



An
Bord
Pleanála

Inspector's Report ABP 314154-22

Development	Construction of 36 no. dwelling houses, new site entrance and associated site works
Location	Rear of St. Patrick's School, Cork Road, Gortnaclohy, Skibbereen, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/305
Applicant	Boar's Head Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v. Refusal
Appellants	Boar's Head Ltd.
Observers	John O'Sullivan, John Hourihan, Aidan O'Brien, John O' Sullivan Snr.
Date of Site Inspection	23 rd January 2023
Inspector	Mary Kennelly

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1.0 Site Location and Description

- 1.1.1. The site is located in the north-eastern suburbs of Skibbereen and is within the development boundary for the town. It is situated approx. 800m from the town centre. Cork Road (R595) branches off the main regional road N71 at a roundabout in a southerly direction. The site is accessed by means of a local road (L-9800) which in turn branches off the Cork Road approx. 200m south of the roundabout junction. The local road serves St. Patrick's School, a community playgroup/afterschool, a Gaelscoil, a community gym/sports centre and a College of Commerce as well as several houses.
- 1.1.2. The road travels eastwards from the main road before a sharp bend and then travels north-eastwards before another sharp bend and continues south-eastwards to the end of the cul-de-sac. The gradient of the road rises slowly towards the first bend, a little more steeply towards the second bend and quite sharply after the second bend. The entrance to the primary school/playgroup is located in the centre of the curve of the second bend and the entrance to the site is just beyond the school entrance. There are houses fronting onto the road just beyond the entrance and the other community uses are located further to the east/north-east along the road. At the time of my inspection, there were several cars parked outside the school gate and on either side of the entrance leading to the site. There is a footpath on the northern side of the carriageway.
- 1.1.3. Access to the site is gained by means of an existing unsurfaced private laneway which travels eastwards from the local road, before swinging northwards to the site entrance. The lane is in poor condition and is narrow. There are two houses which bound the lane to the south, one fronting the road and the other behind, which is also served by the lane. The northern boundary of the lane with the school is defined by a palisade fence and the southern boundary (with the houses) by evergreen hedging.
- 1.1.4. The site, which is roughly rectangular in shape, is slightly undulating and has a stated area of 1.08 hectares. It is a large agricultural field which is bounded by groups of trees and hedgerows. There is a large 2-storey house on the site to the immediate north and a further bungalow, on the site to the immediate north-east. The eastern and southern boundaries are with agricultural fields.

2.0 Proposed Development

2.1.1. The proposed development is for the construction of 36 no. dwelling units comprising a mix of townhouse, simplex and duplex units -

14 no. 2-storey 3-bed town house units (96sq.m)

12 no. 2-bed apartments (size range c.68m² to c.89m²)

6 no. 1-bed apartments (size range c.51m² to c.59m²)

55 no car parking spaces.

2.1.2. The proposed development provides for a pedestrian crossing at the main entrance, widening of the existing access lane to include a new footpath, 2 no. play areas, car parking, cycle parking, bin storage, public lighting, landscaping, drainage and shared surfaces. It is also proposed to provide for rationalisation and improvements along the L9800. The density of the proposed development is 33.1 units/ha.

2.1.3. A mix of housing units is proposed, and 3 no. would be reserved as social/affordable housing. The layout comprises two rows of housing units with a N-S orientation which are back-to-back and would overlook two generous open space areas (representing 13% of site area), one to the east and one to the west of the site. The apartment units would be located along the southern boundary. The proposed development includes a lighting scheme. It is proposed to connect to the public water supply and to the public wastewater system. Separate foul and surface water systems would be provided.

2.1.4. The application is accompanied by:

- Planning & Design Statement (Butler O'Neill)
- Architectural Design Statement (DG Architects)
- Housing Quality Assessment/Part V allocation/costings
- Traffic – TTA, RSA and Outline Traffic Management (MHL)
- Engineering and Services Report (MMOS)
- Construction and Waste Management Plan (MMOS)
- Arboricultural Impact Assessment (Michael Garry)

- Archaeological Assessment (Maurice F Hurley)
- Geophysical Summary Sheet (JM Leigh Surveys)
- Public Lighting Report (MBA Consultants)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The P.A. decided to refuse planning permission for one reason:

It is considered that the proposed layout and increased traffic volumes from the proposed development would endanger public safety by reason of traffic hazard because of the serious pedestrian and vehicular conflict which it would generate on the adjoining public road. The proposed development would thus be contrary to Policy Objective TM 12-8 of the Cork County Development Plan 2022 and accordingly, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report notes the contents of the technical reports and reports from the prescribed bodies summarised below, as well as the issues raised in the third-party objections. It is noted that the site is within the development boundary and is zoned Residential in the CDP, and that it is part of a larger land bank (4.5ha) zoned for Medium Density B Residential Development (SK R-01). The specific objective identified for the route of the Gortnaclohy Relief Road, which is located to the north-east of the site and which would provide access onto the N71 was noted. In this regard, the Area Engineer considered the proposal to be premature pending the delivery of these road improvements, as the capacity of the local road had already been exceeded.

It was further noted that the history of the site included two previous applications for similar proposals, one of which was refused by the planning authority (Ref. 22/38) and the other was withdrawn. The issues in 22/38 had related to parking and the

narrow width of the carriageway, lack of appropriate traffic calming and pedestrian priority measures arising from existing traffic movements. That application had been refused as it was considered that the proposal would have been premature pending the provision of access arrangements from the Gortnaclohy Relief Road.

Refusal was recommended on grounds that reflected the concerns outlined above regarding prematurity and traffic safety.

3.3. Other Technical Reports

- 3.3.1. **Area Engineer's report (7/6/22)** – Reference was made to the explicit route for the relief road with access onto the N71, which runs adjacent to the site. It was stated that the intention is that this road would provide sufficient capacity for the development of the substantial Commercial/Industrial and Residentially zoned lands that adjoin the indicative route. It was considered that the local road serving the site has little or no capacity for further traffic and, as such, any proposals for the development of these lands are premature pending the provision of this roadway and nodal gateway onto the N71.
- 3.3.2. **Traffic and Transport** – recommended deferral on traffic safety grounds. Concerns related to the additional traffic movements on the local road given the lack of capacity and congestion on the road together with the high levels of pedestrian and cyclist traffic, which involves vulnerable road users associated with the schools. It was considered that the proposal would give rise to increased conflict between pedestrians and vehicles. Further concerns related to the substandard nature of the laneway which was considered inadequate. FI was recommended to address these issues.
- 3.3.3. **Estates Engineer (14/6/22)** - Reference was made to the recent refusal of planning permission for a similar development on the site by the PA (Reg. Ref. 22/38). The reasons for refusal had not been addressed in respect of vehicular access to the site and the impact of traffic generated by the proposal on the local road network. Refusal recommended, having regard to the substantial area of land zoned for Residential, Commercial and Industrial purposes in the NE section of the town, as vehicular access to these lands should be provided via a new junction onto the N71 and by means of a road constructed on the indicative route.

- 3.3.4. **Archaeologist Report (23/6/22)** – the Archaeological Assessment Report and geophysical survey submitted with the application were referenced. It was noted that archaeological testing had been carried out, but the extent of the trenches was not considered to be adequately comprehensive. Thus, although satisfied with the assessment, it was considered that gaps in the information regarding potential subsurface archaeology remained. There was no objection to a grant of permission, but it was recommended that all topsoil be removed and monitored for the potential of previously unknown archaeological material/artefacts.
- 3.3.5. **Environment (9/6/22)** – it was noted that the application has included a site-specific waste management plan which addresses the recovery/disposal of all waste arising from demolition/construction on site, and provision for appropriate storage and segregation of domestic/commercial/industrial waste. No objection raised subject to conditions.
- 3.3.6. **Housing Officer (9/6/22)** – It was noted that there is significant demand for housing in this area and that the houses proposed are suitable for social and affordable housing. No objection raised.
- 3.3.7. **Public Lighting (27/5/22)** – no objection subject to conditions.
- 3.3.8. **Ecologist Report** – No report but Area Planner noted no objection to previous scheme (22/38).

3.4. **Prescribed Bodies**

- 3.4.1. **Irish Water** in a letter dated 16/06/22. advised that the applicant would be required to enter into a pre-connection agreement and would have to sign a connection agreement prior to commencement of development. It was further advised that connection would be subject to the constraints of the IW Capital Investment Programme. There was no objection subject to conditions.
- 3.4.2. **Inland Fisheries Ireland (25/5/22)** It was noted that it is proposed to dispose of effluent to the public sewer and IFI sought confirmation that there is sufficient capacity so as not to overload the existing treatment facilities, either hydraulically or organically. In addition, it was requested that a condition be attached to any permission preventing any interference with, bridging, draining or culverting of any

watercourse, its banks or bankside vegetation to facilitate the development without the prior approval of IFI.

3.4.3. **Transport Infrastructure Ireland (10/06/22)** - No observations to make.

3.5. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. They have been summarised in a table within the Area Planner's Report. The issues raised are comparable to those set out in the 3rd Party Observations on the grounds of appeal as summarised in section 6 below. In brief, the main issues raised related to traffic management and road safety, school drop-off, access and parking issues, impact on the school in terms of future expansion, excessive density, impact on residential amenity and flood impact.

4.0 **Planning History**

4.1.1. **P.A. Reg. Ref. 22/38** - planning permission **refused** by the P.A. for the construction of 36 dwelling units on the site of the current appeal. The Area Planner's Report notes that concerns were raised regarding parking and the narrow width of the proposed carriageway, the lack of appropriate traffic calming and pedestrian priority measures arising from the existing traffic movements and the prematurity of the development pending the provision of access arrangements from the proposed Gortnaclohy Relief Road.

4.1.2. The Reason for Refusal reads as follows:

It is considered that the proposed layout and increased traffic volumes from the proposed development would endanger public safety by reason of a traffic hazard because of the serious pedestrian and vehicular conflict which it would generate on the adjoining public road. The proposed development would, thus, be contrary to Policy Objective TM 3-3 of the Cork County Development Plan 2014 and accordingly, would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. National Planning Framework 2018

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 18a seeks to support the proportionate growth of and appropriately designed development in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

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

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of old buildings, infill development schemes, area or site-based regeneration and increased heights.

5.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha. However, in order to offer an effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of 15-20 dwellings at the edge of a town or village, provided that it does not represent more than 20% of the housing stock of the village.

5.3. Cork County Development Plan 2022

- 5.3.1. **Chapter 4** addresses housing issues including housing need, housing mix and housing density. Policy obj. **HOU 4-6** seeks to secure a housing mix to meet the needs of the community. **'Medium Residential B'** sets a revised density of 20-35 units/ha for settlements of less than 5,000 population and is applicable to greenfield/suburban sites.
- 5.3.2. **Chapter 12** addresses **Transport and Mobility** issues. Section 12.6 – Transport Demand Management highlights the importance of 'Liveable towns', a key concept of which is to facilitate the ability to walk and access most of the populations' everyday needs within an attractive 10-minute walk or cycle of their home (12.6.1). There is a strong emphasis on promotion of active travel particularly in respect of facilitating walking and cycling.
- 5.3.3. At **12.7.16** it is stated -
- This plan supports the **Safe Routes to School Programme** funded by the NTA and co-ordinated by An Taisce's Green Schools programme. The Safe Routes to School programme aims to create safer walking and cycling routes within communities, alleviate congestion at the school gates and increase the number of students who walk or cycle to school by providing walking and cycling facilities along school access routes close to schools and at schools. Interventions may range from an upgraded footpath or new cycle lane to a complete reworking of the road outside a school's entrance and may include provision of cycle and scooter parking.
- 5.3.4. **Skibbereen** is identified as an important service, employment, retail and tourism centre within the **West Cork Municipal District** of the Cork County Development Plan 2022. As a growth centre, it performs an important employment, service, community and social function for an extensive rural hinterland. The CDP recognises the need to provide a better balance of development in Skibbereen, so that it can maximise the potential to attract new investment in employment, services and public transport. Located on the N71 West Cork to South Kerry Corridor, it also has strategic intra-regional connectivity and acts as an important access point to a number of the West Cork Islands.

5.3.5. An additional 300 units (Table 5.2.12) will be required to accommodate the population targets for the town. Reference is made (2.8.8) to a number of sites that had been previously zoned Residential and have been carried forward in the current Plan, including the site of the proposed development. It is stated that these sites have access to infrastructure and services and are located within 800m of the town centre. Development proposals must demonstrate proper walking and cycling connectivity to the town centre, public transport and facilities. However, some sites will require upgrades to roads and infrastructure. It is stated that the completion of the Gortnaclohy Relief Road is a key piece of infrastructure to support the delivery of residential sites and improve accessibility, particularly to the northeast of the town.

5.3.6. The site is part of a larger parcel of land (4.5ha) zoned **SK R-01**, the objective for which is **Medium B Density Residential Development**. It is stated that -

“The overall approach to development of this site (including road access proposals, pedestrian and cycleway links) should be coordinated to ensure appropriate provision is made for access to the Gortnaclohy Relief Road, (U-02).”

5.3.7. **Objective SK U-02:** Indicative line of options for proposed Gortnaclohy Relief Road.

The Urban Design section (2.8.11-15) emphasises the need for high quality residential developments, with good quality urban design. There is an emphasis on reducing the dominance of cars to make streets more appropriate as living spaces and an integral part of the community.

The **Movement** section (2.8.57-66) seeks to reduce traffic congestion in the town centre and create an integrated and environmentally sound transport system that provides for a range of improvements including ease of access to the town, a reduction of the need to travel, modal shift and optimum use of the existing infrastructure. The importance of the **Gortnaclohy Relief Road** is highlighted (2.8.63). It is stated that this north-eastern distributor route was initially proposed in the Skibbereen Town Development Plan (2009-2015) and has been partially completed. The intention is that it would redistribute traffic away from the town centre and connect the N71 directly to the R595 Baltimore Road. It is an objective of the plan to protect two indicative line options for this road project (SK U-02).

5.4. Natural Heritage Designations

There are four European Sites in the vicinity of the site. These are -

- Castletownshend SAC (Site Code 001547) approx. 6km to the southeast.
- Roaringwater Bay and Islands SAC (Site code 000101), approx. 9km to the southwest.
- Sheeps Head to Toe Head SPA (Site code 004156), approx. 6km to the south.
- Lough Hyne Nature Reserve and Environs SAC (Site code 000097), approx. 7km to the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal is accompanied by the following documents

1. Statement of Appeal by Butler O'Neill Total Planning Solutions
2. Statement by MHL & Associates – Road & Traffic Assessment
3. Photomontages of Access Parking Proposals and screenshots from CCTV (TTA).
4. Summary of previous application history.

6.1.2. The grounds of appeal can be summarised as follows:

- **Compliance with National and Regional Policy** – The proposed development fully complies with the national and regional planning policy. The National Planning Framework emphasises the need to encourage population growth in towns and the provision of sustainable development in order to achieve compact urban growth. The proposed development is within the existing built-up area of the town and will result in a high-quality development at an appropriate density, which is within close walking distance of a number of schools, colleges, recreational amenities and services. This form of development is essential to prevent further sprawl in the countryside.

- **Compliance with CDP Core Strategy and Zoning Provisions** – the site is zoned residential development and is included in the Core Strategy in terms of achievement of population targets. It complies with the zoning objective and local policy for Medium Density development. Failure to grant permission will undermine the objectives to achieve the population targets. Comparison is made to the 2014 CDP and to the Municipal District Plan. The objective in both plans is to accelerate the growth of Skibbereen to enable it to maximise its potential to attract new investment in employment, services and public transport.
- **Premature development disputed** – It is strongly disputed that this represents premature development as the lands are zoned residential, which means there is a presumption in favour of development. The proposal also complies with the Development Management standards and all relevant policy objectives for residential development. The proposed development includes provision for future connectivity with the proposed Relief Road. However, as the P.A. has advised that this road will not be provided within the lifetime of the Plan, refusal of permission on these grounds would prevent the development not only of the subject site but the adjacent zoned lands.
- **Proposed development to address existing substandard road conditions and improve traffic management and safety** – the proposed development includes mitigation measures which will address the traffic management and road safety issues due to the existing substandard conditions in the vicinity of the site. The road improvement measures would be DMURS compliant and create a safer environment for pedestrians and cyclists. These include a mini roundabout with clearly defined traffic routing, dedicated parking spaces, defined pedestrian spaces and crossings, traffic calming and the realignment of the road geometry. These measures will address the existing haphazard parking in the vicinity of the entrance and provide safe routes to the schools and other uses in the area.
- **Traffic analysis indicates that proposal will not result in traffic junction capacity concerns** – the proposed development will not give rise to any traffic congestion as the predicted traffic flows will be well within the capacity of the road network and all junctions will operate within capacity. The initial

traffic surveys (for 22/38) were carried out during Covid and were repeated for this application. It was found that the traffic flows would be even lower than anticipated which resulted in the predicted congestion levels being overstated, and that the analysis was even more robust than previous TTA.

- **Protracted process and reasonable expectation of a grant** - The developer had previously engaged with the P.A. under 22/38 and had responded positively to FI requests to address road safety concerns, including purchasing of additional lands to facilitate a footpath along the proposed access lane. There had been no indication of a refusal and no objection to the development in principle. The applicant worked with the planning authority in developing the proposed range of road improvement works in good faith. The proposed mitigation measures would rationalise and consolidate pedestrian and vehicular movement as a key planning gain and address the concerns regarding the potential for pedestrian-vehicle conflicts.
- **Ownership of access** – initially it was thought that the local authority was the sole owner of the access. However, it was subsequently established that ETB also owned part of it. Letters of consent to carry out the road improvements have been submitted from each of these owners.

6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

6.3. Observations

6.3.1. Observations were received from John O' Sullivan Snr., Aidan O'Brien and John Hourihan.

6.3.2. The main points of these observations may be summarised as follows:

- **Concurs with previous decision by P.A. to refuse permission** – Reference is made to the previous refusal under P.A. Reg. Ref. 22/38, which was refused on road safety grounds. The reason for refusal on this case is fully supported as the road is not in a position to safely afford development. It

would be contrary to Objective TM 3-3 of the CDP. There has been no change in circumstance on the Local Road in the intervening period.

- **Lack of consultation** - There has been no consultation with the observers who all live in the vicinity regarding an upgrade of the road. Local residents object to the increased traffic on the local road and to the proposed mitigation measures. In particular the provision of parking along the rear of the properties that front onto Cork Road and the proposed boundary treatment are unacceptable to the property owners that adjoin these elements.
- **Traffic and carrying capacity of the road network** – The existing local road, which serves 4 schools, a sports centre and a VEC college cannot accept any additional traffic. The short-term construction impacts and the long-term congestion and road safety impacts have not been properly addressed. The placement of a roundabout immediately outside the school entrance is unacceptable. The sightlines at the entrance are inadequate.
- **Premature development** – the proposal would endanger the provision of long terms road proposals for the town. It would be piecemeal, developer-led development and would be premature and undermine the future development of the area.
- **Excessive density** – The density is too high for a small site. It will result in overlooking and loss of privacy to adjoining neighbours, including private residences, a special needs school, a primary school playground and a community playschool, which is unacceptable.
- **Boundary treatment** – The erection of a 2m high solid masonry wall around the perimeter of the site is unacceptable. It will result in flooding of the interior of the development and of adjoining properties. The level of security provided by the proposed boundary treatment for farmers of adjoining lands is inadequate and should be addressed by means of alternative boundary treatment.
- **Construction impacts** – the effects of noise, dust and other construction impacts on neighbouring properties have not been addressed. The submitted drawings do not include any information on the foundations and whether there will be a need for piling. This is unacceptable.

- **Flooding** – the local road adjacent to the school, as well as the school itself, has been subject to flooding in recent years. Any interference with the green area to the rear of the properties fronting Cork Road could give rise to an increased flood risk as it provides a vital water absorption function. The proposed boundary treatment would also increase the risk of flooding.
- **Biodiversity** – the proposal would result in a major loss of trees, undergrowth, ditches etc. Have any wildlife surveys been carried out and what impact will there be on badgers and foxes.
- **Encroachment** - concern expressed regarding possible encroachment on the green area to the rear of the houses fronting Cork Road. The owner of No. 7 Cork Road has had use of the area to the rear for over 60 years as a rear entrance for deliveries, refuse collection, visitor access and he has been mowing the grass at this location for many years. Any development impacting this area would result in interference with his right of way and potentially increase flooding to his property.
- **Precedent** – there are several precedents for refusing schemes such as this where there are road safety concerns, particularly with respect to the proposed access to the site.

7.0 Planning Assessment

- 7.1.1. I would agree that the principal issue arising from the appeal is the potential impact of the development on road safety, particularly for pedestrians and cyclists attending the local primary school, given the current poor quality of the road conditions and the significant traffic hazards at present, and whether the proposed development, including the proposed mitigation measures, would adequately address these concerns. In addition, the issue of whether the proposed development is premature pending the delivery of a new relief road has been raised in the planning and technical reports and has been addressed by the first party appellants. Furthermore, additional issues have been raised by third party observers including flood impact, boundary treatment, rights-of-way and construction impacts.
- 7.1.2. It is considered, therefore, that the following issues arise from the appeal:

- Principle of development
- Density, layout and boundary treatment
- Traffic and road safety
- Flood impact
- Construction impacts.
- Environmental Impact Assessment
- Appropriate Assessment

7.2. Principle of development

- 7.2.1. Skibbereen is designated as a main Service Town (population of less than 5,000) in the Settlement Strategy of Cork County Development Plan (2022) and represents a growth/development centre within the West Cork Municipal District as set out in the new CDP. This Plan came into effect in June 2022, after the lodgement of the planning application with the P.A. but before the P.A. decision was made. The first Party appellant makes reference to the policies and objectives set out in the 2014 CDP, but as this has now been superseded, the Board is required to consider the policies under the new Plan. However, it is noted that the status of the town as a growth centre has not altered, nor has the residential zoning of the site or the transport objectives to provide for a relief road in the vicinity of the site.
- 7.2.2. The NPF requires that 40% of all new housing occurs within the footprint of the existing built-up urban areas. The site is zoned Residential, and the CDP identifies a need for 300 dwelling units to be provided within the town to meet the population targets for 2028. At 2.8.8 of the WCMD Plan, it is stated that undeveloped residentially zoned sites have been carried forward from the previous Plan to ensure the sequential development and consolidation of the built envelope of the town. Thus, in principle, the site is well located within the development area of the town and is zoned for residential development. However, the issue of connectivity with the town centre and other services and facilities is highlighted as being of great importance in the Plan.
- 7.2.3. At 2.8.9, it is stated that these sites, which are within 800m walking distance of the town centre, are zoned for residential development in accordance with the ‘ten-

minute towns' concept and transport policy as set out in Chapter 12 of the CDP (Volume 1). This policy initiative seeks to facilitate the ability to walk and access most of the populations' everyday needs within an attractive 10-minute walk or cycle of their home (12.6.1, Vol 1). It is noted, however, that some of these residentially zoned sites in Skibbereen will require upgrades to roads and other infrastructure to ensure proper connectivity to the town centre (2.8.10). The site, the subject of the appeal, is a backland site which is currently accessible only by means of a narrow unsurfaced lane. This laneway, in turn, is served by a local road which is acknowledged as being of poor quality with significant deficiencies in terms of pedestrian and cyclist safety and accessibility. Thus, it is likely that infrastructural upgrades will be required to improve connectivity with the town centre.

- 7.2.4. It is further stated at 2.8.10 that the Gortnaclohy Relief Road is a key piece of infrastructure to support the delivery of these residential sites. The zoning objective SK R-01 also references the road project by requiring that development is co-ordinated to ensure appropriate provision is made for the relief road. The 'Movement' section (2.8.57-66) sets out the rationale for the road project as follows:

The Skibbereen Town Development Plan, 2009 - 2015 identified an indicative route for the Gortnaclohy Relief Road (to the east of the town), which would redistribute traffic, away from the town centre and connect the N71 directly onto the R595 Baltimore Road. This northeastern distributor road has been partially completed to the new Community School and it is considered of key importance for Skibbereen that this relief road is completed to the N71. This plan has identified two possible indicative routes for this north-eastern section of the relief road, one skirting the eastern edge of the SK- B-05 business lands and a possible alternative shorter route further west which would help improve access to the SK-R-01 lands and potentially also to the schools located in this area and the eastern portion of the SK-X-01 lands. Both route lines are indicative pending the availability of a full design for the route. The critical requirement for this route is that it joins the N71 at a suitable location that would not compromise the safety, function or capacity of the N71, and otherwise complies with road design and safety standards. The Council will consider route options that satisfy these requirements, (2.8.63).

7.2.5. It is clear, therefore, that the appeal site (SK R-01) is likely to require infrastructural improvements either by means of the delivery of the relief road, which may provide direct access to the site, or by means of significant upgrades to the local road serving the site and the access lane. The first party appellant has chosen to pursue this latter option by proposing a range of mitigation measures to improve the road safety and accessibility of the site, particularly for pedestrians. The appropriateness of these measures will be discussed in the following sections of the report. However, it should be noted that if the upgrades to the local road cannot be demonstrated as being adequate to overcome the acknowledged deficiencies, and/or the delivery of the relief road cannot be anticipated in a timely fashion, the accessibility and connectivity of the site may be deemed to be so inadequate that the development of the site at this point in time may be considered to be premature.

7.3. Density, Layout and boundary treatment

- 7.3.1. The guidance in the national and local policy framework (as summarised at Section 5.0 above), seeks to achieve higher densities in general. This would result in a density of 35-50 dwellings per hectare in centrally located sites and 20-35 units/ha in edge of town locations. It is noted that in the recently adopted Cork County Development Plan 2022-20287, a density of 20-35dw/ha is sought at this location, which is consistent with the national advice for sites in suburban locations.
- 7.3.2. The proposed development represents a density of approx. 33dwellings/ha. This is considered appropriate in this context and would provide for a high quality of design which would respect the established character of the surrounding area. The configuration of the site combined, with the nature of the uses of the adjoining lands, have strongly influenced the layout and design of the development. The proposed housing units are arranged on two N-S axes, back-to-back, with the rear gardens facing East or West, and the houses overlooking the areas of open space adjacent to the western and eastern boundaries. The duplex and single apartments are located alongside the southern boundary of the site.
- 7.3.3. The layout is generally acceptable and in accordance with the design guidance, as set out in the Architectural Design Statement accompanying the planning application. However, it does seem to be a little overly car-dominant and could be improved in this respect. For example, the POS on the eastern side is effectively halved by the

provision of four parking spaces (two of which would have EV chargers) at the northern end. However, had they been located at the southern end, the manoeuvring space could have utilised the eastern side of the hammerhead and enabled the POS to occupy the remainder of the area adjoining the eastern and northern boundaries. It is further considered that the provision of additional parking spaces along the access lane, which are intended to serve the general neighbourhood, would give rise to additional vehicular movements on the lane, which would add to the car-dominant approach. This will be discussed further below.

- 7.3.4. The gardens generally meet or exceed the minimum standards and the upper floor windows meet the 22m separation distances. It is noted that the design and layout have specifically sought to avoid or minimise overlooking within the scheme and of adjoining sites, as set out in the Architectural Design Statement. It is considered, based on the layout combined with the proposed landscaping scheme, that issues of overlooking and/or loss of privacy are unlikely to be of material concern. It is noted that most of the proposed dwellings would have east or west-facing gardens. There is a variety of house types provided.
- 7.3.5. Proposed boundary treatments generally seek to retain existing trees and hedgerows especially on the northern, eastern and southern boundaries, but also propose to erect concrete post and panel fencing inside the existing vegetation. This boundary treatment has been chosen to provide security for adjoining owners, but which would also avoid adverse impacts on the roots of existing trees. This is generally considered appropriate but should be planted with creepers or suitable planting to minimise the visual impact of the concrete panels as they age. The 2 m high concrete wall referred to by third parties is proposed for a section of the access laneway only, as this adjoins the strip of land that had been purchased in order to facilitate the provision of a footpath along the lane. At present there is a mature, dense hedgerow along the boundary of the adjoining private property, which is likely to be removed or severely cut back. This seems reasonable.
- 7.3.6. On balance, it is considered that the proposed development would not detract from the character of the area, would not adversely affect the residential amenities of the surrounding area, and is responsive to the conditions on site and is respectful of the existing pattern of development in the surrounding area, with an appropriate density whilst providing for adequate amenity for prospective occupants.

7.4. Traffic, access and road safety

- 7.4.1. Access is proposed via the L9800, which is a cul-de-sac local road serving the primary school, in addition to a playgroup, a Gael Scoil, a Community College, a Community Sports Centre and several single houses. There is also pedestrian access to the Skibbereen Community School, which is used as an additional pick-up and drop off point. The local road is substandard in terms of its width, layout, geometry and availability of pedestrian and cycle facilities. It contains two sharp bends, one of which is immediately adjacent to both the entrance to the national school and community playgroup and to the entrance to the laneway leading to the site of the appeal. The gradient of the road also rises steeply from the school gate to the end of the cul-de-sac. The alignment particularly in the vicinity of the school and site entrances, is very poor which gives rise to an additional hazard.
- 7.4.2. From the submissions on file, it would appear that the area in the vicinity of the school is subject to haphazard parking and traffic movements, particularly in relation to the primary school. It is noted that there is on-street parking along the western section of the road (northern carriageway) leading up to the school entrance and, notwithstanding the presence of two yellow boxes, one outside each entrance, there was evidence of unauthorised parking in the vicinity of both entrances at the time of my inspection. As it is a cul-de-sac, the traffic movements include reversing and turning movements after drop-off/collection. The pedestrian facilities are also poor with one footpath along the northern side of the western leg of the road, which terminates at the school entrance and starts again just beyond the entrance, where it continues towards the entrance to the College. There is no footpath on the opposite side of the carriageway. There are no cycle facilities.
- 7.4.3. The substandard nature and poor condition of the road serving the site, together with the high volumes of both vehicular and pedestrian/cycle traffic has been acknowledged by both the first party and the planning authority. It was further accepted by all parties that the current situation is hazardous, particularly for school children who might walk and/or cycle to school. In response to these issues, the application included a range of mitigation measures with the intention of creating a safer environment for pedestrians and cyclists. These measures seek to address the haphazard parking and to provide safe routes to the schools and other uses by

means of traffic calming, realignment of the road geometry, creating clearly defined parking spaces (both on-street and within the development site), clear routing for vehicles and clearly defined pedestrian spaces and crossings. The submission from the applicant includes a Traffic and Transport Assessment, a Road Safety Audit and a summary of the responses to FI requests by the P.A. on a previous similar development (22/38).

7.4.4. Specifically, the proposed measures include the provision of the following –

- A mini-roundabout immediately outside the school and site entrances with pedestrian crossings on each of the approach arms.
- Designated parallel parking bays on both sides of the western leg of the local road (i.e. on the approach to the school).
- A new footpath on the southern side of the carriageway and an extension of the footpath on the northern side as far as the school entrance.
- Traffic calming (ramps) and road signage.
- Six additional parking spaces alongside the access route to the development site (as overflow parking for school).

7.4.5. The planning authority and the third parties do not agree that these measures will adequately compensate for the increase in traffic volumes on the local road arising from the development, which it is considered to be at capacity already. The first party, however, has stated in response that the TTA has shown that there will not be a significant increase in traffic volumes and that the various junctions that were modelled were shown to be operating well within capacity following development. It was further pointed out that the results of the TTA modelling were initially based on surveys undertaken during Covid-19 and that new surveys have indicated that the predictions were overly conservative.

7.4.6. However, the P.A. remains concerned that the proposed development would still give rise to an increased risk of vehicle-pedestrian conflicts and that the measures could prove difficult to implement as they are likely to involve the need for compulsory purchase orders. It is further noted that the third parties fundamentally disagree with the proposed mitigation measures and state that there has been no

consultation with the school or local residents regarding the implications of the proposed measures.

7.4.7. I would agree that the proposed mitigation measures, if implemented, would be likely to result in improved and safer environments for pedestrians. However, the question remains as to whether these measures would be sufficient to compensate for the increased traffic levels using the road and whether there are any obstacles to the implementation of the measures. The development will inevitably result in additional traffic using the road, even though traffic congestion levels may not exceed the normal standards for measuring congestion (e.g., RFI). Whether the junctions operate without significant congestion is not really the most relevant issue, as it is not the convenience of road users, but their safety that is of greatest significance.

7.4.8. The Cork CDP (2022) supports the **Safe Routes to School Programme** which -

“Aims to create safer walking and cycling routes within communities, alleviate congestion at the school gates and increase the number of students who walk or cycle to school by providing walking and cycling facilities along school access routes close to schools and at schools.”

I am not convinced that a mini-roundabout directly outside the school gates and the entrance to the housing development, combined with the designated parking spaces and new footpaths linking it to Cork Road, would provide the desired safe routes to school for pedestrians and cyclists.

7.4.9. It is difficult to accept that the introduction of additional vehicular movements in the vicinity of the school would not increase the risk of conflict between pedestrian and cycling school-goers given the existing high demand for limited road space and parking at the critical times of drop-off and collection. Although additional and more defined pedestrian facilities are included in the new layout, some serious safety concerns remain. It is considered that the provision of two rows of parallel carparking bays on either side of the two-way single carriageway would result in a very narrow route (5.0m) and would require pedestrians (children) to cross the road at a sharp bend in the vicinity of a roundabout. The roundabout would prioritise vehicular movement over pedestrians at the entrance to the school and to the housing estate.

7.4.10. It is considered therefore that the proposed public road layout would still facilitate vehicular use to be dominant over pedestrian use and raises concerns regarding

road safety in terms of the provision of safe routes to schools. In the absence of active management of the situation, there is no guarantee that the haphazard parking would be addressed. It is also far from certain that the additional parking spaces along the accessway would displace the existing haphazard parking in the vicinity, or that it would not lead to additional potential for conflicts with pedestrians.

7.4.11. The relevant section of the public road is included within the red line boundary.

However, there are several properties (Nos. 1-8 Cork Road) that appear to have rear access from the local road which could be hindered by the new layout, footpaths and parking designations. This is likely to require negotiations with landowners and possibly CPOs. One of the principal users of the section of road, St. Patrick's National School, had made a submission regarding the planning application to the P.A., (Letter from Board of Management dated 03/06/22 refers). In this submission, the following matters were highlighted –

- The location of the proposed roundabout is at the point of the existing entrance to the primary school and playschool/afterschool, where there can be up to 100 parents/children gathered on a typical school day at drop off/collection time. The siting of the roundabout at this location would pose a massive health and safety risk.
- The school accommodates three classes for children with autism. The ASD pupils are transported to school by bus which waits outside the school gates until the schoolyard is empty and then drives into the yard to discharge these children. This would no longer be possible with the new roundabout in place.
- The parking spaces which would be removed to facilitate the roundabout could not be replaced within or near the school grounds.
- With 235 pupils and 30 staff arriving and departing at roughly the same time every day, it would be impossible to manage this without creating tailbacks to the Cork Road.

7.4.12. In light of the above, there does not appear to be agreement with the local community regarding the revised layout of the public road at this location. The planning authority is not in favour of the proposal either, as evidenced by the refusal of permission on two occasions on similar grounds. The Area Engineer (7/6/22) noted that the proposed improvements would most likely require CPOs and that it

seemed that some of the required consents to carry out the works may not have been secured. Thus, it seems that several obstacles remain which create uncertainty regarding the likelihood of the successful implementation of the measures as proposed, should permission be granted for the scheme.

7.4.13. Furthermore, it is noted that the Area Engineer did not accept that the proposed improvements would alleviate the issues presented by the additional increase in traffic volumes generated by the development, not only on the section of road to be improved but also at the junction of the R595 and the L9800. I would generally concur with these views and would agree that there is insufficient capacity in the existing road network to accommodate the additional traffic that would be generated by the proposal, notwithstanding the proposed improvements and the conclusions of the traffic analysis.

7.4.14. The 2022 CDP (Chapter 12, Vol 1) emphasises the need to promote walking and cycling and seeks to protect and enhance walking routes which provide access to neighbourhood or town centres, public transport, schools, community facilities etc. which “requires the creation of safe, convenient and enjoyable routes” (12.7.10). It is further stated that to encourage this, pedestrian and cyclist use must be prioritised. Policy Objective 12-2-1 Active Travel states –

Deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten-minute walk of one’s home. Prioritise development in our settlements that is well located and designed to facilitate walking, cycling and public transport trips. Promote equal access for all through the adherence to universal design in the external built environment to facilitate greater use of public transport, walking and cycling.

a) new development areas will be permeable for walking and cycling, via safe, convenient and enjoyable routes, and the retrospective implementation of walking and cycling facilities shall be undertaken where practicable in existing neighbourhoods, to give competitive advantage to these modes.

7.4.15. It is considered that the proposed development is not in accordance with this objective of the current CDP and would undermine the Planning Authority’s aims to achieve such active travel objectives. The need to provide attractive and safe

pedestrian and cycle links to the town centre and safe routes to the schools and colleges in the vicinity of the site is considered to be of critical importance to the acceptability of the proposed development.

- 7.4.16. In conclusion, on the basis of the scheme submitted to the P.A. with the planning application, I would concur with the recommendation of the Roads Engineer and the decision of the planning authority that the proposed layout and increased traffic volumes would endanger public safety by reason of traffic hazard because of the serious pedestrian and vehicular conflict which it would generate on the adjoining public road. The proposed development should therefore be refused on this basis.

7.5. Prematurity of development

- 7.5.1. Access to the site is at present restricted to the access lane as proposed. Given that this would give rise to a traffic hazard, I would accept that the site is effectively land-locked until an alternative means of access can be provided. As stated previously, there is a Specific Objective to SK U-02 to provide a new relief road to open up access to the landbank within which the site lies. The zoned lands include commercial and industrial objectives as well as residential. The route for the relief road has not yet been finalised and there is no indication in the new CDP what time frame is involved. However, the commitment in the Plan to provide the relief road is clear and it would provide access to the N71 via a suitable junction. Any such road is likely to be designed to provide sufficient capacity to serve the adjoining lands.
- 7.5.2. In conclusion, notwithstanding the proposed road layout improvements, given the safety and capacity issues associated with the access to the site from the local road L-9800, as outlined above, and the lack of an alternative viable access, the proposed development is considered to be premature pending the delivery of the proposed Gortnaclohy Relief Road. Accordingly, it is considered that the proposed development should be refused on the grounds of premature development.

7.6. Flood Risk Assessment

- 7.6.1. The site is located within Flood Zone C and is on residentially zoned lands which have been subject to the Justification Test as part of the Development Plan process. The site is not one identified as being at risk from fluvial or tidal flooding. Although a

specific flood risk assessment in relation to other potential risks of flooding has not been submitted, consideration of the impact of surface water flood risk on drainage design has been included in the submissions, in respect of both the construction impacts and the operational impacts.

- 7.6.2. The MMOS Construction and Waste Management Plan outlines the proposed surface water management techniques in Section 4.1. The MMOS Engineering Report and associated drawings outline the proposed surface water drainage proposals for the development. It is noted that the discharge is to be limited to greenfield rates and an attenuation system with a storage volume of 199m will be provided. The P.A. Area Engineer seemed to be satisfied with the proposed surface water drainage proposals. No concerns were raised regarding the potential for increased flooding arising from the development.
- 7.6.3. Concerns were raised by some third parties that the proposed boundary treatment could contain surface water within the site and cause flooding elsewhere. Most of the boundary treatment involves concrete panel and post fencing which would be placed inside the existing vegetative boundary treatment. It is stated in the submissions that this form of fencing was selected as it will not involve large scale foundations, in order to avoid damage to the existing trees and hedgerows. It is considered unlikely, therefore, that the proposed concrete panel fencing would interfere with the surface water drainage within or outside of the site.

7.7. **Biodiversity**

- 7.7.1. Some observers have raised the issue of the impact of the proposed development on biodiversity, particularly badgers and foxes. The site is not located within or in close proximity to any sites that are designated for nature conservation protection. No information has been presented in any of the submissions to indicate that the site is important for badgers or foxes. It is considered, however, that as the trees and hedgerows are largely to be retained, this would help to maintain wildlife corridors and habitats following implementation of the development. An Arboricultural Report has been submitted which includes an Arboricultural Impact Assessment and a Tree Protection Plan with an objective to identify the existing trees, groups of trees and hedgerows to be retained and the measures proposed to ensure that the trees to be retained are protected. This is considered to be acceptable.

7.8. Construction impacts

- 7.8.1. The third-party observers raised the issue of construction impacts. It is noted that a Construction and Waste Management Plan (MMOS) was submitted with the planning application. This plan outlines the main measures for controlling pollutants and dealing with surface water run-off during the construction works to prevent any adverse impacts on the surrounding environment. It also identifies the main objectives for the managed procedures which are required to ensure the construction and demolition related activities will be executed in a safe and controlled manner and to minimise disruption and impacts on the amenities of the area. Noise, dust and vibration monitoring proposals are also outlined as are proposed hours of construction.
- 7.8.2. The proposed development is likely to have significant traffic impacts on the surrounding road network, particularly in relation to the school. This is acknowledged in the submitted document and it is stated that access and egress will have to be carefully co-ordinated and managed with local residents. Parking for construction workers as well as road cleaning will also have to be managed appropriately. It is considered that these matters can be conditioned should the board be minded to grant permission.

7.9. Environmental Impact Assessment Screening

- 7.9.1. Class 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where more than 500 dwelling units would be constructed and where 10-hectare urban sites would be developed. The proposal is for the development of a site with a stated area of 1.08ha to provide 36 dwelling units. Accordingly, it does not attract the need for a mandatory Environmental Impact Assessment.
- 7.9.2. See completed Form 2 on file. The site is located within the built-up area of an existing town and is approx. 6km distant from any European sites or other sites of conservation interest. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination stage, that there is no real likelihood of

significant effects on the environment arising from the proposed development. Environmental Impact Assessment, therefore, is not required.

7.10. **Appropriate Assessment - Screening**

The site does not lie within or immediately proximate to any designated European site. There are four European sites within 15km of the site as follows -

- Castletownshend SAC (Site Code 001547) approx. 6km to the southeast.
- Roaringwater Bay and Islands SAC (Site code 000101), approx. 9km to the southwest.
- Sheeps Head to Toe Head SPA (Site code 004156), approx. 6km to the south.
- Lough Hyne Nature Reserve and Environs SAC (Site code 000097), approx. 7km to the southwest.

7.10.1. The closest European sites are Castletownshend SAC and Sheep's Head to Toe Head SPA, which are located approx. 6km away. The Qualifying Interest for the SAC site is the Killarney Fern and for the SPA are the Peregrine Falcon and the Chough. There is no evidence of any hydrological link or other pathway to these European sites and they can be screened out. The distances between the site of the development and the remaining European sites are considered to be too great and there is no information indicating any hydrological link with any of these sites. Each of the European sites in the vicinity can therefore be screened out.

8.0 **Recommendation**

Having regard to the foregoing I recommend that permission for the above-described development be refused for the following reasons and considerations.

9.0 **Reasons and Considerations**

1. Having regard to the location of the site and to the proposed means of access from the L-9800 and a narrow laneway, the entrance to which immediately adjoins the entrance to a primary school, to the current traffic and parking

congestion on the local road generated by the school and a number of community and educational uses, to the high pedestrian movement in the vicinity of the entrance and to the substandard nature of this cul de sac road in terms of its layout, alignment and lack of pedestrian facilities, it is considered that the proposed development would generate additional traffic volumes on this road which would endanger public safety by reason of traffic hazard due to the serious conflict that would arise between vehicular traffic and pedestrians and cyclists, notwithstanding the proposed improvements to the public road. The proposed development would therefore be contrary to Cork County Development Plan 2022 Objective TM 12-2-1 to promote active travel and the commitment in the Plan to provide for Safe Routes to Schools, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the zoning objective SK R-01 in the current Cork County Development Plan 2022, which states that the overall approach to the development of this site (including road access proposals, pedestrian and cycleway links) should be co-ordinated to ensure that appropriate provision is made for access to the Gortnaclohy Relief Road (SK U-02), to the location of the site of the proposed development immediately adjacent to a route option corridor which is currently under consideration as part of the Gortnaclohy Relief Road project, which aims to improve access to these residentially zoned lands, and to the safety and capacity issues associated with the alternative access to the site via the local road to the west as proposed, it is considered that the proposed development would be premature development pending the determination of the preferred alignment of this road project and the delivery of appropriate access to these lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector
31st August, 2023