



An  
Bord  
Pleanála

## Inspector's Report ABP-320810-24

<b>Development</b>	Construction of 95 residential units and all associated site works. Access will be provided onto the Cork Road.
<b>Location</b>	Knockbrogan, Bandon, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	245216
<b>Applicant(s)</b>	Castle Rock Homes (Midleton) Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Castle Rock Homes (Midleton) Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> December 2024
<b>Inspector</b>	Matthew McRedmond

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## 1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Knockbrogan, Bandon, Co. Cork. The site is approximately 3.53 hectares in area and is located to the northeast of Bandon town centre. The site is accessed via the Cork Road to the west and through the phase 1 development of these lands which is currently under construction (Ref. 21/4059 ABP Ref. 312689). There are residential developments to the north known as Ard na Chuillin and The Hawthorns, beyond a currently vacant portion of land that immediately bounds the site, which is currently the subject of a separate residential planning application for 77 units (Ref. 23/6540). The residential development of Radharc an Bhaile is located to the south. The topography of the area falls from north to south, with the subject site located in an elevated position above Radharc an Bhaile. The site is currently in agricultural use.

## 2.0 Proposed Development

- 2.1. The proposal comprises the construction of 95no. residential units and all associated site works. The following key details are noted:

Site Area	3.53ha (3 ha excluding the access road)
No of units	95 no.  1no. x 4-bed detached  14no. 4-bed semi-detached  36no. 3-bed semi-detached  18no. 3-bed end of terrace  26no. 2-bed mid terrace
Density	31.67 units/hectare
Car Parking Provision	164 spaces

Vehicular entrance	New entrances (2no.) from existing Phase 1 Development under construction (Ref. 21/4059, ABP 312689).
Usable Open Space	13.5% (stated) – 4,765m <sup>2</sup> in three separate amenity areas

### 3.0 Planning Authority Decision

#### 3.1. Decision

On the 20<sup>th</sup> August 2024, Cork County Council refused permission for the proposed development for the following 2no. reasons:

1. *The proposed development is sited on land in Bandon town zoned for residential development to which the zoning objective BD-R-03 applies, where the objective requires that the layout needs to make provision for pedestrian and cycleway links with existing adjoining residential areas and future links with the school campus. The Planning Authority considers that the site layout fails to appropriately provide for the required level of pedestrian and cycleway links through the site, fails to appropriately link with the permitted active travel infrastructure to the immediate west permitted under Planning Reg. No. 21/4059 and fails to appropriately facilitate future pedestrian and cycleway links to the school campus on the lands to which the objective BD-X-03 applies, endangering the public safety of pedestrians and cyclists, giving rise to conflicts with vehicular traffic and the proposed development would give rise to a traffic hazard. Furthermore, the provision of direct vehicular access for individual dwellings onto the main / spine road would constitute a traffic hazard, as it will put pedestrians and cyclists in direct conflict with vehicular traffic. The proposed development would materially contravene the zoning objective BD-R-03, conflict with the delivery of the educational campus on lands to the east to which BD-X-03 applies, endanger public safety by reason*

*of traffic hazard and would therefore, be contrary to the proper planning and sustainable development of the area.*

2. *The site forms part of a larger area of land zoned residential, where it is the objective of the Cork County Development Plan 2022 to provide Medium A Residential Development, where proposals for development are to include provision for an overall landscaping plan to assimilate the scheme into the hillside and should include for the retention of mature trees and boundaries. The Planning Authority considers that the proposed development by reason of the site layout and overall design approach, the siting of dwellings, the form and heights of the proposed dwelling units and their orientation, along with the minimum reduction in finished floor levels within this phase, will not assimilate appropriately into the hillside, would be overly bulky and visually obtrusive in the landscape, with the majority of dwellings sitting over the brow of the hillside when viewed from a number of viewpoints within the town and giving rise to a significantly more visually prominent phase of development from that permitted under Planning Reg. No. 21/4950, seriously detracting from the visual amenities of the area. Furthermore, the site layout provides for a substandard layout in areas of the scheme, would fail to provide a high-quality residential environment for future occupiers and would give rise to the amenities of future occupiers being unduly impacted by overlooking and visual obtrusiveness. The proposed development would, therefore, materially contravene the objective BD-R-03, would detract from the visual amenities of the area, would seriously impact on the residential amenities of future occupiers and would be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Local Authority Planner had regard to the locational context of the site, national and local planning policy context, the referral responses received, and any submissions made on the application. Their assessment included the following:

- Pre-Planning: A pre-planning meeting is noted in the Planning Officer's Report and notes there was concern from the Planning Authority in relation to overall site layout, dwelling design in context of site contours, access directly to northern side of link road, engineering led design proposal, steepness of access roads and masterplan required.
- Planning Officer's Assessment: The proposal is considered to accord with the principles of the zoning objective for the site.
- The proposed density is considered acceptable.
- Estates Engineering Department recommend refusal based on traffic hazard along the spine/link road. Area Engineer also recommends refusal on this issue with other details to be addressed including raised tables, autotracking, stormwater attenuation, pedestrian permeability and adequate car parking. Sustainable Transport Unit also require significant redesign and additional junction modelling. The planning authority are not in favour of direct access on to the proposed spine road.
- Amendments required to layout to enhance relationship with Radharc na Bhaile to the south. Relocation of units along southern boundary of site would enhance usability of the amenity walk. Units backing on to the public open space should be reviewed. Level differences between proposed units in phase 2 and permitted units in phase 1 should be reviewed by the applicant.
- Proposed heights of units 32-49 and 50-71, at 10.14m present a significant visual impact. Level differences between these dwellings is also a concern from a private amenity perspective.
- Proposed spur road to the north of units permitted in Phase 1 is a concern due to impact on usability of public open space. Landscape buffer required along the northern boundary of Phase 1 and proposed units in Phase 2 should not back on to this buffer.
- The height of the proposed units is a concern when added to the contour level differences between Phases 1 and 2. It is considered that the proposed development will not assimilate into the hill side.

- The proposed dwelling mix is considered appropriate by the Planning Authority.
- The proposed 13.5% of public open is within acceptable requirements, however there is a concern in relation to usability of the three amenity spaces proposed.
- The proposed landscape plan does not appropriately address the northern and southern boundaries and retention of existing hedgerows. Additional landscaping is required to mitigate visual impact, particularly to the south.
- Part V proposals are considered acceptable.
- The proposed Creche as submitted under application Ref. 24/5147 is considered acceptable to cater for Phases 1 and 2 of the proposed development.
- 2 car parking spaces per 3 and 4 bed unit are proposed and 1 space per 2-bed unit for a total of 164 car parking spaces. The Planning Authority Area Engineer requires additional spaces by way of 2 spaces per 2-bed units.
- Stage 2 Appropriate assessment is not required.
- Refusal of permission is recommended due to traffic hazard, visual impact and residential amenity issues.
- Senior Planners Report: The Senior Executive Planner's (SEP) Report on the application was supplemented by a report by the Planning Authority's Senior Planner (SP). Items of note from that report include the following:
  - Sets out context of site including under construction development of 59no. units to the west, application for 77 residential units to the north and land zoned for educational campus purposes to the east. Principle of development is acceptable in this regard.
  - Proposed Density comes within the Medium A density set out in Objective HOU-4-7. The housing mix is also satisfactory.
  - Matters raised at pre-planning have not been appropriately addressed. Layout is deficient in the provision of pedestrian and cycling infrastructure,



which will be required for adequate traffic safety and the development of 300+ residential units and educational campus on the wider lands.

- Elevated nature of site presents concerns with the proposed site layout put forward. SP supports the conclusions of the SEP and Senior Executive Architect in relation to the proposed layout being inappropriate at this site.
- There is a need for less engineered site layout where retaining walls are provided. Character areas and a defined street hierarchy are required.
- Level differences between proposed units 32-49 and units 50-71 have not been appropriately addressed with the 4-7m retaining wall not considered to be acceptable in terms of residential amenity or visual appearance.
- The proposed extension of cul de sac as granted under 21/4950, to access units 1 to 31 inclusive is considered to be contrary to the protection of open space at this location.
- The SP supports the conclusions of the SEP in relation to proposed building heights, relationship to the northern boundary and the visual impact of the proposal from the wider Bandon Town Environs.
- While the quantum of open space proposed is considered acceptable, the usability of the amenity areas is not appropriate due to site levels and rear of proposed dwellings backing on to these spaces, reducing passive surveillance and functionality.
- The proposed development would give rise to significant negative impacts on the Town Centre ACA as evidenced by the submitted views 1-4 in the Landscape and Visual Impact Assessment.
- Details of planting at northern and southern boundaries and maintenance of same will require clarification.
- The comments of the Area Engineer, Sustainable Travel Unit and Estates Engineer as discussed in the SEP report is noted and reiterated. Dwellings entering directly on to the central access road is not supported. Additional car parking is required for 2-bed units. Pedestrian and cycling connections are required as per the agreed road design through phase 2. Concern in

relation to usability of proposed walkways throughout the site including lighting along the walkway along the southern boundary and passive surveillance.

- The SP supports the SEP report in relation to AA (Stage 2 not required) and EIA (not required) conclusions.

### 3.2.2. Other Technical Reports

- Sustainable Travel Unit – Recommended deferral of a decision until information in relation to spine road configuration, Road Safety Audit details incorporation, additional traffic and junction and analysis and public lighting along the southern boundary is provided.
- Estates Engineer – No flood risk noted. Surrounding development context is set out and the provision of a footpath as part of Reg. Ref. 21/4059 (Condition 7) are detailed. The findings of the submitted TIA are summarised noting contribution to junction improvement works are necessary. Proposed gradients of internal roads of 6% and 8% are in excess of DMURS recommendations, which is 5%, to accommodate vulnerable road users. Car parking shortfall is noted. Detail of retaining wall topping should be confirmed. Landscaping and Surface Water design proposals are considered acceptable by the Estates Engineer. Recommends refusal of permission due to traffic hazard caused by vehicular and pedestrian conflict on the main access road, the multiplicity of entrances onto a busy link road which will connect to a future school campus and lack of pedestrian and cyclist facilities in accordance with Objective BD R-03.
- Area Engineer – Report advises that vehicular parking along the spine road of the proposed estate is not permissible. Cycle/footpath either side of the spine road is required by the planning authority. Insufficient car parking, for 2 bed units, and bicycle parking is shown on the proposed layout. Further details on storm water is required. Retaining wall structure should be to required standards with proposed V-mesh fencing on top of wall unacceptable. The Area Engineer overall recommended refusal due to traffic hazard posed by parking along the proposed spine road. If permission is granted, further information is requested in relation to a range of items including

footpaths/cyclepaths, gradients, raised tables, storm water and implementation of RSA measures.

- Senior Executive Architect – Recommends refusal of permission due to the proposed design providing insufficient quality of residential development including privacy and amenity for a people-centred, multi-generational community. There is a lack of place-making, way-finding, a proper street hierarchy, inadequate/usable open spaces due to gradients and poor connectivity with adjoining sites.
- County Archaeologist – Recommends further information is sought to provide further archaeological testing at the site including a geophysical survey and subsequently provide an updated archaeological assessment for the site.
- Conservation Officer – Recommended refusal based on the impacts on views from the Bandon Architectural Conservation Area and from within the curtilage of buildings on the record of Protected Structures.
- Ecology Section – Recommended further information in relation to landscaping and hedgerow clearance to include detailed specifications and native species to replace proposed invasive species.
- Housing Officer – 9no. 2-bed units proposed for Part V provision which is acceptable in principle. No objection to granting of permission
- Public Lighting Engineer – No objection to a grant of permission and recommends the inclusion of standard conditions.

### 3.3. Prescribed Bodies

**Inland Fisheries Ireland** – Request that Irish Water/Cork County Council are satisfied there is sufficient capacity to cater for treated effluent to be disposed from the site.

**Uisce Eireann** – Water and Wastewater connections are feasible, subject to upgrades including a 1km section of 250mm watermain upgrade. Wastewater is feasible without upgrades.

### 3.4. Third Party Observations

None on file.

## 4.0 Planning History

**Reg. Ref. 18/5043** – Application for 73 dwellings, partially including the subject site, was refused permission by Cork County Council due to the substandard layout and overall design proposed.

**Reg. Ref. 21/4059 (ABP Ref. 312689)** – Application for 65no. units and associated site works on a site located to the west of the subject site and which constitutes Phase 1 of the overall development of these lands. Permission was granted by Cork County Council. Condition 2 required the removal of 6no. units, reducing the overall number of units to 59. The Planning Authority Decision was appealed to an Bord Pleanála, who upheld the decision of Cork County Council.

**Reg. Ref. 24/5147** – Permission for the construction of a new single storey childcare facility to serve phase 1 and phase 2 of this development site. Currently at further information stage.

**Reg. Ref. 23/6540** – Application for the construction of 77no. dwellings and a creche on lands to the north of the subject site. This application is currently at further information stage.

## 5.0 Policy Context

### 5.1. National and Regional Planning Policy

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.

- 5.1.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:
- NPO 3 (c) aims to deliver at least 30% of all new homes targeted for settlements other than the five cities, to be within the existing built-up footprints.
  - NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
  - NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
  - NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- 5.1.3. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which require appropriate residential densities (no less than 30-50 units per hectare) in key towns with more than 5,000 population. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.
- 5.1.4. It is worth noting the National Planning Framework is currently undergoing a comprehensive review to reflect changing population and demographic projections for Ireland, which will necessitate revised housing targets countrywide. 50,500 new dwellings per annum are required to meet demand, scaling up to 60,000 homes in 2030.
- 5.1.5. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the strengthening of towns and villages and to enable enhanced roles for sub-regional settlements.

## **5.2. Rebuilding Ireland – Action Plan on Housing and Homelessness 2016**

- 5.2.1. This is a government initiative which identifies the critical need for accelerating housing supply.

## **5.3. National Biodiversity Action Plan (NBAP) 2023-2030**

5.3.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

#### 5.4. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

5.4.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach. Gradients of no more than 5% are recommended on streets where pedestrians are active. Steeper gradients may be required in hilly terrain, but mitigation measures should be provided.

#### 5.5. **Cork County Development Plan 2022-2028**

5.5.1. The Cork County Development Plan 2022-2028 is the relevant statutory plan that applies to the subject site. The Plan designates Bandon as a Main Town in the settlement typology.

5.5.2. **Objective CS 2-4: Greater Cork Ring Strategic Planning Area** states the following in relation to the Cork Ring, which Bandon forms part of:

*“b) Establish an appropriate balance in the spatial distribution of future population growth, in line with this Core Strategy, so that Bandon, Fermoy, Kinsale, Macroom and Youghal can accelerate their rate of growth and achieve a critical mass of population to enable them to maximise their potential to attract new investment in employment, services and public transport.”*

## **Zoning**

- 5.5.3. The appeal site has a land use zoning of ‘Residential’. The specific development objective (BD-R-03) for the site states:

*‘Medium A Residential Development. Development of this site should be accompanied by a Traffic Assessment illustrating how the site will connect to the proposed North Bandon Connectivity and Access Corridor (BD-U-02) and existing road networks in the vicinity. The layout also needs to make provision for pedestrian and cycleway links with existing adjoining residential areas and future links with the school campus. Proposals for this development are to include provision for an overall landscaping plan to assimilate the scheme into the hillside and should include retention of mature trees and boundaries’*

- 5.5.4. A minimum threshold of 30 units/ha is proposed for the Medium A Density category as per Government Guidelines. The category allows for the provision of apartments within the unit typology mix but it is not a requirement. This category is generally applicable to suburban and greenfield sites in larger towns >5,000 population and those planned to grow >5,000 population over the lifetime of the Plan. Bandon has a population of 8,196 as recorded in 2022.

- 5.5.5. Other policies of the Development plan of relevance to the subject appeal are as summarised as follows:

- PL 3-3, Delivering Quality and Inclusive Places: Seeks to be consistent with the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual. The objective aims to provide a sense of place and distinctiveness, prioritise walking, cycling and public transport and provide a good quality of life in terms of amenity and safety, and provide a good quality public realm and a clear urban structure.

- HOU – 4-6, Housing Mix: Aims to secure a mix of house types to meet the needs of all age groups and to require a statement of housing mix for all multi-unit applications.
- GI 14-6, Quality Provision of public open space: to promote the provision of high quality, accessible and suitably proportioned areas of open space and to link to existing areas to form a green network.
- GI 14-4, Recreation and Amenity: Seek opportunities to provide recreation and amenity facilities in new development, that are accessible to the whole community.
- BE 15-6, Biodiversity and New Development: Aims to protect and enhance biodiversity through development management and encouraging the retention and integration of existing trees, hedgerows and other features.
- TM 12-2-1, Active Travel: Deliver a high level of priority and permeability for walking and cycling and the provision of safe, convenient and enjoyable routes.
- TM 12-9, Parking: Provide for the appropriate delivery of car parking including ensuring that on street parking does not occupy unnecessary street frontage.

## **5.6. Natural Heritage Designations**

- 5.6.1. The site is not located within any designated site. The closest Natura 2000 site is the Courtmacsherry Estuary SAC (Site Code: 001230) which is located approximately 10km to the south of the site. The Courtmacsherry Bay SPA (Site Code: 004219) lies a similar distance, also to the south of the site.

## **5.7. EIA Screening**

I have had regard to the Environmental Impact Assessment Report (EIAR) screening statement submitted by the applicant and the determination of the Planning Authority in relation to EIAR requirements. Having regard to the nature of the proposed development comprising the development of 95 residential units, at the edge of an established urban area and where infrastructural services are available, there is no



real likelihood of significant effects on the environment arising from the proposed development. In relation to cumulative impacts 59no. units/dwellings were granted permission in Phase 1 to the west while an application for 77no. units to the north under Reg. Ref. 23/6540 is at further information stage. Between these three applications a total of 231 units are proposed or granted which would be significantly below the mandatory threshold. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See completed Form 1, 2 and 3 at Appendix 1.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The applicant has appealed against the decision made by Cork County Council to refuse permission for the proposed development.

The grounds of appeal can be summarised as follows:

- **General Context** - Pre-planning discussions had taken place on the initial proposal. Limited opportunities were available for additional meetings, in a timely manner, and the applicant proceeded to submit the application due to time constraints with construction ongoing on site.
- A further information request could have appropriately dealt with the reasons for refusal.
- A material contravention has not occurred in this instance as set out in reason for refusal no. 1.
- The steeply sloping terrain on this residential zoned site presents challenges for an appropriate design. The proposed design has sought to provide a balance between an appropriate density while also addressing the sites topography. The proposal seeks to integrate with the properties to the north and south, as well as the permitted development to the west, while minimising the extent of cut and fill across the site.
- The proposal would provide much needed housing supply for Bandon that is close to the Town Centre.

- The adjoining development permitted under Reg. Ref. 21/4059 (ABP Ref. 312689) was under the life of the previous development plan that allowed lower densities. The subject site requires a higher density that is more difficult to achieve on a steeply sloping site. The proposal put forward seeks to provide a suitable housing mix, without the need to introduce duplex units and also providing own door access and rear private gardens for all units.
- **Traffic Impact and Active Travel** – Contrary to reason for refusal no. 1, the subject proposal clearly makes provision for pedestrian and cycle links with existing and future development lands.
- The reference to spine road by the Planning authority is incorrect and has no grounding in modern design standards such as DMURS. The road in question is not a spine road or a through route as the vehicular access is for the residential development with no access for vehicles to the educational campus. Proposed traffic calming measures in Phases 1 and 2 indicate this site does not serve the purpose of a through route.
- The proposed scheme is typical of other large estate design where housing is accessed directly from the estate roads and provides a number of speed tables and crossing points to ensure traffic speeds will be low within the scheme.
- The 2-way cycle path of 3m in width and the footpath on either side of the road is adequate to provide for expected cycle traffic of less than 300 cycles per hour.
- The proposed development provides linkages to the north, south and east, contrary to points made by the Planning Authority that pedestrian and cycle links with adjoining residential areas are not provided. Proposed cycle paths within Phase 2 are designed in accordance with the National Cycle Manual 2023 to provide safe crossing and an uninterrupted two-way cycle facility.
- Further opportunities to explain the design rationale for redirecting the 2no. single lane cycle paths to a 2-way path were not afforded by the Planning Authority. The comments of the Area Engineer and the Active Travel/Traffic

Engineers are in contradiction with one claiming the scheme is a 'traffic safety hazard' and the other requiring increased parking numbers.

- The traffic analysis undertaken was based on the scoping similar to the application on lands to the north (ref. 23/6540) and additional analysis could have been carried out on foot of a further information request. Autotrack analysis was also undertaken and provided with the application to determine suitability of turning areas.
- The design changes suggested by the Council architect could not be achieved at this site due to topographical challenges and requirements for Part M pedestrian routes.
- A material contravention has not occurred. The site is zoned for residential development and is compliant in terms of density, provision of a traffic assessment, provision of pedestrian and cycleway links and a landscaping plan, having regard to wider objectives within the Development Plan.
- **Design and Visual Impact** – The appeal submits that the proposed layout responds to the topography of the site while incorporating natural features where possible.
- Any development of this site will lead to a visual impact in the wider area, with the scale and height proposed achieving a balance between appropriate density and minimising visual impact.
- The proposed design is not engineering led but is based on the developer's vision for affordable housing with a number of design iterations outlined in the architectural design statement and critical inputs from design engineers, landscape architects, traffic and ecology to make this proposal feasible.
- The proposed design is well laid out with comfortable routes, footpaths, grass margins and own door access for all units. This is contrary to the assertion of the Senior Executive Architect that the design lacks good internal estate accessibility to promote pedestrian and cycle permeability.
- Wayfinding is provided within the scheme through the main road from Phase 1 that directly leads through the site and can connect to future phases to the

east. The roads to the upper and lower areas of the site are clearly of a lower hierarchy due to road widths, surfacing and raised table junctions.

- Character areas are provided through various surface treatments, pedestrian routes through wooded areas and through level differences and stepped routes through planted zones.
- A network of open spaces is provided that seek to maintain existing hedgerow and trees where possible. The challenging site levels have been appropriately addressed to provide usable public open spaces that minimise the need for retaining wall structures.
- The open space network includes three amenity areas at various locations throughout the site that are all reasonably level, a woodland walkway with small timber play items along the southern boundary, woodland screening along the northwest of the site, and linkages to adjoining land parcels.
- Amenity Space 1 and 3 are centrally located and benefit from passive surveillance on three sides.
- From a landscape and visual impact perspective the evolving nature of the built environment in Bandon will allow the subject proposal to be absorbed into the urban area without significant impacts.

#### **Other Issues:**

- **Conservation:** The subject proposal is not within the curtilage of any protected structure or the ACA. Any development of this hillside site will be visible from the viewpoints referenced.
- **Archaeology:** An archaeological geophysical survey is provided with the appeal. No major archaeological anomalies were identified with principal anomalies reflecting past agricultural activity. The applicant would accept a condition for archaeological testing to determine if any pit anomalies contain items of archaeological interest.
- **Creche:** A separate application for a creche to cater for Phases 1 and 2 is currently at further information stage.

- **Appendix A:** A letter from the applicant is attached to the appeal and states the subject proposal complies with density and open space requirements and provides a suitable housing mix. Ineffective pre-planning process led to the application being submitted within tight timeframes, however the applicant did attempt to engage with the Planning Authority. No objections were made to the subject proposal and the demand for housing in Bandon is clear.
- **Appendix B:** A Geophysical report is attached at Appendix B that states the survey did not reveal any anomalies of obvious archaeological potential.

## 6.2. **Planning Authority Response**

None on file.

## 6.3. **Observations**

None on file.

## 6.4. **Further Responses**

None on file.

## 7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including the grounds of appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered can be assessed under the following headings:

- Traffic and Transport
- Design and Visual Impact
- Other Issues

### 7.2. **Traffic and Transport**

- 7.2.1. The Planning Authority reason for refusal No. 1 states that direct vehicular access on to the spine road through the proposed development would result in a traffic hazard

due to conflicts with pedestrians and cyclists. The lack of a suitable pedestrian and cycle connection will also impede the deliverability of the educational campus to the east under objective BD X-03, in the future. The Planning Authority concludes that the proposed development would materially contravene the residential objective BD R-03 and BD X-03 of the Cork County Development Plan 2022 due to the absence of appropriate pedestrian and cycle links.

- 7.2.2. The first party appeal provides that adequate pedestrian and cycling links are proposed within the scheme that link with surrounding areas. Furthermore, the appeal states that the reference to spine road is misplaced and this is not a through route as it does not provide onward vehicular access to the future educational campus. The road is instead referred to as a typical main estate road or a Local Street. Stated reasons are provided for the amalgamation of the two single lane cycle lanes into a two-way cycle lane, which is to minimise traffic safety risks to vulnerable road users, with a crossing designed to National Cycle Manual Standards 2023. The appeal also states that a defined street hierarchy is provided, which is defined by street widths, surfacing and raised tables.
- 7.2.3. I consider the subject site to consist of a challenging topography with level differences of almost 20m in places. The site is however zoned for residential development, and more specifically, medium density residential development. I accept that the subject proposal is consistent with the zoning objective for the site, given a density of approx. 32 units/ha is proposed, which falls within an acceptable density range of 30-50 units/ha. The key area of concern in the context of this appeal and in relation to reason for refusal no. 1, is if the proposed layout would result in an unacceptable traffic hazard and if appropriate pedestrian and cycle linkages are provided.

## **DMURS**

- 7.2.4. I refer to the Design Manual for Urban Roads and Streets (DMURS) and associated Urban Design Manual for guidance in relation to the proposed design and layout of the access road through the site. Also of relevance is the Compact Settlement Guidelines 2024, which supersede the Sustainable Residential Developments in Urban Areas- Guidelines for Planning Authorities, 2009.

7.2.5. Policy and Objective 4.1 of the Compact Settlement Guidelines requires that planning authorities implement the principles, approaches and standards set out in DMURS, as part of an integrated approach to quality urban design and placemaking. Section 4.4.1 of DMURS refers to carriageway conditions and widths and various street types are defined under these parameters. The following are categorised:

- Arterial and Link Streets should have preferred lane widths of between 3.0m and 3.25m, with the ultimate width being decided by the function and context of the street, numbers of large vehicles and access requirements/frequency of accesses.
- Local Street should have a lane width of 2.5-2.75m with a total width of 5-5.5m.
- Local Streets where a shared surface is provided should not exceed 4.8m.

7.2.6. I consider the central access road through the site to be defined as a Link Street. The proposed road width is 6m, which is consistent with the categorisation defined in DMURS. The main function of this street in this phase of the development, is to provide direct access to units 50-71 and access to the lower order road to the south, which provides access to proposed units 72-91. This street can provide onward access to later phases of residential development, on zoned land to the east, that is estimated to provide approximately 200 additional units. The appeal submits that onward vehicular access to the Education Campus will not be provided, while pedestrian and cycle connectivity can be facilitated. The design speed of this central link street is defined as 30km/h in the submitted Traffic and Transport Assessment (TTA).

7.2.7. I note the contents of the submitted DMURS compliance statement and quality audit including a stage 1/2 Road Safety Audit. I note a number of recommendations are included in the Quality Audit/Road Safety Audit, including raised tables at all vehicle junctions along the central Link street. Any proposed solutions within the boundary of the site can be implemented by way of condition attached to a grant of permission. I do not consider this will alter the overall design or layout of the proposed development.

7.2.8. Given the proposed Link Street is not a through road, with a design speed of 30km/h, the design features proposed including a signalised cycle crossing and raised tables

at vehicular junctions, I am satisfied that no significant traffic hazard will arise as a result of providing direct access to units 50-71 from the central Link Street.

- 7.2.9. The proposed road to serve the proposed dwellings to the north is 5.5m in width, which is consistent with Local Street design widths set out in DMURS. The proposed road to the south is 4.8m which can also be defined as a Local Street. I consider both of these streets to be of a lower order than the central, Link Street, and provide an appropriate street hierarchy that will allow legibility and wayfinding within the proposed scheme.

### **Access to the East**

- 7.2.10. Given the number and density of residential units proposed at the subject site, and that could potentially be provided in later phases, I would consider it inappropriate for this Link Street to provide a main vehicular access to the educational campus, through a solely residential area. While there is no proposal in place for the development of the education campus to the east under BD X-03 currently, it is clear there are more direct access points available to those lands from the public road to the east if required in the future. Pedestrian and cycle links to the wider area, including the future education campus, are welcomed in the context of promoting active travel.
- 7.2.11. Having regard to the proposed road widths, the central and direct nature of the link street through the middle of the site, the unambiguous turning points to reach lower order streets to the north and south, I consider there to be an adequate street hierarchy defined in the layout of the proposed scheme that is legible and appropriate for a residential development and which is consistent with Objective PL 3-3 of the Development Plan.

### **Cycle Infrastructure**

- 7.2.12. The application documents have set out the layout of the proposed cycle and pedestrian paths through the site. Phase 1 provided a cycle lane of 2m and a footpath of 2m either side of the main access/link street. Phase 2 (the subject appeal) proposed to divert the northern cycle lane to the south side of the link street



via a raised crossing, before amalgamating with the southern cycle lane in the form of a two way, 3m wide cycle path. Separate footpaths on the north and south side of the east-west link street are maintained in Phase 2.

- 7.2.13. The first party appeal submits that the proposed cycle facilities are in accordance with the National Cycle Design Manual by providing a 3m wide two-way cycle path and a crossing design that is consistent with established design parameters where separate cycle lanes are merged into a two-way cycle lane. The appeal also submits that less than 300 cycle trips per hour will use this link, and therefore the design is appropriate in this context. It is also submitted that by moving the cycle lane to the south side of the road, only 2no. access points are crossed, compared to the 20+ on the northside of the proposed road.
- 7.2.14. Based on the number of units and connections to the wider area, I consider the indicated number of cycle trips of less than 300 per hour along this link to be a fair assumption and therefore the 3m, two-way cycle path is appropriate in the context of National Cycle Manual design standards. The proposed cycle crossing facility is signalised and is identified as suitable in the Cycle Manual in areas of speed limits up to 60km/h. The identified conditions at the subject site, where a one-way cycle track transitions to a two-way cycle track or vice versa, is an appropriate location for the design proposal put forward. I consider the potential for conflicts between cyclists and vehicles would be reduced by moving the cycle lane to the south side of the road. This is based on the number of crossing points on either side of the Link Street.
- 7.2.15. Due to walking speeds compared with cycling speeds, I do not quantify the level of risk to be as high for pedestrians along this link. The provision of a cycle path along the north side of two amenity spaces will also provide a more cycle friendly and quality environment for future residents, with enhanced vistas that will provide a sense of place and promote future use.
- 7.2.16. Having regard to the proposed number of vehicles using this street, the low design speed, the proposed cycle crossing facility in accordance with cycle manual standards, and the two-way cycle lane proposed as designed to Cycle Manual standards, I consider the subject proposal to provide adequate road safety measures to allow pedestrians, cyclists and vehicular traffic to operate in tandem within the

proposed development. I consider this proposal to be in accordance with County Development Plan Objectives PL 3-3 and TM 12-2-1 as it provides a quality, convenient, safe and permeable route through the site for cyclists to connect to the wider area in the immediate and long-term future. A suitable condition can be included to ensure cycle facilities are provided in line with appropriate design standards.

### **Material Contravention**

- 7.2.17. Reason for refusal no. 1 refers to the subject proposal being a material contravention of Objective BD-R-03 and BD-X-03. BD-R-03 states the following:

#### *Medium A Residential Development*

*Development of this site should be accompanied by a Traffic Assessment illustrating how the site will connect to the proposed North Bandon Connectivity and Access Corridor (BD-U-02) and existing road networks in the vicinity. The layout also needs to make provision for pedestrian and cycleway links with existing adjoining residential areas and future links with the school campus. Proposals for this development are to include provision for an overall landscaping plan to assimilate the scheme into the hillside and should include retention of mature trees and boundaries.*

- 7.2.18. Objective BD X-03 states the following:

*Knockbrogan Expansion Area Provision of 6.1ha Education Campus including 1 primary school and 1 secondary school.*

*Development of this site should be accompanied by a Traffic Assessment illustrating how the site will connect to the proposed North Bandon Connectivity and Access Corridor (BD-U-02), BD-R-03 and existing road networks in the vicinity. The layout also needs to make provision for pedestrian and cycleway links with existing adjoining residential areas including BD-R-03. Proposals for this development are to include provision for an overall landscaping plan to assimilate the scheme into the hillside and should include retention of mature trees and boundaries.*

- 7.2.19. I shall consider both of these objectives together and assess the subject proposal against both concurrently below.

7.2.20. The subject proposal of 32 units/ha is within the recommended density range for medium density sites in Bandon, as set out in the County Development Plan and referenced already in this report. I note the BD-R-03 zoned land is larger than the appeal site and therefore direct connection to the future Bandon Connectivity and Access corridor, indicatively located approximately 0.5km to the north, cannot be provided directly from the subject site. A Traffic and Transport Assessment was submitted with the application that illustrates the proposed access strategy for the site with connections to the future Bandon Connectivity and Access Corridor via the Old Cork Road to the west and future connections that are facilitated to adjoining lands outside the applicant's ownership. As set out in the sections above, I consider there to be adequate pedestrian and cycle links with existing residential areas to the west and potential for future connections to the school campus in the future. Proposed pedestrian connections to lands to the north, which is the subject of a separate application for residential development, are also provided.

7.2.21. I consider the Landscape Plan submitted by the applicant provides details in relation to assimilation of the scheme into the hillside. Notable and significant retaining walls of between 0.5-7m in height are proposed at various locations within the scheme. I believe these structures to be necessary to accommodate an appropriate development of this residential zoned site, with some located to the rear of proposed dwellings and therefore hidden from general view, and I am satisfied that the proposed landscape plan has made genuine efforts to provide screen planting to any exposed walls, particularly along the southern boundary where existing trees and hedgerow are retained, and additional planting is proposed. Additionally, I note existing hedgerows to the northwest are proposed for retention, which is consistent with Objective BE 15-6 of the County Development Plan. Further discussion on retaining walls and proposed landscaping of the site is provided in the following section 7.3.

7.2.22. Based on the information submitted, and the specific requirements of Objective BD-R-03 and BD X-03, as well as the compliance of the proposed scheme with Objectives PL 3-3 and TM 12-2-1 as set out above, I am satisfied that a material contravention does not occur in this instance.

7.2.23. However, as the Planning Authority has refused permission on the grounds of material contravention, I consider Section 37(b) of the Planning and Development Act 2000 (as amended) may apply. Section 37 (b) states as follows:

*(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—*

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

7.2.24. I refer to the Action Plan for Housing that identifies the critical need for accelerating housing supply and National Strategic Outcome No. 1 for 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority. Section 3.3.3 of the Compact Settlement Guidelines, which were published after the Cork County Development Plan came into effect, relates to Key Towns above 5,000 population. The following is stated:

*"The key priorities for the growth of Key Towns and Large Towns in order of priority are to:*

- (a) plan for an integrated and connected settlement overall, avoiding the displacement of development generated by economic drivers in the Key Town or Large Town to smaller towns and villages and rural areas in the hinterland,*
- (b) strengthen town centres,*

*(c) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality,*

*(d) realise opportunities for adaptation and reuse of existing buildings and for incremental backland, brownfield and infill development, and*

*(e) deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.”*

7.2.25. If the Board is minded to consider the subject proposal as a material contravention of BD R-03 and BD X-03 of the Cork County Development Plan, I provide that Section 37(b) (iii) applies in this instance, and that the subject proposal is consistent with the Compact Settlement Guidelines in terms of providing an integrated and connected settlement and provides a sequential extension, of residential development, to the urban core.

#### **Parking**

7.2.26. In the context of Transport and Traffic issues, I note the Planning Authority highlighted the shortfall in car parking and cycle parking in the proposed scheme. The following car and cycle parking numbers are provided:

<b>Parking Type</b>	<b>No. of Parking Spaces Required</b>	<b>No. of Parking Spaces Proposed</b>
<b>Car Parking</b>	<b>2 spaces per unit = 190 spaces</b>	<b>164 spaces, on curtilage of each dwelling</b>
<b>Cycle Parking</b>	<b>1 space per unit and 1 short stay space per 5 units = 95+19 = 114</b>	<b>174 spaces within each dwelling + 24, public/visitor spaces</b>

7.2.27. I note the County Development Plan provides maximum car parking standards. The Compact Settlement Guidelines provide that the quantum of car parking in new developments should be minimised in order to manage travel demand and to ensure

vehicular movement does not impede active modes. Having regard to the proximity of the proposed development to the town centre, the connectivity provided by active travel modes and public transport connecting to other urban centres, I am satisfied that the quantum of car parking proposed for each unit is appropriate and acceptable in these circumstances.

7.2.28. Cycle parking is predominantly provided within the curtilage of each unit.

Visitor/public cycle parking is dotted around the site within public areas. I am satisfied that the proposed development provides adequate cycle parking in line with required standards.

### **Traffic and Transport Conclusion**

7.2.29. With regard to the foregoing, I am satisfied that the subject proposal will provide an adequate level of pedestrian and cycling facilities and safety within the subject site. I consider that appropriate measures have been provided to minimise traffic hazard within the site, that the subject proposal is consistent with objectives BD R-03 and BD X-03, and PL 3-3 and TM 12-2-1 of the Cork County Development Plan 2022-2028 and that permission can be granted in this context.

### **7.3. Design and Visual Impact**

7.3.1. Reason for refusal no. 2 sets out that the subject proposal is unacceptable based on failure to assimilate into the hillside due to the height of the proposed dwellings, the site layout and design approach, and the minimal reduction in floor levels. The Planning Authority submits that this would lead to an overly bulky and visually obtrusive appearance in the landscape, with the majority of dwellings sitting over the brow of the hill. Matters of overlooking, visual obtrusiveness and failure to provide an adequate level of residential amenity for future occupants are also referenced.

7.3.2. The appeal sets out how the application sought to respond to the topography of the site while retaining natural features where possible. The appeal provides that a reasonable balance was sought between achieving appropriate density and minimising visual impact on this challenging site. It is submitted that any development of scale would present a visual impact at this elevated location. The proposal has been developed with critical inputs from all design team members and is not solely engineering led. The applicant sets out the merits of the proposed layout

in the appeal including pathways through the site and open space uses and functions.

### **Proposed Design**

- 7.3.3. In the first instance, I refer to the Architectural Design Statement submitted with the application. It is clear from this document that a number of design iterations and layout options were considered before the final, submitted layout was put forward in the subject application. The site itself does consist of a challenging topography with up to 20m level differences at some locations across the site, and the site itself being located at one of the highest points in the town of Bandon. I acknowledge that a balance is required between achieving an appropriate density for the site, provision of appropriate open space, site levels and visual appropriateness.
- 7.3.4. The proposed dwelling heights range from 9.56m to 10.42m with a generous attic/roof pitch to allow for future conversion. While I note the pitched roofs could be lower in height to reduce the overall height of the dwellings, I acknowledge the concept of future adaptability and consider that to be acceptable. I also accept that a mix of dwelling types and sizes are necessary and there is a demand for large family homes and the format is generally consistent with 2-storey, pitched roof type dwellings. While finished floor levels may have been lowered, this would require considerable additional ground excavation from that proposed, and significant alteration of the natural topography of the area, which I do not consider to be a favourable design solution in the context of altering the existing environment.
- 7.3.5. As previously referenced, the proposed density is acceptable at this location. I note also that the Planning Authority considered the dwelling mix to be acceptable, in accordance with objective HOU 4-6 of the Development Plan. Having reviewed the site sections submitted with the application, I accept that a minimum amount of cut and fill has been proposed to make the subject site developable. Alterations to the topography are kept to specific areas of the site and this is to be welcomed in the context of this upland, prominent site that is visible from many areas of Bandon Town.

### **Visual Impact**

- 7.3.6. I refer also to the viewpoints 1-4 in the submitted photomontages report. I note the Planning Authority had specific issues with these viewpoints as they were from within

the curtilage of protected structures and from within the Bandon ACA. Each of the existing views indicate that the hillside is visible to varying degrees in each view. It is also clear from the views that the natural topography of the hillside is higher than Phase 1, where the Phase 2 development is proposed. I specifically note that this is residential zoned land, and I consider that an appropriate density of development would be visible in any form from these viewpoints.

- 7.3.7. While the proposed development does extend beyond the brow of the hill, I do not consider this to be out of context with the existing view of roof lines across rising terrain in the intervening landscape from the noted viewpoints 1-4. The view of the hillside from the presented viewpoints is long distance and does not impact significantly, or negatively, on any views of particular amenity or specific landscape value.
- 7.3.8. I consider the extension of the built form of Bandon, northwards to the hillside, with the provision of residential development, to be a natural addition to the town. When I consider the increased ground levels, the proposed heights do not present incongruently on the moderate landscape value of this site and are an acceptable visual extension of Phase 1. I consider the proposed landscaping elements will improve long range views of the site over time as planting matures and further softens the views of the site from lower lying areas.

### **Retaining Walls**

- 7.3.9. In relation to the proposed retaining walls and the need for same within the subject proposal, I refer to the submitted drawings 22-6966-P-1108 (Retaining Wall Details), 2339-LA-P002 (Landscape Boundaries Layout) and drawing 2339-LA-P001 (Landscape Plan). I note the retaining wall to the south end of the site will be 3.6-4.7m in height. The landscape plan illustrates planting of trees at various intervals and clusters, which will be 3.5m in height. Existing hedgerow along the southern boundary is also retained. I consider this to be appropriate to mitigate any visual impacts of the proposed southern retaining wall. Informal play areas, woodland paths and walking paths along this southern interface will also be an attractive feature. I would consider this area to touch on various elements of objectives PL 3-3, BE 15-6 and TM 12-2-1 by providing good amenity by way of quality and inclusive spaces,



retains existing biodiversity features and provides safe and communal walking routes.

- 7.3.10. Other retaining walls within the proposed development range from 0.5m in height to 7m in height in the case of the retaining wall between properties 50-71 and 32-49. This wall consists of a proposed height of 4-7m with a 1.8m V-mesh fence on top. While this wall would be effectively hidden from general/public view by the proposed dwellings 50-71, and I acknowledge, a strong v-mesh type fence would be required at the top of the wall given the level differences involved, there are no details of proposed landscaping around this large-scale wall, despite the robust nature of the materials proposed. The wall and associated fence atop, would benefit from some landscaping as part of the overall development to mitigate the visual appearance of the wall and fence and enhance visual amenity for future residents. I recommend a condition to request a revised landscape plan to include these details, be attached in any grant of permission.
- 7.3.11. The retaining walls and boundary treatment between the permitted Phase 1 dwellings and the proposed Phase 1 development are noted. Different boundary treatments are put forward in the Retaining Wall Details Drawing and the Landscape Boundaries Layout. The latter plan illustrates a ditch with planting on top to be retained and enhanced along the boundary between properties in both phases. A mesh fence is also referenced. Given the level differences between Phase 1 and Phase 2 of approximately 3-4m, a strong boundary treatment is necessary at this interface. I recommend a condition be included to clarify the final proposed boundary treatments to ensure adequate privacy and amenity for future residents.
- 7.3.12. I consider the detail of other retaining walls within the site to be acceptable and provide a critical function within this topographically challenging site and do not consider the visual amenity of future residents nor the surrounding area would be significantly impacted by the design proposed.

### **Open Space**

- 7.3.13. The proposed open spaces within the proposed development provide a critical feature in the design and layout of the scheme, while also having a direct influence on the level of residential amenity for future residents. I note 13.5% of the developable site is proposed as open space, which is consistent with CDP standard

requirements of 12-18%. The retaining wall structures allow the public open spaces to be provided in a generally level format, which enhances their usability for all age groups.

7.3.14. The landscaping strategy seeks to provide a network of open spaces while also maintaining existing hedgerows and trees at the northern and southern boundaries. The landscape strategy for the site generally consists of the following:

- Amenity Area 1: Large green space with seating amphitheatre
- Amenity Area 2: Small orchard space with meadow grass
- Amenity Area 3: Large lawn for kickabout with seating areas
- A woodland walkway with informal timber play areas to the southern boundary
- Woodland screening to the north west of the site around the proposed stormwater retention tanks
- Robust landscape treatment in areas around proposed houses including boundary walls for privacy and security

7.3.15. I consider the proposed open spaces to be conveniently located to serve the proposed dwellings within this scheme. While the planning authority noted that some dwellings have rear gardens facing open spaces, passive surveillance is provided on at least three sides, with footpaths, appropriate lighting, cycle paths and planting all adding to the amenity and safety of these spaces in the context of usability. The areas of open space provide a natural extension of green areas in Phase 1, and I consider the proposed open space and landscape plan to be consistent with objectives GI 14-4 and GI 14-6 in this regard. The proposed open spaces are accessible, high quality and suitably proportioned for this site, where a medium density of development is appropriate. On the side of each amenity area where passive surveillance is not provided, additional planting is proposed, which will add to the amenity of these green areas.

7.3.16. I note the proposed access to the northern section of the Phase 2 lands, that includes land take from the permitted Phase 1 site, and specifically land take from an area of open space in the north east corner of this site. Condition 2 of the grant of permission under Reg, Ref. 21/4059 (ABP Ref. 312689) required the removal of 4no.

units at this location to allow an additional area of open space and tree planting. I do not consider the proposed road extension to be contrary to this requirement as the area of open space at this location is still maintained and access to the northern section of the Phase 2 lands are provided.

### **Design and Visual Impact Conclusion**

7.3.17. Having regard to the foregoing, I do not consider design and visual amenity to be a reason for refusal in this instance. The subject proposal provides a well thought out adaptation of a topographically challenging site by the provision of retaining walls at key locations and the minimisation of cut and fill across the site. The proposal provides an identifiable street hierarchy that provides a central link street across the middle of the site that provides access to the north and south of the site by way of lower order streets. An appropriate pedestrian and cycling strategy is put forward to the site with linkages to the existing residential development under construction to the west, potential future connections to the east and 2no. pedestrian links to residential land to the north. The public open spaces proposed within the development are good quality, usable, accessible by all and are provided with ample passive surveillance to ensure user safety and security.

7.3.18. I therefore conclude that the subject proposal is in accordance with the key objectives of the Cork County Development Plan 2022-2028 in relation to quality and inclusive streets (Objective PL 3-3), accessible and usable open spaces (Objectives GI 14-4 + GI 14-6) and permeable, safe and convenient walking and cycling routes (Objective TM 12-2-1). Accordingly, I consider the design and visual impact of the proposed development to be acceptable and permission can be granted with minor modifications to the landscape plan by way of condition.

### **7.4. Other Issues**

7.4.1. **Conservation:** As referenced earlier in my report, the Planning Authority indicated concerns with views 1-4 in the submitted photomontages report as they were from within the grounds of protected structures and from within the ACA. While impacts of proposed developments outside the curtilage or attendant grounds of a protected structure or ACA should be assessed for impact on the character of these heritage assets, I do not consider the level of impact to be significant in this instance.

- 7.4.2. The long range views in question, the evolving nature of development in Bandon Town including the Phase 1 development to the west, the exposed, elevated nature of the subject site that would make any variety of development visible from a range of views and the quality design put forward, all result in a medium level of impact on the views from the protected structures and ACA and no impact on the character of these heritage assets due to the separation distances involved. I therefore do not consider there to be a reason for refusal associated with conservation, as it relates to the subject proposal, in this instance.
- 7.4.3. **Archaeology:** The Council archaeologist recommended further information by way of a geophysical survey of the subject site. The first party appeal includes a Geophysical Survey Report as an appendix. No anomalies of an archaeological nature were recorded in the survey work undertaken. Any subsurface anomalies recorded as understood to be related to past agricultural practices. The applicant indicates they would accept a condition to undertake targeted archaeological testing to determine if these anomalies are of archaeological interest. I am satisfied with the contents of the geophysical survey report and recommend a condition to undertake archaeological testing prior to the commencement of development, if the Board are minded to grant permission.

## 8.0 AA Screening

- 8.1. The site is not located within any designated site. The closest Natura 2000 site is the Courtmacsherry Estuary SAC (Site Code: 001230) which is located approximately 10km to the south of the site. The Courtmacsherry Bay SPA (Site Code: 004219) lies a similar distance, also to the south of the site.
- 8.2. I have had regard to the AA screening assessment undertaken by the planning authority and the AA screening assessment submitted by the applicant. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites, and the absence of an identifiable hydrological connection. It is also not considered that the development would be likely to have a significant effect

individually or in combination with other plans or projects on a European Site, in view of the Conservation Objectives of those sites an Appropriate Assessment (and submission of a NIS) is not therefore required.

## 9.0 Recommendation

- 9.1. I recommend that permission be granted based on the following reasons and considerations.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the nature and scale of the proposed development, the location of the subject site in relation to Bandon Town Centre and the under construction Phase 1 development to the west, and the policies and objectives of the Cork County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the development would be acceptable in terms of density, design and visual impact, would provide an appropriate transport strategy for the site including provision for pedestrian and cycling infrastructure and would provide an appropriate level of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 28 <sup>th</sup> day of June 2024, 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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	<b>Reason:</b> In the interest of clarity.
2.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <ul style="list-style-type: none"> <li>(i) Existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping</li> <li>(ii) The measures to be put in place for the protection of these landscape features during the construction period</li> <li>(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder</li> <li>(iv) Details of boundary treatments at all retaining wall structures within the site</li> <li>(v) Details of roadside/street planting</li> <li>(vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.</li> </ul> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p> <p>(c) A timescale for implementation including details of phasing</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p>

	<b>Reason:</b> In the interest of residential and visual amenity.
3.	<p>The access from the public road and internal road and vehicular circulation network serving the proposed development, including turning bays, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. The applicant shall be responsible for ensuring any actions / recommendations arising from the road safety audit for stage 1 &amp; Stage 2 is agreed and 'closed out' to the satisfaction of the road safety auditor for their sign-off of same. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
4.	<p>(a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47</p>

	<p>agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.</p>
5.	<p>. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
7.	<p>. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted and agreed with the Planning Authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as</p>



	<p>public open space by the developer until taken in charge by the local authority.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
8.	<p>Provision shall be made for a signalised cycle crossing within the development. Details of such provision, including construction, finishes and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The cycleway shall be provided in accordance with the agreed details prior to first occupation of units and shall be consistent with the provisions of the National Cycle Manual 2023.</p> <p><b>Reason:</b> In the interest of sustainable transportation and safety.</p>
9.	<p>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 unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
11.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall</p>

	<p>be submitted to the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
12.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Lighting Design Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
14.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
15.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the</p>

	<p>development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
16.	<p>The construction of the development shall be managed in accordance with a final Construction Environment 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 the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
17.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition 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, and details of the methods and locations to be employed for the prevention, minimisation, 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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
18.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be</p>

	<p>allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an 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><b>Reason:</b> 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>
20.	<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><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

21.	<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 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><b>Reason:</b> 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>
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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.

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Matthew McRedmond  
Senior Planning Inspector

14<sup>th</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-320810-24		
<b>Proposed Development</b> <b>Summary</b>	Proposed construction of 95no. dwellings and all associated site works.		
<b>Development Address</b>	Knockbrogan, Bandon, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	√	Class 10(b)(i) – Part 2	Proceed to Q3.
<b>No</b>	Tick or leave blank		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	√	The proposed development of 95 units is below the mandatory threshold of 500 units	Proceed to Q4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	√	Proposed 82 unit development does not meet or exceed 500 dwelling threshold	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	Tick/or leave blank	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>	√	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 320810-24</b>	
<b>Proposed Development Summary</b>	<ul style="list-style-type: none"> <li>Proposed construction of 95 no. dwellings and all associated ancillary site works.</li> </ul>	
<b>Development Address</b>	<ul style="list-style-type: none"> <li>Knockbrogan, Bandon, Co. cork</li> <li></li> </ul>	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	95-unit residential development is not out of context at this urban location and will not result in any significant waste or pollutants.	No.
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	95 unit residential development is not out of scale at this urban location and will not result in any cumulative considerations.	No.
<p><b>Location of the Development</b> Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically</p>	Site is adequately removed from the Courtmacsherry Bay SPA and the Courtmacsherry Estuary SAC and is adequately setback from	No.



<p>sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>protected structures in the vicinity to minimise any potential impacts.</p>	
<b>Conclusion</b>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p><b>EIA is not required.</b></p> <p>√</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

