



An
Bord
Pleanála

Inspector's Report

ABP-314636-22

Development	Construction of 2 houses, wall and all ancillary works
Location	Steeplewoods , Killumney Road , Carrigrohane
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2241224
Applicant(s)	Classes Land ULC
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Classes Land ULC
Observer(s)	None
Date of Site Inspection	25/07/2023.
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located beside Steeplewoods, a relatively new housing estate in the village of Carrigrohane, east of Ballincollig and circa 7km to the west of Cork City.
- 1.1.2. The site is a linear / rectangular section of land from the rear of no. 31 Steeplewoods, along the side of no.s 18 and 17A Steeplewoods, and the N22 which runs on a north south axis to the west of the site. The site is separated from the housing estate by a 2m high fence, beyond which the subject site forms a vegetated earthen mound approx. 2.5m higher than the adjoining ground level.
- 1.1.3. A concurrent appeal (ABP-314635-22) lies to the immediate south of the subject site.

2.0 Proposed Development

- 2.1. On the 29th June, 2022, permission was sought for a development comprising two detached dwellings (396.9sq.m.) on a site of 0.194ha. The application was accompanied by a cover letter, a letter from Consulting Engineers, a Noise Impact Assessment, a letter detailing service wayleaves.
- 2.1.1. A concurrent application for one dwelling was lodged on the adjoining site to the south (Planning Authority reg. ref. 2241223) has been appealed to the Board (ABP-314635-22).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 24th August 2022, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:
 - 1 The site of the proposed development is located in close proximity to an area considered for a future national road scheme, the Cork City Northern Transport Project (CCNTP) formerly the Cork North Ring Road (CNRR), as set out in the Cork Metropolitan Area Transport Strategy (CMATS) and the Cork City Development Plan 2022. Having regard to Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in January 2012, to the provisions of CMATS and to the provisions of the Cork

City Development Plan 2022-2028 (paragraphs 4.138 – 4.140), it is considered that the development of the kind proposed would be premature pending the determination by the Planning Authority or the Road Authority of a road layout for the area or any part thereof. To grant permission would be contrary to section 4.139 of the City Development Plan 2022-2028, would be at variance with the provisions to the above guidelines and could prejudice plans for the design of the route. The proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. **Urban Roads and Street Design:** Applicant is requested to contact CCC infrastructure section, TII NRDO for comment. Driveway entrances to be no greater than 3m, consider having a shared singular vehicular entrance.
- 3.2.2. **Environment:** No objection subject to standard conditions.
- 3.2.3. **Area Engineer:** Further Information required on proposal for surface water disposal and referral to Cork NRDO for comment.
- 3.2.4. **Drainage Report:** No objection subject to conditions.
- 3.2.5. **Community Culture & Placemaking:** Contributions recommended.
- 3.2.6. **Infrastructure Development Directorate:** Cork City Northern Transport Project (formerly Cork North Ring Road) forms part of the Cork Metropolitan Area Transport Strategy (CMATS) which is included in the National Development Plan 2021-2030. Project is currently at Phase 0- Scope and Pre-Appraisal. An emerging preferred route has not yet been selected. Section 4.138 of the city development plan states that they will preserve the existing preferred route corridor and that developments within the corridor will not be considered. The application documents show the site being outside the preferred route corridor, however the County Development Plan maps show the site within the corridor. Recommendation to refuse permission until such time as a preferred route for CCNTP is selected.
- 3.2.7. **Planning Report:** States that the subject site falls within the route protection corridor of the proposed Cork City Northern Transport Project (formerly North Ring Road) upgrade works. Notes the planning history of the site wherein planning permission was refused on the grounds of the route protection corridor. Notes the reports received. Considers the principle of the proposed development acceptable, notwithstanding the low density (permission had previously been sought for 3 no.

dwellings). Recommendation to refuse permission on grounds of proximity to CMATS and being contrary to section 4.139 of the 2022 development plan.

3.3. **Prescribed Bodies**

3.3.1. **TII:** Proposed development is at variance with official policy in relation to control of development affecting national roads as the site is located in close proximity to an area considered for a future national road scheme, proposed development could prejudice the design of the scheme and hence the application is premature pending the determination of the route.

3.3.2. **Uisce Eireann:** No objection.

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Planning History**

4.1.1. ABP-309476-21: Planning permission was REFUSED for 5 no. two-storey dwellings for the following reason:

- 1 Having regard to Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in January, 2012, and to Objective TM 3-1 of the Cork County Development Plan 2014 – 2020, the Board considered that, as the site lies within the Route Protection Corridor of the Cork Northern Ring Road (N22/N20/M8) which is a Project Critical to the Delivery of Planned Development, the proposal would be premature in advance of the finalisation of the design. Accordingly, to grant permission for this proposal would risk compromising the future design, would fail to preserve the Route Protection Corridor, would materially contravene Objective TM 3- 1 of the development plan and would be contrary to the above-mentioned Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.1.2. On a larger site which included the appeal site:

Planning Authority reg. ref: 09/6989 Application for 4 no two storey detached dwellings, 3 detached garages access roads, public lighting temporary treatment

plant and all associated site works. Refused 2/11/2009 on grounds of inadequate density and premature pending foul drainage services.

4.1.3. Adjoining lands to the north:

Planning Authority reg. ref. 19/5049 Carraig Tur Estate. Permission for 58 dwellings and associated site development works. Granted

4.1.4. Adjoining site to the east:

Planning Authority reg. ref. 10/533 Steeplewoods Estate. Permission granted for the construction of residential development of 27 dwellinghouses.

5.0 Policy Context

5.1. Cork City Development Plan 2022 -2028

5.1.1. The subject site is zoned ZO 01 Sustainable Residential Neighbourhoods, with the stated objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

5.1.2. **Cork City Northern Transport Project (N40 North) 4.138** The Cork City Northern Transport Project (formally the Cork North Ring Road) which is linking the N22 Ballincollig to the M8 at Glanmire via the North of the city, is currently being appraised and the options selection will be complete in 2023. Cork City Council will support the CCNTP in conjunction with Cork County Council and Transport Infrastructure Ireland (TII) in order to develop a transportation solution to address the existing congestion for strategic traffic traversing the city environs.

5.1.3. Section 4.139 Cork City Council will reserve the existing preferred route corridor which has been approved for the Cork North Ring Road and which has been selected to accommodate the requirements of an emerging strategic road and the associated bridge crossing of the River Lee. Developments within the existing corridor which could potentially prejudice the development of this strategic route option and river crossing will not be considered.

5.2. Natural Heritage Designations

- Great Island Channel SAC (site code 001058)
- Cork Harbour SPA (site code 004030)

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the development and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An agent for the first party has appealed the decision of the Planning Authority to refuse permission. The appeal notes the simultaneous appeal on the adjoining site (ABP-314636-22) which was refused for the same reason. The Board will note that the grounds of the appeal are the same as those raised in the adjoining appeal:

- The Council planners have in their determination referred to an older “wide” corridor reserve whereas the application is based on an up-to-date refined corridor design from the NRO offices. The more detailed and up-to-date corridor should have been used.
- Submission from Engineering Consultants is included with the appeal. The appellant submits that this demonstrates how the proposed development would not interfere with the delivery of the future national roads scheme.
- The appellant also wishes to address the following items raised in the planners report:
 - Noise: a 2.4m high earthen berm provide a sound barrier as required by the parent permission 10/5333. The proposed development seeks to replace that berm with a 2.4m high masonry wall. The submitted noise impact assessment shows the noise attenuation to be the same.
 - The reduction in no. of units from the previous application (22/41224) is to provide a more acceptable layout to the residents of Steeplewoods and to address their traffic concerns.
- The Board is requested to grant permission.

6.2. **Planning Authority Response**

6.2.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the subject file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development. As with the appeal on the adjoining site for an almost identical development, I am satisfied that the single issue is the impact of the proposed development on the Cork City Northern Transport Project (CCNTP) formerly the Cork North Ring Road (CNRR), as set out in the Cork Metropolitan Area Transport Strategy (CMATS) and the Cork City Development Plan 2022.

7.2. **Cork City Northern Transport Project (CCNTP)**

7.2.1. The appellant suggests that the Planning Authority have erred in applying an older, less defined route of the CCNTP to the application, that the subject site is actually outside rather than inside the reserved corridor for the route. The appellant submits that the proposed development would not prejudice the delivery of the route. The applicants engineering consultant states that not only is the subject site outside of the route protection corridor but the adjoining permitted Steeplewoods (reg. ref. 10/5333) and Carraig Tur (reg. ref. 19/5049) encroach on to the older “wide” corridor, as do adjoining housing estates Bridgewater, Bircheley and Sweetbriar. The agent states that the “refined” reservation was confirmed by the NRO and attaches images and an email from the Cork RDO to confirm same.

7.2.2. I note that when the planning application was submitted to the Planning Authority, two internal reports (Area Engineer dated 04/08/2023 and Urban Roads and Street Design dated 14/07/2022) recommended that the application should be referred to TII / Cork NRDO for comment. It is not clear from the documentation on file whether this was done or not. The appeal submission by the Applicants engineers requests that the Board “check and confirm this with the NRO”.

7.2.3. A report from the Senior Executive Engineer in the Infrastructure Development Directorate notes that until such time as an emerging preferred route for the CCNTP has been selected, then section 4.138 of the Cork City Development Plan applies. Section 4.139 of the 2022 development plan states that Cork City Council will

reserve the existing preferred route corridor which has been approved for the Cork North Ring Road. Section 4.139 also states that developments within the existing corridor which could potentially prejudice the development of this strategic route option and river crossing will not be considered.

- 7.2.4. The Cork City Council sustainable transport scheme website advises that a route is identified as of April 2023, yet the CCNTP website appears not to have been updated since May 2021. No further up-to-date information on the scheme is available. I have no information on the ‘reservation line’ referred to by the A/Senior Engineer in the Cork RDO.
- 7.2.5. It is regrettable that the Planning Authority did not refer the application to the RDO. Likewise, it is regrettable that the appellant has not provided any details of the “reservation line” as indicated to them by the County Council, or the information they provided to this engineer, from which the statement of “no further issue” arose. There is no documentary evidence to support the appellants assertion that the subject and adjoining site are or are not within the reservation line, other than an email submitted with the appeal.
- 7.2.6. The Board could decide, given that that no other substantive issues are outstanding, to request further information on the road reservation line for the Cork City Northern Transport Project (CCNTP) formerly the Cork North Ring Road (CNRR), as set out in the Cork Metropolitan Area Transport Strategy (CMATS) and the Cork City Development Plan 2022. However, given that the Board refused permission on the same site in June 2021, on advice from the Cork RDO that the site was “directly affected by the design of the Cork North Ring Road Project” and given that no robust and definitive information has been submitted to the Board regarding the “new” or “refined” reservation line, it is considered that there is no option but to refuse permission on the grounds of prematurity. This is consistent with the advice regarding protection of alignments for future national road projects 2.9 of the Spatial Planning and National Roads, Guidelines for Planning Authorities issued by the Department of the Environment Community and Local Government January 2012.
- 7.2.7. Given the strategic importance of the route I am inclined to conclude that the proposed development is premature pending a determination by the Planning Authority or the road authority of a final road layout for the Road.

7.1. Appropriate Assessment

- 7.1.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend permission be REFUSED for the following reason:

- 1 Having regard to Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in January, 2012, and to sections 4.138, 4.139 and 4.140 of the Cork City Development Plan 2022 – 2028, the Board considered that, as the site lies proximate to road reservation line for the Cork City Northern Transport Project (CCNTP) formerly the Cork North Ring Road (CNRR), as set out in the Cork Metropolitan Area Transport Strategy (CMATS) and the Cork City Development Plan 2022, the proposal would be premature in advance of the finalisation of the design. Accordingly, to grant permission for this proposal would risk compromising the future design, would fail to preserve the Route Protection Corridor, would materially contravene the development plan and would be contrary to the aforementioned Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gillian Kane

Senior Planning Inspector

22 September 2023