



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-312235-21**

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<b>Strategic Housing Development</b>	685 no. residential units (365 no. houses, 320 no. apartments), creche and associated site works.
<b>Location</b>	Greenfield, Ballincollig, Co. Cork.
<b>Planning Authority</b>	Cork City Council
<b>Prospective Applicant</b>	Murnane & O'Shea Limited
<b>Date of Consultation Meeting</b>	30/03/2022
<b>Date of Site Inspection</b>	23/02/2022
<b>Inspector</b>	Conor McGrath

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## 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 21.3ha of greenfield / agricultural land, located on the southwestern side of Ballincollig. Greenfields Road bounds the lands to the north, while the N25 (Cork – Killarney) bounds the site to the south/southwest. The Woodberry Interchange on the N25 is located further to the west. Lands to the east and to the northwest are in similar agricultural use. There is an existing detached dwelling and associated farm buildings on the western side of the site which is accessed from a narrow residential cul-de-sac running south from Greenfields Road. The lands are relatively level, with a slight fall west to east. Mature trees form the boundaries to these large fields. A fulacht fia has been identified in the southeastern part of the lands

## 3.0 Proposed Strategic Housing Development

The proposed development provides a total of 685 no. dwellings, comprising a mix of apartments, duplex units, townhouses and semi-detached houses. The development includes a two-storey creche and retail unit located centrally within the lands. Ancillary site works include the demolition of the existing dwelling house and agricultural buildings.

Access is proposed from Greenfields Road via a new road along the northeastern boundary of the site. The junction with Greenfields Road will comprise a new signalised junction. This new road is stated to be designed to facilitate access to wider lands to the east and southeast of the site, with capacity to accommodate

future bus lanes and possible LRT. Two entrances from this new road to the residential areas are proposed.

Key development parameters include:

<b>Site Area</b>	21.3ha / 17.1 ha developable area	
<b>No. of units</b>	685	
<b>Housing Mix</b>	248 no. Apartments	36%
	72 no. Duplex	10.5%
	73 no. townhouses	11%
	292 Semi-D	42.5%
<b>Density</b>	40/ha net	
<b>Public Open Space</b>	12.5%	
<b>Other Uses</b>	Retail unit 224-sq.m. Creche – 100 childcare spaces	
<b>Building Heights</b>	2-5-storeys	

Mix	No.	%
1-bed	96	14%
2-bed	218	32%
3-bed	144	21%
4-bed	227	33%

#### 4.0 Relevant Planning History

There is no recent relevant planning history on the subject lands. Applications on adjoining lands include the following:

**ABP-308111-20:** Permission granted in December 2020 for an SHD comprising 113 no. residential units (59 no. houses, 54 no. apartments), childcare facility and associated site works, at Maglin Road, approx. 700m east of the subject lands. The development included the upgrade of the Maglin Road from its junction with Castle Road to the proposed site entrance and upgrade of the Castle Road junction.

Development has been permitted at the eastern end of the Maglin Urban Expansion Area, under a series of amending applications (including PA ref. 15/6813, 17/4270, 19/5258, 19/38923, 17/4270, 18/7345, 18/7406, 19/4202, 19/5257, 19/38895. This includes part of a distributor road south from the Link Road / Killumney 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 planning authority submission also refers to a meeting on 22/07/2021. It is reported that the main issues discussed included:

- Phasing of development and prematurity pending resolution of infrastructural issues.
- Revised flood study information.
- LRT route selection and design of the spine route.
- Requirement for a Framework for the subject lands.

Supplementary discussions referred to the following:

- Potential noise issues associated with proximity to the N22.
- The quality of the internal layout.
- Density for a site on a proposed high quality public transport route.
- Provision of community facilities and services.
- Transport impacts.
- Views to Ballincollig Castle and other archaeological requirements.

## 6.0 **Planning Policy**

### 6.1. **National and Regional Planning Policy**

#### 6.1.1. **Project Ireland 2040 - National Planning Framework**

National Strategic Outcome 1 is identified as Compact Growth, recognising 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 sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

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

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### **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 identified 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 are identified including 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 (RSES) for the Southern Region**

The strategy is to build a strong, resilient, sustainable region by measures including strengthening and growing cities and metropolitan areas; harnessing the combined strength of the three cities, as a counterbalance to the Greater Dublin Area, through quality development, regeneration and compact growth; building on the strong network of towns and supporting villages and rural areas.

Key principles in developing the strategy include:

- A dual-track that builds on the cities, metropolitan areas as significantly scaled engines of sustainable growth, and by repositioning the strong network of towns, villages and rural areas in an imaginative, sustainable and smart manner.
- Provide an adequate supply of quality housing to meet existing and future demand.
- Regenerate and develop existing built-up areas as attractive and viable alternatives to greenfield development.
- Use quality urban design to enhance the character of a place and ensure development is respectful of the existing context.

#### RPO 10: Compact Growth in Metropolitan Areas

To achieve compact growth, the RSES seeks to:

- a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify strategic initiatives for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.

Cork Metropolitan Area Strategic Plan.

Section 1.1 recognises that the delivery of an integrated multi modal transport network, informed by the Cork Metropolitan Area Transport Strategy (CMATS), is a key requirement. A new Light Rail Corridor, connecting Ballincollig, City Centre, Docklands and Mahon is a game changer.

Ballincollig is identified as a metropolitan town. The sustainable growth of Metropolitan Cork requires consolidation, regeneration, infrastructure led growth and investment in such locations.

RPO 4: Infrastructure Investment

RPO 5: Population Growth and Environmental Criteria

RPO 9: Holistic Approach to Delivering Infrastructure

RPO 10: Compact Growth in Metropolitan Areas

#### Section 7.2 Potential Light Rail Corridor Strategic Residential & Regeneration Area.

Location	Brief Description and Indicative Yield	Infrastructure Priorities subject to appraisal, planning and environmental assessment processes
Ballincollig	<p>Ballincollig is the largest and fastest growing town in Cork, building on its IT specialism and potential for improved public transport links to the City via the Cork Science and Innovation Park.</p> <p>Urban Expansion Area of Maglin.</p> <p>Potential Residential Yield: 4582 (includes Maglin UEA 3,570).</p>	<p>As per Ch. 3 Objective on investment for holistic infrastructure for metropolitan areas.</p> <ul style="list-style-type: none"> <li>• Maglin Urban Expansion Area Phased Infrastructure Packages.</li> <li>• CMATS recommendations re road network / public transport (LRT in particular).</li> <li>• Wastewater Infrastructure upgrades.</li> <li>• Water Supply Upgrades.</li> <li>• Local Road improvements (Killumney Road Upgrade, Maglin Road realignment).</li> <li>• Delivery of Cork Northern Ring Road.</li> <li>• Sustainable Urban Drainage Strategy.</li> </ul>



		<ul style="list-style-type: none"> <li>• Investment in retrofitting infrastructure and services (physical, social and recreational) to improve quality of life for communities.</li> </ul>
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Policy Objective 8; Key Transport Objectives (subject to CMATS)

East-West Light Rail Public Transport Corridor: A strategic east-west public transport corridor from Mahon to Ballincollig via the City Centre, serving CIT, CUH, UCC, Kent Station, Docklands, Mahon Point. The corridor requires development consolidation at appropriate nodal points for a high-capacity service.

6.1.5. **Cork Metropolitan Area Transport Strategy (CMATS)**

CMATS supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It will provide the opportunity to integrate new development at appropriate densities with high-capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements. The identified cycle network includes a primary / inter-urban cycle route from Ballincollig to the city and a proposed greenway running east along the River Lee.

The strategy proposes the provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point. This meets the long-term objective for the CMA for the development of an east-west mass transit, rapid transport corridor. In advance of the development of this light rail corridor, the route will be served with a high frequency bus service with bus priority measures to enable a high level of performance in advance of its transition to light rail.

6.1.6. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the planning authority and other authorities, I am of the opinion that the most directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (2009), and the associated Urban Design Manual.
- 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)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).
- Urban Development and Building heights, Guidelines for Planning Authorities (2018).
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

## 6.2. Local Planning Policy

Note: Ballincollig is now within the administrative area of Cork City Council following a boundary extension, however, pending the adoption of a new City Development Plan in 2022, the provisions of the Cork County Development Plan and the Carrigaline and Ballincollig Municipal District LAP 2017 remain in force.

### 6.2.1. Cork County Development Plan 2014

Ballincollig lies within the Metropolitan Cork Strategic Planning Area and is identified in the settlement strategy as a third tier, metropolitan town, for which the strategic aim is that critical population growth, service and employment centres, which provide high levels of community facilities and amenities with infrastructure capacity high quality and integrated public transport connections, should be the location of choice for most people especially those with an urban employment focus.

Objective CS 4-1: County Metropolitan Cork Strategic Planning Area

- a) Recognise the importance of the role to be played by Metropolitan Cork in the development of the Cork 'Gateway' as a key part of the Atlantic Gateways Initiative and, in tandem with the development of Cork City, to promote its development as an integrated planning unit to function as a single market area for homes and jobs .....
- j) Maximise new development, for both jobs and housing, in the metropolitan towns ..... and enhance the capacity of these towns to provide services and facilities to meet the needs of their population;
- k) Provide an enhanced public transport network linking the City, its environs, the metropolitan towns and the major centres of employment;
- n) In the Cork Gateway, development to provide homes and jobs that are necessary to serve the planned population will be prioritised in ... Ballincollig (Maglin).

Residential density policies are set out in section 3.4.

Objective Hou 4-1 defines Medium 'A' Density as follows:

- Min density 20/ha, max density 50/ha.
- Applicable in city suburbs, larger towns over 5,000 population and rail corridor locations.
- Apartment development is permissible where appropriate but there is no requirement to include an apartment element in development proposals.
- 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.

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

#### 6.2.2. **Ballincollig-Carrigaline Municipal District LAP 2017**

The subject lands are subject to two zoning objectives:

- BG-R-13:Medium A Density Residential Development. Development on this site requires provision to be made for the delivery of the infrastructure described in tables 3.1 and 3.2.
- BG-R-14:Medium A Density Residential Development. Development on this site requires provision to be made for the delivery of the infrastructure described in tables 3.1 and 3.2.

Objective BG-U-06, seeks to Construct the Western Link Road.

Adjacent land are zoned Objective BG-C-02 Provision for a Primary School

The vision is for Ballincollig to grow as a major centre for population and employment within the metropolitan area. The majority of development will be located on the Maglin Urban Expansion Site, between the N22 and the Killumney Road.

Section 3.3.11 – The land to the south of the town (Maglin) represents a major strategic housing and employment development opportunity for Metropolitan Cork. This plan will facilitate the delivery of these lands for development and enhance Ballincollig’s important residential and employment function in Cork. The majority of Ballincollig’s growth will be catered for on a significant portion of this land.

General Population and Housing Objectives for Ballincollig

BG-GO-01: Secure the development of 4,033 new dwellings between 2017 and 2022 in order to facilitate the sustainable growth of the town’s population from 17,368 in 2011 to 23,805 in 2022.

BG-GO-02: Secure the delivery of the Maglin Urban Expansion Area and supporting infrastructure including water services through a progressive implementation programme

In relation to the Maglin-Urban Expansion Area, section 3.3.69 identifies Overall Design Principles including:

- Effective connectivity (walking and cycling).
- Achieve high Levels of modal shift, supporting the use of sustainable modes and travel by public transport.

- Appropriate housing mix.
- Appropriate housing density that encourages more efficient land use and infrastructure investment patterns and particularly creates conditions more favourable to the increased use of public transport.
- Distinctive character areas, high quality public realm.
- Provision for new office employment development within or near the site.
- Primary schools.
- Community centre and playgrounds.
- Protect and facilitate the enjoyment of Ballincollig Castle by providing a 100m buffer zone.

Transportation is considered in sections 3.3.73 to 3.3.78, including proximity to the existing town of Ballincollig and the role of public transport including bus and other public transport services e.g. light rail.

Section 3.3.85 notes that significant transport, water and surface water infrastructure is required to facilitate the delivery of housing. The Council is proposing to fund and construct such infrastructure in two phases (Bundle A and B), including spine roads, drainage and water, off-site transportation infrastructure and sewers and pumping stations.

Table 3.1 sets out the proposed On-Site Infrastructure Programme for the development of the Maglin UEA as follows. Infrastructure bundle 'B' applies to the subject site, i.e. Phase 2.

Table 3.2 sets out the Proposed Off-site Infrastructure Programme

Table 3.1 Ballincollig (Maglin) Urban Expansion Area Proposed On-Site Infrastructure Programme Delivery Agency: Developer/Cork County Council			
On-Site Infrastructure Bundle	Key projects	Notes	Delivery Programme
A	Eastern Spine Link Road A* (Killumney Road (E) to Maglin Road)	To include water and waste water networks and surface water disposal network	Proposed initial infrastructure bundle Delivery of Bundle 'A' will facilitate development on the following zones: BG-R-04 BG-R-09 BG-R-10 BG-R-08 BG-C-04 BG-O-06, BG-O-07.
	Waste Water pumping station and rising main to existing Irish Water Infrastructure		
	Drinking water connection to IW infrastructure		
	Delivery of phase 1 of surface water management system		
B	Western Spine Link Road B* (Maglin Road to Killumney Road (W))	To include water and waste water networks and surface water disposal network	Delivery of this infrastructure bundle is not proposed to commence until after the delivery of Bundle 'A' Delivery of Bundle 'B' will facilitate development on the following zones**: BG-R-11 BG-R-12 BG-R-13 BG-R-14 BG-R-15  BG-C-02 BG-C-03
	Maglin Road re-alignment		
	Delivery of phase 2 of surface water management system		
	Development of Open Space Areas (East & West)		
<p>*Access to serve individual dwellings will not be permitted. New access will be to estate roads only</p> <p>**Development of zones linked to Infrastructure Bundles 'B' may commence in parallel with the delivery of infrastructure bundle 'A' if the following can be secured: Appropriate connections to water services infrastructure and surface management systems; and Relevant on/off site road infrastructure.</p>			

Table 3.2 Proposed Off-site Infrastructure Programme

Phase	No. Housing Units	Off-site Infrastructure
Phase 2	1500-3600	Killumney Road Upgrade – Phase 2 (West) Maglin Road Roundabout Maglin Road re-alignment Walking/Cycling network (Phase 2) <ul style="list-style-type: none"> <li>• Muskerry Estate</li> <li>• Flynn's Road</li> </ul>

### 6.2.3. Draft Cork City Development Plan 2022

Note: The draft city plan is due to be adopted in Summer 2022.

City Consolidation and Expansion: The delivery of compact growth includes the consolidation and expansion of seven strategic areas within and adjoining the existing City (including South Ballincollig (Maglin)).

The lands are primarily zoned ZO 02 - New Residential Neighbourhood. The existing house on the lands is zoned ZO 03 Tier 3 Residential neighbourhood.

Objectives for City Growth are set out in section 2.56. The core strategy identifies Ballincollig as a strategic expansion area.

The role of such urban towns is identified as the phased delivery of strategic sites by targeting growth proportionate to the existing population. All development shall focus on prioritising walking, cycling and public transport use. Apply a mixed-use approach to regenerating key underutilised locations. Use a range of designs and densities that reflect and enhance the individual character of each town.

Maglin is identified as a key site.

Key deliverables for Urban Towns include:

1. Framework plans for South Ballincollig and South Glanmire.
3. Action plans for key sites (Neighbourhood Development Sites).
4. Plan for the long-term delivery.

Section 10.202 notes that the Maglin Area has drainage constraints. These are being assessed as part of the South Ballincollig Drainage Study. In addition, deficiencies in water and wastewater networks require upgrade to accommodate additional growth.

10.219 notes that the future development of the Maglin/South Ballincollig Area is dependent on the construction of a distributor road. The route alignment, capacity and overall function of this road (Public Transport Corridor etc) is currently being appraised. It is envisaged that the first phase of the road from Heathfield to Maglin Road will be selected and constructed during the lifetime of this plan. It is not envisaged that Phase 2 will be constructed during the lifetime of this plan.

Objective 10.55 South Ballincollig (Maglin) Expansion Area: To support the compact growth and development of South Ballincollig Expansion Area as a strategic City consolidation and expansion area, as identified in the Core Strategy. All development shall be designed, planned and delivered in a co-ordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.

## 7.0 Submissions Received

**Irish Water:** A Confirmation of Feasibility has been issued advising that connections are feasible subject to the following contingencies.

In order to accommodate a wastewater connection, local upgrades to the downstream network may be required. The Ballincollig Drainage Area Plan (DAP) is an ongoing project. The modelling phase is complete and the infrastructural upgrades arising will be progressed during 2022. The applicant is required to seek clarification on the extent of these upgrades ahead of any application.

In respect of water, detailed studies and/or investigations will be necessary to determine any upgrades which may be required to service the development.

The applicant will be required to enter into a Project Works Services Agreement and contribute a relevant portion of the cost of such upgrades.

## 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 those of other authorities, 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 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
- Rebuilding Ireland: Action Plan for Housing and Homelessness
- Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities 2018 & 2020
- Urban Development and Building Heights: Guidelines for Planning Authorities
- Planning System and Flood Risk Management Guidelines 2009
- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities
- Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas, 2009
- Urban Design Manual: A Best Practice Guide
- Childcare Facilities: Guidelines for Planning Authorities 2001
- Universal Design Guidelines for Early Learning and Care Settings 2019
- Southern Regional Assembly: Regional Spatial and Economic Strategy
- Cork Area Strategic Plan 2020 (CASP) & CASP Update 2008
- Cork Metropolitan Area Transport Strategy (CMATS)
- Cork County Development Plan 2014 - 2020 22
- Ballincollig Carrigaline Municipal District Local Area Plan 2017-2023

The statement adopts a tabular format to identify relevant policy provisions and describe how it is considered that the proposed development is consistent therewith.

No issues of potential material contravention are identified.

## 8.2. Planning Authority Submission

A submission from Cork City Council was received by An Bord Pleanála on the 24/01/2022 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes the following:

- Details of relevant planning applications in the area.
- Record (minutes) of Section 247 (PDA 2000) pre-application consultations.
- A statement on the key considerations arising.
- Appendix 1: Internal Reports

The statement of key considerations includes the following points:

### Principle of development

- The development must be reviewed in the context of LAP phasing requirements to ensure linkages and integration with existing services and infrastructure.
- The LAP identifies infrastructure to be delivered in phases, sub-divided into Bundle A and Bundle B.
- The subject site is in Bundle B and key projects include road infrastructure, surface water management system and open space.
- Recent planning history in the area suggests that development can take place in this area without having regard to the phasing programme.
- The development is compatible from a zoning perspective, however, the necessary infrastructure for Phase 2 development is not in place.
- The RSES/Cork MASP and CMATS post-date the LAP and provide for a Bus Connects corridor from Ballincollig to Cork city centre and the LRT.
- A key transport infrastructure element in the LAP is a distributor road, made up of two parts including objective BG-U-06 / the Western link road.
- This distributor road will function as a public transport corridor.
- The application includes a new junction on Greenfields Road and the westernmost section of the 'western link road' based on a Route Options Report.

- The City Council is commissioning a route appraisal for the Ballincollig UEA Transport Corridor (comprising the western and eastern link). The route is subject to a number of constraints.
- The draft City Development Plan envisages that the western section of the distributor road will not be constructed during the life of that plan.
- The Infrastructure Development Report considers that the proposed development is premature at this time.
- The public interest would be best served by a route selection and design process carried out by the Local Authority, covering the eastern and western sections of the link road with due regard to the needs of the overall area.
- LRT route options are also under review and it is premature to predict the route and possible depot requirements at this stage.
- Cork City Council is commissioning a drainage study, engaging with national transport agencies and is preparing tender documentation for the appointment of a design consultant to undertake a route appraisal for the road.

#### Design / layout and height

- A landownership map has not been submitted. S.247 details indicate that the field to the northwest and to southern is within the applicant's ownership.
- The road layout shows an access point along the southern boundary to an excluded area.
- Smaller unsupervised open space areas should be revised.
- The shop and creche may be better located at the entrance on Greenfields Road.
- Internal apartment layout should avoid areas facilitating anti-social behaviour.
- Increased density adjoining a high-quality public transport route may be appropriate.
- A key consideration is whether the scale, density and mix of units is appropriate for this site, having regard to national and development plan guidance.
- A daylight assessment should be undertaken.
- The application should limit potential overlooking and overshadowing within the development. Additional cross sections should be provided.
- Further detail on the level of open space provision and landscaping is required.
- Regard should be had to the LAP objectives for community infrastructure.

#### Transport and Mobility

- A detailed TTA and mobility management plan are required, justifying the proposed modal shift.
- A road safety audit is required and a construction traffic management plan.
- A detailed breakdown of car and cycle parking by type and land use is required.

#### Built Heritage / Archaeology and Protected Structure

- There are number of recorded monuments in close proximity. An archaeological impact assessment will be required.
- An assessment of the impact on Ballincollig Castle and its curtilage/setting may be required. Views to and from the castle are to be protected.

#### Drainage

- Further detail regarding any wastewater network upgrades required to facilitate the development should be provided.
- Further detail regarding surface water drainage design and SUDS measures are required.

#### Flooding

- Consultation with the city council regarding flood risk is recommended.
- A revised SSFRA should be undertaken having regard to the findings of the recent draft Strategic Flood Risk Assessment (SFRA) for the South Ballincollig Environs and the extent of potential flooding identified within the site.

#### Other matters:

- Construction management should have regard to proximity to water courses and the findings of the NIS.
- A full Acoustic Design Statement should take account of noise from the N22.
- Structures to be demolished should be assessed for built heritage features.
- Part V proposals are generally acceptable.
- The CFO raises concerns regarding the design of the underground car park and apartment escape routes. These concerns may necessitate design changes.

#### Internal reports were received from the following sections:

- Area Engineer
- City Archaeologist
- City Architect

- Environment
- Fire Officer
- Drainage
- Infrastructure
- Traffic
- Housing
- Parks
- Policy
- Urban Roads & Street Design

### 8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 30/03/2022, commencing at 2.30pm, 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. Clarification on the scope of development
2. Key enabling infrastructure; Roads and Public Transport
3. Drainage Design and Flood Risk Assessment
4. Design and layout including open space and car parking.
5. 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-312235-21' 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 the scope of development, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following:

- The status of the central area of open space within the red line boundary, and whether this area was to comprise part of the planning application proposals.
- The relationship with adjoining lands and the extent of lands within the prospective applicant's ownership.

In relation to Key Enabling Infrastructure; Roads and Public Transport, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- The prospective applicant's proposals in respect of delivery of the western distributor road, including ownership and funding.
- The route selection process, and the influence of the flood risk assessment thereon, and alignment with LAP objectives.
- The status of Local Authority proposals for the selection of the route for the western distributor road / public transport corridor.
- The status of LAP objectives for the improvement of the Killumney Road.
- The status of Bus Connects and LRT proposals in this area.

In relation to Drainage Design and Flood Risk Assessment, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following:

- The status and availability of the Ballincollig South Environs SFRA.
- The design of the surface water management system, including the siting of attenuation and drainage infrastructure.
- Potential dependency on network upgrades referenced in the Irish Water submission.

In relation to Design and Layout including Open Space and Car Parking, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following:

- The overall design and development strategy and the creation of an urban edge to the development.
- The relationship of the development with the N22.
- The design and layout of public open spaces, including the usability thereof.
- The level / dominance of surface car parking.

In relation to Any Other Business, An Bord Pleanála noted the single point of access to the development and wider development area, and potential issues for emergency access and congestion.

## 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 national policy, including relevant s.28 Ministerial Guidelines, and local policy, via the statutory plans for the area.

Based on the entirety of the information before me, it would appear that the proposed development 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.

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

- The relationship with and potential impact on the alignment of the proposed Distributor Road serving the wider Maglin / Ballincollig Urban Expansion Area.
- The assessment of the drainage and flooding implications of the proposed development.
- The treatment of areas of open space within the application boundary.

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 further 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, and possible amendment to the proposed development having regard to its relationship with, and potential impact on, the design and layout of the Western Distributor Road / Ballincollig UAE Transport Corridor, whose delivery is identified in local planning policy as a requirement to facilitate development in the wider Maglin / South Ballincollig Area.

In this regard, the application should provide a detailed and robust planning rationale for the alignment of the proposed access road to the east of the site and its junction with Greenfields Road. Such rationale should address relevant objectives of the prevailing Local Area Plan / Development Plan and the need to ensure the coordinated development of lands in the wider Maglin area, and associated transport and drainage infrastructure. Regard should be had to the constraints imposed by the drainage and flood risk characteristics and prevailing ground conditions in this area.

2. A revised flood risk assessment in respect of the proposed development, which should have regard to the findings of the recently completed Ballincollig South Environs Strategic Flood Risk Assessment / South Ballincollig Drainage Study.
3. Further consideration of, and possible amendment to the proposed development in respect of the treatment of the area of open space, described on the submitted site layout plans as “*Area not currently included in Residential Development*”. Application documentation should clearly identify whether these lands are included within the application site. Where so included, detailed proposals for the landscaping and treatment of this space should be provided.

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 Traffic Operations Section of Cork City Council. In particular, the application should be accompanied by the following:
  - a) A detailed Traffic and Transport Assessment.
  - b) A Travel Plan / Mobility management plan, including details of connectivity and accessibility for future residents to public transport services.
  - c) A Parking Management Plan, including detail of the allocation of spaces within the development.
  - d) Details of cycle parking provision having regard to the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments.
  - e) A Quality Audit in accordance with Advice Note 4 of DMURS, to include a detailed Road Safety Audit.
  - f) A review of the proposed operational access to this development and to adjoining lands, from a single point off Greenfields Road, and measures to ensure the maintenance and safeguarding of satisfactory emergency access to the proposed development.
2. A review of the layout of development and the dominance of internal roads and surface car parking with areas of the site. Further details should also be provided with regard to the provision of necessary infrastructure for the charging of electric vehicles.
3. A comprehensive landscape and visual impact assessment including an assessment of views to and from Ballincollig Castle, and views from the N22 / Woodfield Interchange.
4. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces. 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 development in respect of daylight provision. Where 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.

5. A phasing plan for the proposed development, which should include detail regarding the delivery of associated road and drainage infrastructure and public open spaces.
6. Site layout plans clearly identifying the areas intended to be taken in charge by the local authority. Specific proposals should be included for the management of any drainage / attenuation infrastructure proposed to be located within areas of public open space.
7. A report addressing the matters raised in the report of the Operations Directorate (Drainage) of Cork City Council.
8. A full Acoustic Design Statement demonstrating how good acoustic design practice has been incorporated into the design and layout of the proposed development. Any proposed mitigation measures, and the effectiveness thereof, should be clearly identified and described in the design statement.
9. Detailed landscaping proposals for the overall development, including detailed measures for the retention and protection of existing trees and hedgerows within the site.
10. 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.
11. 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.

12. 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.
13. 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:

1. Irish Water.
2. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)
4. Cork Childcare Committee.
5. An Taisce - the National Trust for Ireland
6. Heritage Council
7. Minister for Housing, Local Government and Heritage

**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.

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Conor McGrath  
Senior Planning Inspector

20/04/2022

## **Appendix 1 Documentation accompanying the S.5 request.**

- 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.
- Architectural Design Statement including Housing Quality Assessment.
- A3 Architectural Drawings Booklet.
- Engineering Drawings.
- 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.