Area as a cohesive employment and property market where population and employment growth is integrated with:
 - (i) the city centre as the primary location reinforced by
 - (ii) the regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas.
 - (iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs and
 - (iv) the regeneration, consolidation and infrastructure led growth of metropolitan towns and other strategic employment locations in a sustainable manner.

Enablers for the MASP set out in Section 4 include:

Improved transport offer around the City through a package of measures including rail and light rail, improvements to the radial and orbital distributor road network, including a northern distributor road, improvement and more effective management of the strategic road network, including the existing N40 and a future Northern orbital route, delivery of strategic bus network, delivery of the Metropolitan Area Cycle Network, provision for cycling/walkability/permeability/accessibility in the planning, design and delivery of new development;

Policy Objective 8 - Key Transport Objectives (to be informed by CMATS)

- a. Seek investment in the sustainable development and implementation of CMATS and transport initiatives that improve connectivity between the metropolitan area, wider Cork context and wider region.
- b. Core Strategies identify the public transport corridors and nodes arising from CMATS with potential for high density development / regeneration. Demonstrate the alignment between land use and transport infrastructure planning and delivery of the NPF Compact Growth targets as they apply to the Cork Metropolitan Area.
- f. Core Bus Network: A comprehensive network of high frequency bus services operating on a core radial and orbital bus network as provided for in CMATS.
- h. Walking: Implement and further develop the Cork City Walking Strategy 2013-2018 and strengthen the role of walking through improved walkability, focussed on new development areas, access to services at the local level and improved accessibility to centres. Seek and support greenways for walking and cycling.
- i. Cycling: Implement and further develop upon the Cork Metropolitan Area Cycle Network Plan 2017, invest in infrastructure to support the integration of the cycle networks, improve and develop cycle networks and support cycling through provision of a high proportion of segregated cycleways.
- k. Road Network Improvements: to support sustainable growth while also providing appropriate strategic provision for the movement of goods.

Strategic Road Network Improvements under MASP Policy Objective 9 include:

- Cork Northern Distributor Road delivering a multimodal orbital public transport route, accessing planned development lands, connecting to radial distributor roads and providing connectivity at its western end to join the existing N22.

Infrastructure priorities for the North Environs- Kilbarry-Blackpool precinct include connectivity to the Northern Distributor Road.

Section 7.0, Housing and Regeneration, notes that the Blackpool Valley, Kilbarry and the Old Whitechurch Road area have opportunities for significant mixed-use regeneration and residential and enterprise development, with a potential residential yield of 950 units.

6.2. S.28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the Chief Executive, and observers' submissions, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (and associated 'Urban Design Manual') (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.
- Urban Development and Building heights, Guidelines for Planning Authorities.
- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated 'Technical Appendices').
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. Local Planning Policy

Note: The site is now included within the Cork City Council administrative area following a boundary extension in May 2019, however, the site is currently subject to the Cork County Council Development Plan 2014 and Cobh Municipal District LAP pending the adoption of the Draft Cork City Development Plan in 2022.

6.3.1. Cork County Development Plan 2014

The Network of Settlements identifies the site as being located within the 'City Environs for which the stated strategic aim is "*growth in population and employment so that the Cork Gateway can compete effectively for investment jobs. Develop to complement and consolidate the development of the city as a whole and providing enhanced potential to rebalance the City through new development in the north*".

Objective CD 4-1: County Metropolitan Cork Strategic Planning Area: The North Environs will play a major role in the rebalancing of the City in terms of future population and employment growth. In the Cork Gateway, development to provide the homes and jobs that are necessary to serve the planned population will be prioritised.

The plan identifies the following in respect of land use zoning:

ZU 3-2: Appropriate Uses in Residential Areas

- a) Promote development mainly for housing, associated open space, community uses and, only where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area.
- b) Normally discourage the expansion or intensification of existing uses that are incompatible with residential amenity.

ZU 3-4: Appropriate Uses in Open Space, Sports, Recreation and Amenity Areas

Promote the provision of sports areas including playgrounds, sports centres, sports pitches, other areas for outdoor activities, outdoor recreation training centres, parks, landscaped areas, agricultural areas (including allotments), private landscaped gardens and woodlands in accordance with Article 10 of the Habitats Directive.

ZU 3-7: Appropriate Uses in Industrial Areas

- a) Promote the development of industrial areas as the primary location for uses that include manufacturing, repairs, medium to large scale warehousing and distribution,

bioenergy plants, open storage, waste materials treatment, and recovery and transport operating centres. The development of inappropriate uses, such as office-based industry and retailing will not normally be encouraged. Subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and/or distribution uses.

b) The provision of strategic large scale waste treatment facilities including waste to energy recovery facilities will be considered in 'Industrial Areas' designated as Strategic Employment Areas in the local area plans subject to the requirements of, National Policy, future Regional Waste Management Plans and the objectives set out in local area plans.

Residential density policies are set out in section 3.4.

Objective Hou 4.1: Medium B

- Min Net Density 12, Max Net Density 25.
- Normally applicable in smaller towns (less than 5,000 population).
- Can be applied in larger towns through LAP's where there is a requirement to broaden the range of house types.
- Densities of less than 12 / ha and between 25 and 35 / ha will be considered where an exceptional market requirement has been identified.
- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and waste-water services.
- Broad housing mix normally required, including detached / serviced sites unless otherwise specified in relevant Local Area Plan.

Policy HOU 3-3: Housing Mix seeks to secure the development of a mix of house types and sizes throughout the county.

6.3.2. Cobh Municipal District Local Area Plan, 2017.

The vision for Cork City North Environs to 2020 is to re-invigorate the northern suburbs of the city, within the County area, as a significant location for future residential development.

Objective NE-GO-01 aims to achieve a high-quality housing development consisting of a wide mix of house types and design. Up to 3,000 units can be accommodated. Higher densities will be promoted closer to the Ballyvolane Crossroads, and the City boundary to avail of more frequent bus services.

Objective NE-GO-04 promotes permeable built form and green routes.

Objective NE0GO-05 promotes the retention of existing landscape features while objective NE-GO-07 seeks to create an ecological network for movement of wildlife.

The lands subject to 3 no. separate zoning objectives:

Residential (8.7ha) Objective NE-R-03: Medium B density residential development. Significant improvements will be required to the local road network to facilitate improved vehicular, cyclist, and pedestrian access prior to any development. A detailed Transport Impact Assessment will be required for any future applications.

Industry (0.8ha) Objective NE-I-01: Industrial development at Kilbarry to serve the Northern Suburbs. Any development should include appropriate pedestrian and cycling connectivity with the proposed train station and wider Blackpool area. Retail warehousing will not be permitted within the site.

Public Open Space (5.34ha) Objective NE-O-03: Open Space for public recreation. This site includes a number of playing pitches which are an important amenity for the area. It is important to retain this site for open space uses. The remainder of the site serves to protect the visual amenity.

Road Objective NE-U-08; Link Road through Kilbarry employment area, linking the Ballyhooley Road to the Kilcully road.

This road runs along / parallel to the southern boundary of the subject lands.

Medium 'B': Minimum net density 12, max net density 25

- Max Net Density extended to 35 dwellings/ha in smaller towns outside Metropolitan Cork.
- Normally applicable in smaller towns (less the 5,000 population).

- Can be applied in larger towns through LAP's where there is a requirement to broaden the range of house types.
- Densities less than 12 dwellings/ha will be considered where an exceptional market requirement has been identified.
- Densities between 25 and 35 dwellings/ha will be considered where an exceptional market requirement has been identified.
- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and wastewater services.
- Broad housing mix normally required including detached/ serviced sites unless otherwise specified in relevant Local Area Plan.

6.3.3. Draft Cork City Development Plan 2022

It is expected that the Draft Cork City Development Plan 2022-2028 will be adopted in summer 2022. The zoning objectives in current Draft Plan affecting the subject lands generally reflect the current zoning objectives, and include the following:

ZO 01 Sustainable Residential Neighbourhoods

ZO 10 Light Industry and Related Uses

ZO 16 Public Open Space

ZO 17 Sports Grounds and Facilities

Section 4 of the draft plan notes that CMATS identifies the need for additional road network infrastructure on the north side of Cork City to cater for access to planned development lands, provide walking and cycling linkages, access to radial public transport routes, orbital public transport provision, and the removal of some strategic traffic from Cork City Centre.

This new road will be in the form of a distributor road referred to as the Cork Northern Distributor Road (CNDR). It is a short-term objective and is described as a 'critical enabler' for CMATS.

The Cork NDR will provide an orbital route for bus, pedestrian, cycle and some strategic and general traffic, and will reduce reliance on radial routes through the City

Centre. The link would need to address several topographical and environmental considerations and further assessment of the final alignment will be needed.

6.3.4. Cork Metropolitan Area Transport Strategy (CMATS)

The Cork Northern Distributor Road

CMATS requires additional road network infrastructure on the north side of Cork City to cater for access to planned development lands, provide walking and cycling linkages, access to radial public transport routes, orbital public transport provision, and the removal of some strategic traffic from Cork City Centre.

This new road will be in the form of a distributor road. This is distinct from the Cork North Ring Road (CNRR), and is a short-term objective and considered to be a 'critical enabler' for CMATS as it:

- Creates opportunities for sustainable development of existing land banks in the Northern Cork Metropolitan Area.
- Facilitates the rollout of sustainable transport measures including public transport services for the North Cork Metropolitan City area.
- Facilitates a HGV ban within the City Centre.
- Serves the requirements of local traffic demand in the northern CMA; and
- Allows for the downgrading of national routes entering Cork City, which can therefore allow for the prioritisation of sustainable modes on these routes.

The Cork Northern Distributor Road will provide for orbital movement for bus, pedestrian, cycle and some strategic and general traffic and reduce reliance on radial routes through the city centre. CMATS proposes that the NDR would provide connectivity at its western end to join the existing N22. To achieve this, the link would need to address several topographical and environmental considerations. Further assessment of the final alignment will be needed to address these concerns and the requirement to provide orbital connectivity between Cork's Northside and key destinations including CUH, CIT, Blackpool and Tivoli Docks.

7.0 Submissions Received

Irish Water: A Confirmation of Feasibility has been issued advising that connection(s) are feasible subject to the following contingencies:

In order to facilitate the wastewater connection, it will be required to upgrade approx. 150m of foul sewer on Old Whitechurch Road. It is likely that further downstream upgrades will be required, however the scope of these upgrades is currently unknown. Irish Water have an ongoing project to determine the full extent of any required upgrades to service the development. The applicant is required to agree a high-level solution for any upgrades ahead of any application. In the interim, a first phase of 100 housing units could be facilitated without any sewer upgrade.

In order to facilitate a water connection a local upgrade of approx. 750m of watermain on the Old Whitechurch Road is required. The applicant will be required to fund this extension which is expected to be within the public domain.

8.0 Forming the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting.

8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. The documentation submitted with this pre-application consultation request is set out in Appendix 1 to this report. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

In accordance with section 5(5)(b) of the Act of 2016, the documentation includes a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of

2000. The Statement of Consistency under S.5(5) considers the following policy documents:

- Project Ireland 2040 - National Planning Framework (2018).
- Housing for All - a New Housing Plan for Ireland' (2021).
- Regional and Spatial Strategy for the Southern Region (2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- Sustainable Urban Housing Design Standards for New Apartments (2018).
- Urban Design Manual – A Best Practice Guide.
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities.
- Quality Housing for Sustainable Communities (2007).
- Design Manual for Urban Roads and Streets (2013).
- Guidelines for Planning Authorities on Childcare Facilities (2001).
- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- The Planning System and Flood Risk Management (2009). and
- Bird and Habitats Directive – Appropriate Assessment
- Climate Action Plan (2021).
- City County Development Plan 2014.
- Cobh Municipal District LAP 2017.

The statement identifies relevant policies and describes how the proposed development is consistent therewith. No material contravention of the County Development Plan or Local Area Plan is identified.

8.2. Planning Authority Submission

A submission from Cork City Council was received by An Bord Pleanála on the 08/12/2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes

1. Details of relevant planning history.
2. Record of section 247 pre-planning consultations.
3. A statement on the key considerations.
4. Copies of Internal Reports

The statement on key considerations makes the following points:

- The development on these predominately residentially zoned lands is welcome.
- The site is well located on the edge of the city for medium density residential development. The large public park is a significant planning gain.
- Minor encroachments into lands zoned open space and industry are not considered to be a material contravention.
- Given the small sections of POS lost, the provision of public open space centrally within the development and the extension to the public open space, this is not considered to be a material contravention.
- The small loss of sports grounds to residential use regularises the correct land ownership between the developer and adjacent GAA grounds to the east.
- The loss of enterprise / light industry and related lands is minor. Given its position to the rear of houses, it is not viable for medium to large industrial units which would have a potential adverse residential amenity.
- The development accords generally with the residential and open space zoning objectives.
- The redline boundary includes a mix of zoned objectives. The Board may wish to make a determination as to whether the proposal accords with the SHD process under s.9(6)(b) and the definition of Strategic House Development set out in s.3 of the Act.
- Given the Opinion issued other SHD cases (Ballinure ABP Ref. No. 306993) further consideration of inclusion of these lands and the encroachment, which is otherwise considered not to be a material contravention, may be required.
- The southern site boundary is identified in the LAP as the location for a new road linking the Ballyhooley Road to Kilcully Road.
- This road objective has been superseded by the proposed Northern Distributor Route, which CMATS identifies as a critical enabler for development in the area.
- Route selection for the Northern Distributor Route is at the final stage and any assessment of the proposal in advance of finalisation may be premature.

- The relationship with the adjoining GAA club lands is unclear. The inclusion of these lands and consideration of their interaction may benefit the scheme in terms of connectivity and urban design.
- The creche may be better located to the north of the proposed distributor road to provide safe access.
- Surveillance of the park, which is on sloping ground, should be improved.
- Connectivity to the east and northeast should be improved.
- The layout of streets and green spaces enclosed by urban blocks is commended.
- A clear hierarchy of streets that follow desire lines may improve the scheme.
- Careful design of the two public plazas is required to make them more usable and safe spaces, rather than just junctions.
- The applicant should create character areas and set out a phasing plan for the development, with apartments included in an early phase.
- A clear distinction between public and private realm is required.
- The proposed density is appropriate notwithstanding the development plan medium density zoning objective.
- Due to its distance from essential services, and low level of connectivity to public transport, further increased density is not appropriate.
- The proposed mix of units is acceptable for this edge of city location.
- A clearer HQA should demonstrate compliance with relevant requirements.
- The relationship with topography and adjoining existing and permitted housing should be illustrated in appropriate section drawings.
- There are discrepancies and omissions in the drawings of proposed dwelling units and passive surveillance could be improved.
- Given proximity to the proposed public park, and the gain associated with its delivery for the wider area, the level and location of open space is acceptable.
- Further detail on boundary treatments is required.
- Internal design for pedestrians and cyclists requires further design detail and a Quality Audit should be undertaken.
- The use of raised tables and design of shared spaces requires consideration.
- On-street car parking should be reduced.
- The road through Delaney's GAA club grounds is private and is not taken in charge. Its design capacity to serve this function is unclear.

- Proposed pedestrian / cycle routes do not connect to any formal routes or existing infrastructure. Lack of connectivity will not encourage sustainable modes.
- A detailed breakdown of car and bicycle parking should be provided.
- Insufficient information has been provided to enable a full traffic impact assessment. A MMP and a full CTMP are also required.
- A detailed Road Safety Audit is required.
- Public lighting details are required.
- Required sightlines have not been demonstrated, particularly to the north.
- The site is not on any proposed core bus corridors. Walkability to the nearest bus routes needs to be assessed.
- Part V proposals are acceptable in principle subject to minor changes.
- No objection to surface water drainage proposals.
- Up to date confirmation of feasibility should be sought from Irish Water.
- An Operational Waste Management Plan is required.
- The EIAR should include an Archaeological Impact Assessment form to include any potential impact upon the Cork Mill to the northwest (RMP CO063-067).

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 04/03/2022, commencing at 3.30pm, via Microsoft Teams. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting and the main topics raised for discussion at the tripartite meeting were as follows:

1. Land use and Development Principle, including compliance with zoning objectives and definition of SHD.
2. Transportation and Access, including Relationship with proposed Northern Distributor Route.
3. Design and Layout, including density, open space, residential amenity.
4. Soils and potential contamination / hazards
5. Screening for EIA.
6. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-311924-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to compliance with the Land use and Development Principle, including compliance with zoning objectives and definition of SHD, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- The definition of net and gross site areas.
- The degree of compliance with the zoning objectives relating to the lands and possible material contravention thereof.
- Compliance with the definition of Strategic Housing Development under s.3 of the Act.

In relation to Transportation and Access, including relationship with proposed Northern Distributor Route, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following:

- The status of the route selection process for the northern Distributor Road and the likely relationship with the proposed development.
- The requirement for, and function of, the proposed east-west link road (LAP Objective NE-U-08) between the Old Whitechurch Road and Upper Dublin Hill on the southern edge of the site.
- The scope of the development with regard to this link road to the east of the site.
- The design rationale for the link / distributor through the site, having regard to the provisions of DMURS.

In relation to Design and Layout, including density, open space, residential amenity, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following.

- Proposed development densities and compliance with the Medium B zoning objective.
- The intent with regard to the ownership and management of the public open space / public park.
- The detailed design of proposed dwelling units, particularly duplex units, to ensure adequate levels of residential amenity and response to the matters raised in the planning authority submission.

In relation to Soils and potential contamination / hazards, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following:

- The extent, and potentially contaminated nature, of deposited materials on these lands.
- The extent of cut and fill required across the site, including the treatment of areas of exposed bedrock.

In relation to Screening for EIA, An Bord Pleanála sought clarification of the documents in respect of the following:

- The scope of development works to be included in any screening assessment.
- The application of the thresholds set out in Schedule 5 of the Planning and Development Regulations 2001, as amended.

In relation to Any Other Business, the planning authority requested that the relationship with the adjoining GAA grounds be reviewed.

9.0 Conclusion and Recommendation

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Based on the entirety of the information before me, it would appear that the proposed development generally falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, however, greater clarification in this regard would be required at application stage.

Having regard to all of the above, I recommend that further consideration and / or possible amendment of the submitted documents is required at application stage in respect of the following elements, details of which are set out in the Recommended Opinion below (if 'requires further consideration and amendment option').

- Compliance with the zoning objectives relating to the lands and the definition of Strategic Housing Development set out in s. 3 of the Act.
- Compliance with the Medium B Residential Density zoning objective.
- Relationship with the route of the proposed Cork Northern Distributor Road.
- The design and function of the proposed east-west link / distributor road.
- The relationship between the development and the Old Whitechurch Road, including the design of the junction with the east-west link / distributor road.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

10.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of the status of the proposed development as a Strategic Housing Development, as defined in section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, as amended, having regard to the zoning objectives set out in the Cobh Municipal District Local Area Plan, 2017 relating to these lands.

In this regard a detailed statement of consistency and planning rationale should be provided, clearly outlining how, in the prospective applicant's opinion, the proposed development is in compliance with local zoning objectives having specific regard to the location of elements of this residential development within lands zoned Public Open Space (Objective NE-O-03), and the proposed distributor road and creche on lands zoned for Industry (Objective NE-I-01) in the Cobh Municipal District LAP.

It should be noted that section 9(6)(b) of the Act provides that the Board shall not grant permission where the proposed development, or a part of it, contravenes materially the development plan or Local Area Plan relating to the area concerned, in relation to the zoning of the land.

This may require amendment to the documents and/or design proposals submitted.

2. Further consideration of the documents, and if necessary, justification for the proposed development having regard to the Medium B Residential zoning objective relating to these lands. In this regard the statement of consistency and planning rationale should clearly outline how, in the prospective applicant's opinion, the proposed development is in compliance with this local zoning objective.
3. Further consideration of the documents, and if necessary, justification for the proposed development having regard to the relationship of the proposed development with, and potential impact on the selection of, the route for the proposed Cork Northern Distributor Road which is identified in the Cork Metropolitan Area Transport Strategy 2040 (CMATS), published by NTA in 2020, as a short-term objective and as a 'critical enabler' for the strategy.
4. Further consideration, and possible amendment to the documents in respect of the relationship of the proposed development with the Old Whitechurch Road. Consideration should be given to the design of the junction with the proposed distributor road demonstrating that adequate sightlines can be achieved at this location. In addition, the accommodation of pedestrian / cycle movements from

the development and from the public park to the Old Whitechurch Road, and connections to the footpath network in the area should be fully considered. This may require amendment to the documents and / or design proposals submitted.

5. Further consideration of the documents with regard to the internal street layout and in particular the function and design of the of the proposed east-west distributor route. The application documentation should demonstrate how the proposed layout, building design and streetscapes assist in place making, wayfinding as well as creating a contemporary urban development with a variety of character areas.

Regard should be had to the guidance provided in the Design Manual for Urban Roads and Streets (DMURS) in terms of the creation of sense of place, and section 2.2.1 in particular. The Urban Design Manual – a Best Practice Guide which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) provides further guidance in this regard, including in particular criteria number 2 *Connections* and number 7 *Layout*.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A report addressing the matters raised in the report of the Urban Road and Street Design Section of Cork County Council. In addition, the application should be accompanied by the following:
 - a) A Travel Plan / Mobility management plan, including details of connectivity and accessibility for future residents to Public Transport services.
 - b) A Quality Audit in accordance with Advice Note 4 of DMURS, to include a detailed Road Safety Audit.

- c) A review of the location of the proposed childcare facility to the south of the proposed distributor route and its accessibility for residents of the proposed development.
2. In respect of soils and excavation:
 - a) An assessment and statement of the potential for the presence of contaminated soils / materials on the site and a method statement for the resolution of these matters, where appropriate.
 - b) An assessment of the extent of cut and fill required across the site and a method statement for any rock breaking activity.
 3. Detailed section drawings through the lands describing the relationship between the proposed development and adjoining residential properties (existing and permitted) and with the Old Whitechurch Road, and the treatment of existing slopes across the site. Such drawings should clearly identify and illustrate the extent of cut and fill required to facilitate the development.
 4. An assessment of the landscape and visual impacts of the development. Such assessment shall, inter alia, identify and assess impacts on views from the Old Whitechurch Road, west of the Bride River, and the impact on the landscape and visual character of works and tree removal along the roadside boundary.
 5. A tree survey and Arboricultural Impact Assessment, having regard, inter alia, to proposed works along the boundary with Old Whitechurch Road.
 6. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should

be clearly identified and justified, and their effect appropriately described and / or quantified.

7. A phasing plan for the proposed development, which should include detail regarding the delivery of associated road and drainage infrastructure and public open spaces.
8. Site layout plans clearly identifying the areas intended to be taken in charge by the local authority. Specific proposals should be provided for the management of drainage / attenuation infrastructure associated with the proposed development located within the public park.
9. A response to the issues raised in the report of the planning authority in relation to Residential Amenity and House Design. Drawings clearly should clearly demonstrate that a satisfactory standard of private residential amenity space is provided for each unit, with particular regard to the quality of provision to corner units in duplex blocks.
10. A review of the relationship of the proposed development with the adjoining sports grounds and associated lands, in order to deliver high levels of residential amenity. Matters to be considered include the layout of housing units backing onto areas of open space and car parking and the potential for improved outlook for proposed dwellings.
11. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
12. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) guidelines which should consider external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development.

13. A statement as to how the proposed Strategic Housing Development has sought to comply with the principles of Universal Design (to encourage access and use of the development regardless of age, size, ability or disability).
14. The application should confirm that all screening assessments have taken account of the full scope of works required to facilitate the proposed development.
15. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place, or likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
16. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

- NTA
- Cork City Childcare Committee
- Irish Water
- An Taisce
- Heritage Council
- Minister for Housing, Local Government and Heritage
- Inland Fisheries Ireland

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Conor McGrath

Senior Planning Inspector

15/03/2022

Appendix 1

Documentation accompanying the S.5 request includes

- Pre-application Consultation Request Application Form and appropriate fee.
- Copy of pre-application letter to Cork City Council
- Planning Report and Statement of Consistency.
- Social and Community Audit.
- Childcare Needs Assessment.
- School Demand Report.
- Architectural Drawings in accordance with the Drawing Schedule .
- Architectural Design Statement including Housing Quality Assessment.
- A3 Architectural Drawings Booklet.
- Engineering Drawings in accordance with the Drawing Schedule
- Services Infrastructure Report, including Irish Water Confirmation of Feasibility.
- Construction Management Plan.
- EIA Screening Report.
- AA Screening Report.
- Natura Impact Statement.
- Outline Flood Risk Assessment.
- Traffic Briefing Report.
- Landscape Masterplan.
- Landscape Design Rationale.
- Part V Costings.