



An
Bord
Pleanála

Inspector's Report ABP-314905-22

Development	94 houses.
Location	Coolymurraghue, Upper Leemount, Kerry Pike, Co. Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2240976
Applicant(s)	O'Flynn Construction (Horlans)Ltd.,
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Philip McGinn Jim O'Mahony Eoin & Mary Walsh
Observer(s)	None
Date of Site Inspection	07/04/2023
Inspector	Gillian Kane

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1.0 Site Location and Description.

- 1.1.1. Kerry Pike is located approx., 4.5 km to the west of the northwestern outskirts of Cork City, 2 km to the south of Blarney, and 2.2 km to the east south-east of the centre of Model Village. The village on the L2779, Kerry Pike lies on land that is elevated above the River Shournagh Valley to the south. The R579 runs through the valley and it forms a junction with the L-2777 at Healy Bridge, which in turn provides a link to the Village.
- 1.1.2. The subject site, a greenfield of approx. 4.51ha is located at the junction (known as Monument Cross) of the L2779 and the L6848 (referred to as Leemount Terrace or Monument Cross Road). The L2779 / Kerry pike road forms the northern boundary of the site and the Monument Cross Road / Leemount Terrace forms the western boundary. The eastern boundary is approx. mid-field and is marked by hedgerow and a sparse tree line. The southern boundary of the site is marked by agricultural fencing.
- 1.1.3. The village is largely characterised by ribbon development to the north of Kerry Pike and new residential development occurring to the west and south-west of Leemount. The Clogheen / Kerry Pike national school and the Clonlara residential estate lie to the west of the site.
- 1.1.4. The subject site was in agricultural use on the date of the site visit. It rises, steeply from the Leemount / Monument Cross road to the east, with a ground level difference of approx. 10m between the low point at Monument Cross to the highest point along the eastern boundary.

2.0 Proposed Development

- 2.1.1. On the 29th March 2022, planning permission was sought for the construction of two commercial units (140sq.m. and 158sq.m.), a creche of 476sq.m., with 46 no. associated car parking spaces, public amenity areas, three vehicular entrances, pedestrian, 94 no. houses comprising, all on a site of 4.51ha
 - 7 no. four-bed detached dwellings
 - 5 no. three-bed detached dwellings
 - 19 no. four-bed semi-detached dwellings
 - 41 no. three-bed semi-detached dwellings

- 12 no. three-bed terraced dwellings
- 10 no. two-bed terraced dwellings

2.1.2. In addition to the requisite plans and drawings, the planning application was accompanied by the following:

- Planning statement
- Architectural Design Statement
- Landscape Masterplan
- Engineering Infrastructure report
- Construction Environmental Management Plan
- Traffic and Transport Assessment
- Public Lighting Design Report
- AA Screening Statement
- Verified Photomontages

2.1.3. Following the submission of FI, the proposed development was amended to comprise 96 no. dwellings with a density of 23.5 no. unit per ha.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 27th September 2022 the Planning Authority issued a notification of their intention to GRANT permission subject to 41 no. conditions. Conditions of note:

2: units permitted is 96 no.

6: revised plans showing re-orientation of named dwellings.

7: phasing plan

8: restrictions on use of commercial & retail units

24: pedestrian provision along Leemount Terrace

35: pedestrian crossing details

38: bus layby details

3.2. **Planning Authority Reports**

- 3.2.1. **Drainage Division:** No objection. Should permission be granted, Division are satisfied for applicant to liaise directly with Drainage to finalise details, discuss testing, monitoring, taking in charge as the project progresses.
- 3.2.2. **Housing:** FI required on Part V liability and clustering of units.
- 3.2.3. **Community Culture & Placemaking:** No objection subject to conditions.
- 3.2.4. **Archaeology Report:** No objection in principle, subject to condition.
- 3.2.5. **Traffic Regulation and Safety:** FI recommended on 8 no. matters.
- 3.2.6. **Infrastructure Development:** FI recommended: revised plans showing location of bus stop and drop down kerbs at site extents.
- 3.2.7. **Environment Report:** No objection in principle but further information required regarding the location of the central open space.
- 3.2.8. **Urban Roads & Street Design:** Further information required.
- 3.2.9. **Area Engineer:** Further information required regarding the provision of a new footpath for the length of the site on the western side of the L6848 (Clonlara side).
- 3.2.10. **Planning Report:** Principle of development is acceptable. Proposed development needs to be revised to address concerns of the City Architect. Further information required on design / layout, parks, phasing, part V, infrastructure, traffic, drainage, urban roads & street design and new footpath.
- 3.2.11. **Senior Executive Planner:** agrees with the recommendation to seek FI.

3.3. **Prescribed Bodies**

- 3.3.1. **Inland Fisheries Ireland:** Appears it is proposed to dispose of effluent to the public sewer. IFI ask that Irish Water signifies that there is sufficient capacity to ensure existing treatment facilities are not overloaded either hydraulically or organically, or result in polluting matters entering waters.
- 3.3.2. **TII:** Relies on the Planning Authority to abide by DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, subject to the following:
Proposed development is located in a future national road scheme study area. Planning Authority should consult with local Road Design Office. TII will not entertain future claims from impacts.

3.4. Third Party Observations

3.4.1. A number of third-party submissions on the proposed development raised the following areas of concern:

- Traffic, Bus routes, Footpath, Cycles lanes, Modal split, Baseline traffic data,
- Height of houses and overlooking
- Infrastructure, SuDS, water supply,
- LAP
- Need for creche & retail unit to be developed first.

3.5. Request for FI

3.5.1. On the 23rd May 2022, the applicant was invited to address the following issues:

- 1 re-location of commercial buildings to the northern end of the site, landscaping bands to form the edge of the development and an entrance to the village, photomontages, reconsideration of the central spine road, division of the site into character areas, landscaping plan, proposal to have single storey dwellings facing Clogheen Road should be re-considered.
- 2 incorporation of Recreation and Amenity Policy approach to neighbourhood / play areas, section through proposed open space area 1
- 3 phasing plan
- 4 part V details
- 5 revised plans showing safe location for proposed bus stop and drop down kerbs at site extents
- 6 review of Modal Shift in line with BusConnects proposals, details of the proposed signalised pedestrian crossing, removal of junction 4 and a Road Safety Audit, public lighting proposals, details of all car and cycle parking
- 7 drainage: details of green roofs, location and details of SuDS measures,
- 8 DMURS compliance
- 9 Proposals for a new footpath for the length of the site on the western side of the L6848

3.5.2. The submission of significant FI was re-advertised and a response to the request was received by the Planning Authority in August 2022. The proposal was amended to comprise:

- 32 no. four-bed semi-detached
- 36 no. three-bed semi-detached
- 12 no. three-bed terraced
- 10 no. two-bed terraced
- 2 no. single storey three-bed semi-detached and
- 4 no. single storey three-bed detached dwellings.

3.6. Reports on File following submission of FI

- 3.6.1. **Housing:** Part V proposal is acceptable.
- 3.6.2. **Urban Roads & Street Design :** No objection subject to conditions.
- 3.6.3. **Drainage:** No objection subject to conditions.
- 3.6.4. **Traffic Regulation & Safety:** No objection subject to conditions.
- 3.6.5. **Environment:** No objection.
- 3.6.6. **Area Engineer:** No objection subject to conditions.
- 3.6.7. **Planning Policy:** These lands are zoned Tier 2 new residential in the 2022 Cork City Development Pan. The lands have been identified in the City Capacity Study as an underutilised site and this does not undermine the City Growth strategy. Revised proposal is considered satisfactory.
- 3.6.8. **Planning:** Notes that the scheme has been amended to include two additional houses, to bring the total to 96 no. units. Notes that the new Cork City Development Plan 2022 was adopted in the interim. Kerry Pike is identified as a hinterland settlement. Notes that while the revisions proposed are acceptable, the density is below target standards. Notes that the phasing plan is acceptable. The planner notes that the Infrastructure Unit of Cork City Council have no further comments, that this was “recorded on Odyssey, not on idocs”. Notes the internal reports stating no objections. Concludes that the response to the further information request is satisfactory and that a grant of permission is recommended. **The Board will note that the planning report contains an extract of a report stated to be from Irish Water.** This report has been requested from the Planning Authority but has not been received.
- 3.6.9. **Acting SEP:** Agrees with the conclusion of the EP planners report and recommends that permission be granted. Notes an amendment to the condition relating to the

proposed commercial and retail units to allow the use to be agreed prior to occupation.

3.6.10. **Third-party submissions** following FI: notes the revised proposal, concerns regarding traffic & entrances remain.

3.6.11. **TII** report following FI: position remains as first submission.

4.0 Planning History

4.1.1. **PL04.125696**: Permission for a development of 65 no. dwellings refused for the following reasons:

1. Development of the kind proposed would be premature by reference to a deficiency in the provision of public sewerage facilities and the period within which the constraint involved may reasonably be expected to cease.
2. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the proposal to discharge treated effluent to the stream would not cause pollution. The proposed development would, therefore, be prejudicial to public health.
3. The site of the proposed development is located on a minor road, which is substandard in terms of width and alignment, lacks public footpaths and whose junction with the main road, through Kerry Pike, is seriously substandard in terms of restricted sightlines in an easterly direction. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.
4. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the stream to which it is proposed to discharge surface water has adequate capacity to service this surface water discharge and that the proposed development would not exacerbate flooding problems in the area.
5. The proposed development would be contrary to the stated objective of the current development plan for the area to require a 10 metre wide forest plantation buffer along the eastern boundary of the site as required at Section 5.5.17 in accordance with paragraph 5.64. The proposal to provide a belt of screen planting only five metres wide would seriously injure the visual

amenities of this green belt area. The proposed development would, therefore, be contrary to the proper planning and development of the area.

- 4.1.2. **PA reg. ref. 06/11138:** Permission for 47 no. dwellings refused on the grounds of Cork Northern Ring Road Scheme route corridor and proposal constituting over development of the site.

5.0 Policy Context

5.1. Project Ireland 2040: National Planning Framework

- 5.1.1. National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

- 5.1.2. Of relevance to the subject application are the following:

- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
- **National Policy Objective 5:** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.

- **National Policy Objective 27:** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- **National Policy 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.

5.2. Cork City Development Plan 2022-2028

- 5.2.1. The site is located on lands subject to zoning objective ZO 2- New Residential Neighbourhoods, the objective of which is to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure. Lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy
- 5.2.2. Relevant to this application for residential development, the following may apply:
- Chapter 2 Core Strategy
- Chapter 3 Delivering Homes and Communities
- Chapter 4 Transport and Mobility
- Chapter 10 Key Growth Areas & Neighbourhood Development Sites
- Chapter 11 Placemaking and Managing Development
- 5.2.3. Kerry Pike is designated as a City Hinterland Settlement in the Cork City 2040 Concept Plan. **Objective 2.35:** Development in Hinterland Settlements Development in the city hinterland settlements shall be managed through the delivery of scaled community, housing and local employment development in the settlements of Killeens, Upper Glanmire and Kerry Pike.
- 5.2.4. **Section 3.52** Cork City Council will seek to accommodate urban generated rural housing within the Urban Towns and Hinterland Settlements (Kerry Pike, Killeens and Upper Glanmire), which provide the necessary infrastructure and services to support housing.

- 5.2.5. Within Chapter 10 of the development plan, section 20 refers to Kerry Pike. Section 10.341 states that the existing population of the village is 496 people in 177 no. households. New development over the Plan period should not exceed 10% of the existing village population.
- 5.2.6. **Objective 10.96:** a) To limit the development of residential developments in the hinterland settlements of Kerry Pike and Killeens to no more than 10% population growth over the lifetime of the Plan. Any further residential proposals must set out how developments will tie into the village and provide adequate pedestrian and cycling linkages to the village. Development in Upper Glanmire will be in accordance with the Core Strategy. b) Within the village development boundaries housing development must meet criteria, listed (I) to (XII).
- (i) The number of houses in any particular individual scheme should have regard to the scale and character of the existing village.
 - (ii) Subject to Objective 9.2 and 9.3, in the absence of a public wastewater treatment plant, only the development of individual dwelling units served by individual treatment systems will be considered subject to normal planning considerations. Any new dwellings with individual wastewater treatment must make provision for the connection to the public system in future and have a sustainable properly maintained private water system, unless a public supply is available. Such proposals will be assessed in line with the appropriate EPA code of practice and will have regard to any cumulative impacts on water quality.
 - (iii) Encourage new development to be designed to ensure that water resources and the natural environment are protected. Protection and enhancement of biodiversity resources within the receiving environment of the villages is also to be encouraged. Development will only be permitted where it is shown that it is compatible with the protection of sites, designated or proposed to be designated, for the protection of natural heritage.
 - (iv) Where possible, all development should be connected to the public water supply, the public waste water treatment system and make adequate provisions for storm water storage and disposal. (See Chapter 9 Environmental Infrastructure).

- (v) Development within the core of the villages shall be designed to a high standard and reinforce the character of the existing streetscape. Where appropriate development should be in the form of small terraced development courtyard schemes.
- (vi) Residential development in other areas shall provide for small groups of houses, detached housing, serviced sites or self-build options.
- (vii) Retail and local services development should be accommodated within the core of the village and should make adequate provision for off street parking.
- (viii) The development of lands closest to the village centre is proposed in the first instance, and the development of good pedestrian and amenity links with the village core/main street are considered to be an important part of any proposed scheme.
- (ix) Extend footpaths and public lighting to serve the wider village and where practical, to provide for the under- grounding of utilities.
- (x) Roadside development within the villages should be sited and designed to ensure that the development potential of backland sites is not compromised and that suitable vehicular and pedestrian access to these lands is retained.
- (xi) Encourage additional retail and community services within the village to coincide with the needs of any future growth.
- (xii) Any proposals for development within areas identified as being at risk of flooding will need to comply with the provisions of the Ministerial Guidelines – ‘The Planning System and Flood Risk Management’.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or directly adjacent to any Natura 2000 sites. There is a designated site located approx. 9.5 km to the east, Cork Harbour SPA (site code 004030).

5.4. EIA Screening

- 5.4.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2

hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1.1. Three third-party appeals against the decision of the Planning Authority to grant permission have been submitted to the Board. They can be summarised as follows:

6.2. Ground of Appeal Clogheen / Kerry Pike Community Association

6.2.1. *The Board will note, it appears that a page is missing from this appeal.*

- The 2017 Kerry Pike LAP was based on 174 no. houses. Section 5.2.23 says that new development should not exceed 30 no. units in ten years due to lack of infrastructure.
- Since then 183 no. new houses have been built, a further 44 no. have commenced, a total of 227 no. new houses.
- Should all these new developments proceed, an additional 416 no. houses will be built compared to the 2017 LAP recommendation of 30 until 2027.
- The 2022-2028 development plan, section 10.341 states the existing number of as 177no. The existing number is c.357 excluding one-off houses. The new plan provides for no more than a 10% increase in the existing village population.
- Section 10.342 requires infrastructural improvements to be made to allow the village to develop sustainably. The road network must be upgraded for pedestrians and cyclists. The development of a mix of uses is needed.
- The 44 no. new houses currently under construction will more than double the targeted growth strategy in the core strategy of the 2022 city development plan for Kerry Pike
- If all these developments go ahead, the idea of a 15-minute city proposed in the development plan will not be viable.
- There is no continuous footpath from one side of the village to the other. Residents cannot walk between their homes and village amenities.

- There are no retail, creche or ECCE services
- There is no bus service to Kerry Pike. The proposed 120m BusConnect service to Cork is delayed indefinitely.
- There are no cycle lanes.
- The water supply is fragile.
- The roads and road surfaces are unable to deal with exiting traffic.
- Kerry Pike is completely car dependant. 189 no. new houses that will also be car dependant is not sensible given the climate crisis.
- There are no facilities for children
- The population of Kerry Pike is set to triple, with no material increase in infrastructure. This is not sustainable development.
- The community is not opposed to development, only development that occurs before the required increase in infrastructure.
- The proposed development is contrary to the development plan and is contrary to the proper planning and sustainable development of the area.

6.3. Grounds of Appeal Philip McGinn, Lislea, Kerry Pike

- The junction of Bawnaffiny Road and Upper Leemount is dangerous
- There are 144 no. houses, 288 no. cars and 288 no. residents. The proposed new development will have 96 no. houses, 192 no. cars and 192 no. residents, traffic from the commercial unit and creche, traffic from the western side of the village and all new development from that side, 3 no. exits – all along 180m of 5.5m road, 2 no. bus stops and 2 no. pedestrian crossings and a school.
- No plans to widen the two very narrow roads. Proposed BusConnects in the city and Ballincollig which will widen the roads is causing concern. It would make sense to widen the roads before these houses are built, to avoid such grief in the future.
- The Part V housing is still in a cluster despite a request to ‘pepper pot’ it.

- The rationale for having three exits on Upper Leemount Terrace Road was not explained.
- The traffic survey during covid and school holidays provides misleading results.

6.4. **Grounds of Appeal Eoin & Mary Walshe, Kerry Pike**

- Major traffic congestion through the village from the western side, while travelling to Cork City especially from 07.30 to 09.30.
- It is impossible to access Leemount Terrace with traffic backed up from the junction of the Lee Road all the way to the Monument.
- The proposed development has one entrance / exit to the commercial site and one entrance / exit to the residential part, both off Leemount Terrace.
- The commercial entrance serving two units, one retail unit and a creche for 75 no. is 100m from the extremely busy and dangerous Bawnaffiny Road. The extra 300 no. cars a day will be added to an already overcrowded road.
- The busy 8-room National School has little on-site parking is below the Bawnaffiny junction. Most drop-offs occur on the side of the road, a highly dangerous situation before any further traffic is added.
- A further 400 no. cars would create traffic chaos.
- The three-quarter mile road from the Monument junction to the Lee Road hits a T-junction where it merges with the Curraghkippane Road, then 200 yards later meets a Y junction where it merges with the Lee Road. With the recent upgrade of the Curraghkippane Road from Mackeys Cross to the bottom of Morgans Hill, all north bound traffic going to the City is now using this road, making it harder to exit Leemount Terrace.
- The traffic from the 200 no. houses between Tower and Cloghroe will go through Kerry Pike adding to the traffic.
- The village is set to double in size, with no improvement in facilities. Some houses, within three miles of the city boundary have no public sewer.

6.5. First Party Response to Third-party Appeals

6.5.1. The first party responded to the third party appeals. The submission provides details of the site, the proposed development and context, and planning policy provisions. The response to the grounds of appeal can be summarised as follows:

- Land is zoned and serviceable within a designate settlement area, within Cork city.
- Applicant is happy to comply with the conditions imposed by the Planning Authority and any attached by the Board.
- The proposed development complies with national policy for housing in terms of Housing For All. The proposed development will support the targeted population growth of the Cork Metropolitan area.
- The site is contiguous to the established built-up area of the designated settlement of Cork City. The proposed development is entirely in accordance with national regional and local planning policy, representing a sustainable approach to development.
- The strategic importance of developing zoned lands is reflected in previous grants of permission within the settlement and within the vicinity of the site.
- The proposed development is located on existing and proposed bus routes and a primary cycle route. The proposed development will contribute to achieving a critical mass of development in the local area that will justify the timely delivery of sustainable transport initiatives.
- There is an urgent need for high quality residential accommodation in the Cork Metropolitan area. The proposed development represents a successful balance between the provision of high-quality living accommodation and the reasonable protection of amenities and privacy of adjoining dwellings and the protection of the established character of the area.
- The development proposal was informed by the 2022 Cork City Development Plan. The proposed development will strengthen and consolidate the village core and result in good placemaking, all in line with national, regional and local planning policy.

- The appeals demonstrate a frustration with infrastructure provision in the area, not the specific development. This is not borne out by the submissions and reports of Irish Water, and the infrastructure, traffic and engineering departments of Cork City Council. It is therefore demonstrably not the case that the infrastructure in the village cannot support the proposed development.
- The Planning Authority acknowledge that the proposed development will bring significant benefits in terms of new infrastructure, additional community services and facilities. The proposed development will create a village centre.
- The Planning Authority raised no concerns regarding traffic hazard. Traffic calming measures and connectivity proposals specifically address the potential for hazard and safety concerns.
- The conditioned measures such as footpath along Leemount, new pedestrian crossing with associated junction improvements and new bus stop will benefit the village as a whole. The Planning Authority's area engineer, traffic & urban roads and street reports had no objection.
- There is no evidential basis upon which the proposal would warrant a refusal of permission on these grounds. (Appendix A)
- The site will be connected by both BusConnects and CycleConnects, in line with the Cork Metropolitan Area Transport Strategy. The development has a bus stop bay and shelter and includes a 2m wide bicycle path along the site road frontage to the north and west. The site is in close proximity to the village national school, creche and sports grounds.
- Cork city council are undertaking a major active travel investment programme, funded by the NTA. Together with proposed development, these will bring considerable improvements to the village.
- Irish Water have confirmed that the lands can be serviced (appendix C).
- The Applicants engineering consultants (Appendix B) demonstrates that there is no evidential basis for refusing permission.

- From the perspective of scale, phasing and density, the Planning Authority found that the proposed development accords with both local and national policy provisions.
- The subject site is one of the last remaining large development sites in the village. The comprehensive redevelopment is a better approach than piecemeal multiple proposals.
- The development plan is clear that there are no specific limits to development in the village. Objective 10.96 provides that residential development over 10% population growth of a village must “set out how developments will tie into the village and provide adequate pedestrian and cycle linkages to the village. The subject proposal has demonstrated this and the Planning Authority are satisfied with this compliance.
- The draft updated Development Plan Guidelines for Planning Authorities recommends against the application of a single standard density across a whole county or settlement area.
- The Board is requested to grant permission.
- **Appendix A: Traffic & Transport:** The traffic modelling carried out, following agreement with the Planning Authority, demonstrated that there is ample spare capacity (+60% on Junction 1: Bawnafinny Road / Leemount Cross) on the surrounding roads network to accommodate the proposed development. There is no public bus service or cycle provision, as reflected in the low modal shift pattern evident in 2016. A future year allowance of 30% was proposed for traffic calculations. If future increase was zero, this would not impact on the capacity of Junction 1. Traffic generated by the employment centres in Cork will lead to additional loading during peak times. The Councils infrastructure directorate have identified Kerry Pike as a priority for investment. Construction will begin in Autumn 2023, with a design for pedestrian footpaths and pedestrian crossings throughout the village. The proposed scheme will contribute to the viability of public transport provision.
- **Appendix B Services Engineering:** Irish Water have confirmed that the proposed water and wastewater connected can be facilitated. Irish Water have

stated that it will be necessary to upgrade the Clogheen reservoir. IW received permission for this development 203796 and the project is out to tender with completion by Q2 2023. A section of the watermain will have to be upgraded to facilitate the additional demand. Additional upgrades are likely to be less than those already carried out by the applicant when developing Clonlara. The applicant will commit to undertaking these works. If necessary, the applicant will commit to upgrade the wastewater pumping station.

- **Appendix C:** Irish Water Correspondence
- **Appendix D:** Connectivity map.

6.6. **Planning Authority Response**

6.6.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Traffic
- Infrastructure
- Appropriate Assessment

7.2. **Principle of the Proposed Development**

7.2.1. The subject site is zoned for new residential development. The development plan notes that ZO2 zones are primarily greenfield, undeveloped lands for new sustainable residential areas. Development in this zone, while primarily residential, must provide an appropriate mix of housing types and tenures along with the amenity, social, community and physical infrastructure required to promote compact growth, balanced communities and sustainable, liveable communities. I am satisfied that the residential and mixed commercial / retail uses proposed as part of this application are suitable and acceptable within the Z 02 zoning.

- 7.2.2. The appellants raise a concern that the development plan does not provide for development of the population of Kerry Pike by greater than 10% (Objective 10.96 refers), noting that the proposed development in conjunction with other permitted development in the village will far exceed that. I note Objective 10.96 provides, however, that “Any further residential proposals must set out how developments will tie into the village and provide adequate pedestrian and cycling linkages to the village” and that development within a village development boundary must meet criteria, listed (I) to (XII).
- 7.2.3. Assessing the proposed development against those criteria, I note that the proposed development at 96 no. houses (after the submission of FI), in combination with the other permitted and under construction development in the Kerry Pike area exceeds the 10% threshold provided for under Objective 10.96. Regarding the listed criteria under the Objective, I am satisfied that the proposed development has regard to the scale and character of the existing village (i), has access to a public wastewater treatment plant (ii), is compatible with the protection of sites, designated or proposed to be designated, for the protection of natural heritage (iii), will be connected to the public water supply the public waste water treatment system and make adequate provisions for storm water storage and disposal (iv), will be of a high standard that will reinforces the character of the existing streetscape (v), provides for small groups of houses (vi), provides for a contained commercial centre at the Monument Cross Roads, with adequate provision for off street parking (vii), provides good pedestrian and amenity links with the village (viii), provides for public utilities (ix), does not compromise backland sites (x), will encourage additional retail and community services within the village to coincide with the needs of any future growth (xi) and is not identified as being at risk of flooding (xiii).
- 7.2.4. I am satisfied that the proposed development is in keeping with the zoning objective of the site and the core strategy and housing settlement of the development plan.

7.3. **Traffic**

- 7.3.1. All of the appellants raise the issue of traffic generated by the proposed development, that the existing road network will be unable to cope and that existing dwellings in the village will be subject to traffic hazard.

- 7.3.2. The Planning Authority commented on the TTA submitted with the application stating that they considered a modal shift of 11.5% to sustainable transport by 2024 to be unlikely, given that BusConnects service to Kerry Pike is two-hourly. Following a request for further information, the applicant responded to the query, noting that the identified key junctions show ample spare capacity up to and including the design year 2039, of up to 60%. The response states that reducing the modal shift to zero would still not result in there being a capacity issue.
- 7.3.3. The issue of traffic is not simply capacity however. Should BusConnects not go ahead, or be delayed, the proposed development would generate a significant amount of car-based traffic. Notwithstanding that the road can absorb the traffic, the question should be asked if creating the traffic in the first place is sustainable.
- 7.3.4. I note the creation of some services within the development (retail units, creche) with direct pedestrian access from within the development and the relocation of those units to the northern corner of the site, creating a focal point at the crossroads in the village. I further note the provision of a footpath on the perimeter of the site and the installation of a signalised crossing. When BusConnects and CycleConnects create a viable link to the city centre, the modal shift to more sustainable transport will also benefit the existing developments.
- 7.3.5. I am satisfied that the proposed development will not cause a traffic hazard, that the existing road network has sufficient capacity to accommodate traffic generated by the proposed development and that the integrated transport system proposed in the city development plan and the Cork Metropolitan Area Transport Strategy can be realised.

7.4. Infrastructure

- 7.4.1. The applicant has indicated their willingness to upgrade the water and wastewater systems service the village, in conjunction with Irish Water.

7.5. Appropriate Assessment

- 7.5.1. The subject site is located approximately 10 kilometres west of Cork Harbour SPA (Site Code. 004030). Having regard to the nature and scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that

the proposed development would 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 GRANTED for the following reasons and considerations and subject to the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the zoning objective of the site in the Cork City Development Plan 2022-2028, to the design and scale of the proposed development, to the infill nature of the site, and to the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would be acceptable in terms of traffic safety and convenience, would not endanger public health, and would comply with the relevant provisions of the Cork City Development Plan 2022-2028, the National Planning Framework, and the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 31st day of August 2022 and by the plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	Reason: In the interest of clarity.
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity</p>
3.	<p>Details of the general appearance of finishes to the commercial building, including details of signage, shuttering (which shall be internalised) and lighting shall be submitted to and agreed with the planning authority prior to the commencement of development. No other advertisement or advertisement structure including poster signs or flagpoles shall be erected or displayed on the building, within the site's curtilage or along the roadside unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity. In order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area</p>
4.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
5.	<p>Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p>

	<p>Reason: In the interest of urban legibility.</p>
6.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
7.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall coordinate with the Drainage Department of the Council during the detailed design and construction of the development.</p>

	<p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of public health and surface water management.</p>
8.	<p>(a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces shall be agreed in writing with the planning authority prior to the commencement of development on the site.</p> <p>Reason: In the interest of residential and visual amenity.</p>
9.	<p>All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:</p> <p>(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.</p> <p>(b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.</p> <p>Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.</p> <p>No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.</p> <p>Reason: To prevent damage to the root systems of trees and in the interest of visual amenity.</p>
10.	<p>All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be</p>

	<p>maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.</p> <p>Reason: In the interest of visual amenity.</p>
11.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents / occupants / staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
12.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
13.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of</p>

	<p>commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
14.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>a) Location of the site and materials compounds including areas identified for the storage of construction refuse.</p> <p>b) Location of areas for construction site offices and staff facilities.</p> <p>c) Details of site security fencing and hoardings.</p> <p>d) Details of on-site car parking facilities for site workers during construction.</p> <p>e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.</p> <p>f) Measures to obviate queuing of construction traffic on the adjoining road network.</p> <p>g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.</p> <p>h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.</p> <p>i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.</p>

	<p>j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.</p> <p>k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.</p> <p>l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
15.	<p>Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.</p> <p>Reason: In the interest of sustainable waste management.</p>
16.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an</p>

	<p>agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the</p>

<p>planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

19 June 2023