



An  
Coimisiún  
Pleanála

## Addendum

### Inspector's Report

### ABP-322392-25

<b>Development</b>	Construction of 8 houses and 16 apartments and all associated site development works.
<b>Location</b>	Kilnaglery, Carrigaline, Co. Cork,
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	206940
<b>Applicant</b>	GOCE Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	(1) Eva Williamson (2) Denis Healy (3) Michael and Lucy O'Mahony (4) Mark Ginn (5) Billy and Jackie Bermingham
<b>Observers</b>	(1) Barbara O'Driscoll (2) Sean Ryle

(3) Derick and Marie Wilkins

**Date of Site Inspection**

12/4/2022

**Inspector**

Siobhan Carroll

## **1.0 Introduction and Background**

- 1.1. I refer to correspondence dated 30th of April 2025, which outlines that the Board had previously made a decision on this appeal by order dated 5th of May 2023 and under appeal reference number ABP 312342-21. The correspondence confirms that this decision was quashed by order of the High Court and the case was remitted by that Court back to the Commission for a new decision. The appeal has now been reactivated under ABP Ref: 322392-25.
- 1.2. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Commission considered that it was appropriate in the interests of justice to now request relevant parties under Section 131 and 137 of the Planning and Development Act 2000 (as amended) to make any further general submissions/observations in relation to the appeal.
- 1.3. All parties were invited to make a submission in relation to the matters raised above on or before the 26th of May 2025. This report considers the submissions made on foot of the request and should be read in conjunction with my original assessment set out within the Inspectors Report dated 30th of May 2022 in respect of ABP Ref: 312342-21.

## **2.0 Response to Commission's Correspondence**

- 2.1. A submission was received from the appellant Eva Williamson on the 16<sup>th</sup> of May 2025. The issues raised are as follows;
  - There has been a passage of time since the initial planning application was made. The appellant considers that up to date assessments need to be provided prior to any further decisions being made.
  - The Traffic and Transportation Assessment submitted with the planning application was conducted in May 2021. The assessment by MHL & Associates found that the impact of the proposed development would be negligible due to the low traffic volume passing through the junction with the L6507.
  - Subsequently, a preschool has opened adjacent to the site of the proposed development. The preschool has two daily sessions with approximately 50

pupils. This has significantly increased the amount of traffic using the junction. A business had opened at the end of the lane it employs five staff. Large delivery trucks use the lane to deliver to the businesses. The location of the badminton club at the end of the lane is also highlighted it has over 100 members.

- The Flood Risk Assessment provide with the planning application was conducted in 2016 was prepared for a development of 4 no. houses. The assessment recommended mitigation measures to minimise flood risk.
- It is highlighted that flooding occurred on neighbouring properties following alterations to a surface water drainage pipe.
- The appellant considers that a new flood assessment should be required.
- They raised concerns in relation to the timeliness of development being carried out should permission be granted.

2.2. A submission was received from the appellants Michael & Lucy O'Mahony on the 15<sup>th</sup> of May 2025. The issues raised are as follows;

- It is submitted that the area is not suited for the type of housing proposed and the number of houses and apartments proposed. The proposed scheme is considered out of character with the pattern of existing development which comprises single storey and dormer dwellings.
- Concern is expressed that the proposed development will overlook the front garden of the properties on the opposite side of the road. It is stated that due to the southern orientation of the front gardens they are the primary private open space of the properties.
- The proposed development would increase the level of traffic generated threefold from that which would have been generated by the scheme of 8 no. dwellings previously granted on the site.
- It is submitted that an up to date Traffic Impact Assessment is required. A pre school located at the end of the lane is now operating and it was not open when the original application was made. The pre-school has two class with 20 pupils in each class. With drop offs and collections this equates to approximately 160 extra users on the road. There is a further business a blind

company which is located at the end of the lane, it was also not operating there when the original application was made.

- Concern is expressed in relation to the matter of flooding on the site. A trench was dug on the site approximately two years ago to divert water and prevent flooding of neighbouring properties.
- It is stated that there are no cycle lanes serving the site and sections of the Carrigaline to Crosshaven road do not have public lighting.
- The site is located in an area where the land use zoning objective ZU-18-10 applies, under the provisions of the Cork County Development Plan 2022-2028. This objective seeks to facilitate development that supports in general the employment uses of existing mixed/general business/industrial areas. Development that does not support, or threatens the vitality or integrity of the employment of these areas shall not be permitted. Residential use is not listed as an appropriate use on such lands. The proposed development would therefore, contravene objective ZU-18-10 and be contrary to the proper planning and sustainable development of the area.

2.3. A submission was received from the appellants Billy & Jackie Bermingham on the 23<sup>rd</sup> of May 2025. The issues raised are as follows;

- There has been significant change in traffic and the use of the lane since 2016. A school has opened at the end of the avenue. It has over 50 students. This has resulted in a considerable rise in daily traffic volumes particularly during peak drop off and collection times.
- A second business has commenced operations in the area which added further to vehicular traffic from staff vehicles and delivery trucks. The existing traffic related to the badminton facility at the end of the avenue continues to generate traffic on the avenue which is considered to be congested. This increase in vehicular activity has significantly altered the nature of the area.
- The drainage infrastructure in the area has become severely compromised due to modifications made in 2016/2017. A drainage pipe was installed on the site, issues with debris build up resulted in flooding occurring on the avenue and on the appellant's property.

- The Council has since designated the area as a flood zone. The appellants request that a new comprehensive road and flood risk assessment be carried out.

2.4. A submission was received from Cork County Council on the 23<sup>rd</sup> of May 2025. The submission is as follows;

- The Planning Authority is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Commission as part of the appeal documentation and has no further comment to make in this matter.

2.5. A submission was received from Keystone Planning Consultancy on behalf of the applicant GOCE Ltd. on the 26<sup>th</sup> of May 2025. The issues raised are as follows;

- An Bord Pleanála previously made a decision on this appeal by order dated 5<sup>th</sup> of May 2023 and under appeal reference number ABP-312342-21. The decision made was quashed by order of the High Court and the case was remitted back to An Coimisiún Pleanála for a new decision.
- From a planning viewpoint the applicant respectfully submits that principle judgement of Farrell J. clearly indicates a discretion may be exercised by the Commission in line with – the original grant of permission by Cork County Council and the recommendation made by the Inspector to grant permission.
- If the Commission is satisfied development supports, in general, the employment uses of such areas and not development which fails to support or which threatens the vitality or integrity of the employment uses of the area.
- The High Court delivered its principal judgement entitled GOCE v An Bord Pleanála [2024] IEHC 554, on the 25<sup>th</sup> of September 2024. It is submitted that the judgement of Farrell J. clarifies the Cork County Development Plan 2022-2028 requires An Bord Pleanála in the context of a planning application “....to assess whether a particular development would fail to support or would threaten the vitality or integrity of employment uses, as only such developments are stated to be impermissible.”
- It is submitted that the principal judgement of Farrell J. goes on to state at paragraph 30, “I am satisfied that Objective ZU18-10 must be interpreted in

context and, in particular, having regard to section 18.3.10. The list of Appropriate Uses is not exhaustive. Objective ZU18-10 provides for development which supports and does not undermine the integrity and vitality of existing uses and provides that it uses which shall not be permitted. Inclusion in the list of appropriate uses is not necessary for a proposed development to conform with the Objective ZU18-10 of the Development Plan.

- The applicant submits that most observers would agree that the provision of housing and economic growth are intrinsically linked. It is submitted that there is a clear correlation between the provision of housing within a reasonable geographic distance from employment uses and the latter's potential for viability and sustainable growth.
- Carrigaline has economic operators in the town itself and there are multiple residents who work in the nearby industrial hub of Ringaskiddy which has major multinational companies including Pfizer, GlaxoSmithKline, Novartis, Johnson & Johnson, Biogen, Eli Lilly and Stryker. These companies are reliant on having adequate and proximate housing supply in maintaining and attracting their respective workforces.
- Appendix 2 of the submission provides a list of businesses in the immediate vicinity of the location of the site. The applicant consulted with a number of local businesses regarding the matter of housing provision. Those companies which they consulted include PepsiCo which has a manufacturing operation in Carrigaline were generally supportive of the proposed housing scheme and stated that the provision of housing was essential to the economic well being of the companies.
- Appendix 1 of the submission contains recent articles which refer to the current context of housing and the economy. The first article taken from a blog, Ecoscope written by Patrizio Sicari and Müge Adalet McGowan, title "Ireland: Boosting Housing Supply to Raise Living Standards and Preserve Competitiveness". The article referred to the 2025 OECD Economic Survey of Ireland. The article referred to pent up demand for housing colliding with supply rigidities and that there are aggregate consequences on the competitiveness of the Irish economy, as the lack of sufficient housing at

affordable prices and in locations close to economic activity, is affecting employers' ability to attract labour and their decision on where to grow and invest. The article noted that the Planning and Development Act 2024 aims to ease barriers to new housing by streamlining planning processes. The article also refers to high costs and low productivity in the construction sector as a barrier to meeting housing targets and cost effectively.

- The second article by Roundtower Capital dated August 15<sup>th</sup> 2024 is titled "Ireland's Housing Crisis: A threat to Economic Growth and Social Stability". The article stated that the population and housing mismatch is not just a statistical anomaly, it is a potential brake on Ireland's economic engine. The article stated that estimates of annual housing needs range from 35,000 to as high as 85,000 units, indicating that current efforts, while improving still fall short. The third article from the National Competitiveness and Productivity Council stated that Ireland's housing market is inhibiting the country's competitiveness and undermining potential for sustainable growth.
- The fourth article refers to a report from the ESRI to a session with the Oireachtas committee report: Housing Shortage Threatens Ireland's Economic Competitiveness. The article highlighted the impact of inadequate housing supply on multinational companies.
- Section 18.2.2 of the Development Plan refers to Transitional Lands. It describes the procedure by which transitional lands should be programmed to "avoid developments which would be detrimental to the amenities of these zones" and makes specific reference that regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas.
- A key consideration in relation to the application is whether the proposed development supports the employment uses in the area.
- The principle judgement in GOCE at paragraph 34 specifically indicated the fact that other lands adjacent to the site are in residential use is a matter which the Commission is entitled to have regard to in considering the proper planning and sustainable development of the area.



- The site abuts 'residential areas' on three sides and 'rural areas' for the entirety of the fourth would suggest that section 18.2.2 and objective ZU 18-5 are applicable in this case.
- Section 18.2.2 states, "While the zoning objectives indicate the different uses permitted in each zone, it is important to avoid abrupt/disconnected transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments that would be detrimental to the amenities of these zones and in particular the more environmentally sensitive zones for example regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity as appropriate.
- Development Plan Objective ZU 18-5: Transitional Zones: Having regard to developments adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.
- The applicant submits that the provision of residential accommodation will directly contribute to the stimulation of the employment uses of the area. That it would be the most prudent and congruous development which will allow compliance with objective ZU-18-10 while having regard for objective ZU 18-5 and the transitional nature of the appeal site.
- The applicant wishes to highlight the unusual circumstances in relation to the rezoning of this site to objective ZU-18-10. The Development Plan team proposed the rezoning of this site from Residential to Existing Mixed/General Business/Industrial Uses when the Development Control section had just recently granted permission for a sizable residential development on the site. There was also an existing permission on the site for an alternative housing scheme.
- The grant of permission followed a request for further information and a comprehensive response. The applicant queries how the rezoning occurred in such circumstances, and they would assume that the Development Plan team were not aware of the Planning Authority's decision.

- Section 18.2 of the Development Plan deals with the rationale for and process by which the new existing use zonings 'Existing Residential/Mixed Residential and Other Uses' and 'Existing Mixed/General Business/Industrial Uses' are established and applied.
- Section 18.3.2 of the plan states, 'The approach in this Plan is to designate these areas as two different categories of land uses 'Existing Residential/Mixed Residential and Other Uses' and 'Existing Mixed/General Business/Industrial Uses'. This distinguishes areas that are predominantly residential and have the potential to expand residential development and compatible uses and areas which are predominantly employment uses (See section on Existing Mixed/General Business/Industrial Uses below).
- Section 18.3.2 establishes that the new zoning 'Existing Mixed/General Business/Industrial Uses' will be applied to areas which are predominantly employment uses. This would require that the area be assessed as predominantly employment uses at the time of rezoning, this was and is demonstrably incorrect on the basis that the site lies in an area which is predominantly residential. It had extant permission to develop residential accommodation on the site.
- It is submitted that in accordance with section 18.3.2 that the site should be more properly described as 'Existing Residential/Mixed and other Uses'. The applicant considers that the re-zoning was not in accordance with the development plan process.
- In relation to the timeframe of the decision, the applicant states that they accept the entitlement of the Commission to extend the period within which it may make its decision. They request that the Commission consider the exceptional impact that the timeframe of the decision has had. Permission was originally granted for 8 no. houses on the site. A proposal for an alternative residential scheme with a greater mix of house types was subsequently sought. The application was subject to a further information request and following the submission of a response it was granted permission by the Planning Authority. The decision was subsequently appealed to the Board. Due to delays in relation to that application, when the applicant looked

to develop the residential scheme of 8 no. houses on the site which was previously granted permission, there was insufficient time to bring the development to 'substantially completed' status so that an extension of time could be secured for that permission.

- The submission refers to the Ministerial Guidelines issued on the 1<sup>st</sup> of July 2022 regarding Development Plans. Section 4.4.1 of the guidelines states- “zoned housing land in an existing development plan, that is serviced and can be developed for housing within the life of the new development plan under preparation, should not be subject to de-zoning.”
- Under Section 28 article 1 of the Planning and Development Act, 2000 (as amended) Planning Authorities shall have regard to those guidelines in the performance of their functions.
- The Cork County Development Plan was adopted on 6/6/2022 (prior to the publication of the Section 28 Ministerial Guidelines in July 2022). The Plan was subject to a ministerial review under section 31 (the Office of the Planning Regulator) of the Planning and Development Act, 2000, (as amended).
- The ministerial review of the development plan confirmed that the minister intended to issue instructions on 27/7/2022. The final Section 31 Instruction was issued on the 28/9/2022.
- The instruction amended four elements of the plan independently citing that elements of the plan were “inconsistent with requirements contained in Ministerial Guidelines issued under Section 28 of the Act” and makes specific reference to “The Development Plan Guidelines for Planning Authorities” (2022) in the Minister’s reasoning for the instructions made.
- This demonstrates clearly that the Minister expected compliance with all Section 28 guidance including “The Development Plan Guidelines for Planning Authorities” (2022) which issued subsequent to adoption of the undertaking of the plan.
- The applicant respectfully submits that the Board was under an obligation to follow the Ministerial Guidelines as issued on the 1<sup>st</sup> of July 2022.

- Not only was the site “zoned housing land in an existing plan, that is serviced and can be developed for housing within the life of the new development plan under preparation, should not be subject to de-zoning”, it already had been granted permission by the Planning Authority when it was rezoned. Therefore, they contend that the Board should have had regard to this clear directive regarding Government policy when considering the original appeal.
- In conclusion, the applicant is of the firm belief that the Commission is entitled to exercise discretion, clearly identified by Farrell J. in her judgement, in favour of granting the permission sought and bringing this matter to a satisfactory conclusion.
- It is further stated that perhaps the householders who brought the appeal would not wish to see commercial units being developed opposite their houses. Those include inter alia, general warehousing, trade warehousing and distribution, manufacturing and repairs, storage, builder’s provider/yard, food processing facility, logistics, wholesaling, manufacturing plant and tool hire and vehicle servicing/maintenance garage.
- It is requested that the Commission exercise the discretion identified by the learned judge in favour of granting the permission sought.

### **3.0 Assessment**

#### **3.1. Zoning Objective - ZU18-10: Existing Mixed/General Business/Industrial Uses**

- 3.1.1. The proposed development comprises a housing scheme of 24 residential units, consisting of 8 no. semi-detached dwellings and 16 no. apartments and all associated site development works on a greenfield site of 0.7 hectares. The site is located at is located at Kilnaglery, Carrigaline, Co. Cork. It is situated on the south-eastern side of the town of Carrigaline.
- 3.1.2. In relation to the recent planning history on the site under Reg. Ref. 184779 & ABP 302379-18 permission was granted for a housing scheme of 8 no. detached dwellings and associated site development works.

- 3.1.3. Under Reg. Ref. 206940 Cork County Council granted permission for the proposed scheme. The permission was granted under the provisions of the Cork County Development Plan 2014 - 2022 and the site was subject to the zoning Objective ZU 3-1: Existing Built Up Areas, which set out that it was the objective to normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.
- 3.1.4. Third party appeals were lodged by five separate appellant parties. The appeal ABP 312342-21 was assigned to me, and I carried out a site inspection and I produced a report and recommendation dated 30<sup>th</sup> of May 2022. The development plan in place at the time of my assessment was the Cork County Development Plan 2014.
- 3.1.5. The Cork County Development Plan 2022-2028 was adopted by the Elected Members of Cork County Council on the 25<sup>th</sup> of April 2022. The Plan came into effect on the 6<sup>th</sup> of June 2022.
- 3.1.6. Accordingly, in the intervening period the zoning objective of the site subject of the appeal changed from Objective ZU 3-1: Existing Built Up Areas under the provisions of the Cork County Development Plan 2014 to Objective ZU18-10: Existing Mixed/General Business/Industrial Uses under the provisions of the Cork County Development Plan 2022-2028. In the interest of clarity, it should be noted that in the time between my file was discharged and the Board made their decision, a new development plan came into effect.
- 3.1.7. The Board decision in respect of the appeal ABP 312342-21 was issued on the 5<sup>th</sup> of May 2023. The development plan in place at the time of the Board decision was the Cork County Development Plan 2022-2028. The Board refused permission under ABP 312342-21 for one reason which referred to zoning objective.
- 3.1.8. A judicial review of the decision of the Board dated 5<sup>th</sup> of May 2023 was taken by the applicant GOCE Ltd. The outcome of the judicial review was that Justice Emily Farrell decided to quash the decision of the Board.
- 3.1.9. Under the provisions of the Cork County Development Plan 2022-2028 the site is subject to the zoning Objective ZU18-10: Existing Mixed/General Business/Industrial Uses. The objective seeks to facilitate development that supports in general the

employment uses of the Existing Mixed/General Business/Industrial Uses. It is specified that development that does not support, or threatens the vitality or integrity of the employment uses of these areas shall not be permitted.

- 3.1.10. Section 18.3.10 of the plan states that these areas include (but not exhaustively) a large range of uses general warehousing, trade warehousing and distribution, manufacturing and repairs, storage, builders provider/yard, food processing facility, logistics, fitting and business to business activity, wholesaling, vehicle sales outlets, high technology manufacturing plant and tool hire, public services, service station, vehicle servicing/maintenance garage, incubator units, childcare facilities, commercial film studio facilities. It is further stated under section 18.3.10 that this zoning will protect existing uses and support expansion where appropriate of existing uses while not permitting uses that would threaten the vitality and integrity of the primary uses of these areas.
- 3.1.11. Regarding the Objective ZU 18-10 zoning a list of appropriate land uses is provided in section 18.3.10 of the Development Plan. As set out in section 18.3.10 of the Plan the list of appropriate uses is not exhaustive.
- 3.1.12. I would highlight that the wording in relation to the zoning objective does not specifically prohibit any one specific use within that zone. The provisions of the Cork County Development Plan 2022-2028 in respect of the zoning objectives are written in such a manner which does not directly prohibit a specified use. I would be of the opinion, that in the absence of such clear and prohibitive wording in Cork County Development plan then to determine if a type of development would materially contravene a zoning it is more nuanced due different interpretations which could be taken. On that basis I would consider that the wording of the development plan in relation to the Objective ZU 18-10 provides that uses are open for consideration. This is based on the wording of the section 18.3.10 of the development plan it states, "The areas identified as Existing Mixed/General Business/Industrial Uses consists of a mix of employment uses generally including long term establishments. These areas include (but not exhaustively) a large range of uses including general warehousing, manufacturing, storage, builders provider/yard, food processing facility, logistics, vehicle sales outlets, high technology manufacturing, plant and tool hire, public services, service station, vehicle servicing/maintenance garage." The specific

wording “these areas include (but not exhaustively)” provides a caveat under which it provides for a greater number of uses to be open for consideration.

- 3.1.13. Accordingly, in order to determine whether the proposed use is appropriate to the site it is necessary to consider whether the proposed development supported, or threatened or undermined, employment uses in order to decide whether or not the proposed development contravened Objective ZU 18-10.
- 3.1.14. The submission from the applicant sets out that proposed residential development on the Objective ZU 18-10 should be considered on that basis that the provision of housing would support the existing employment uses in the area. The applicant puts forward the argument that the existing companies and business in Carrigaline would benefit from the development of additional housing on the basis that it would accommodate their existing or future staff. A list of existing local companies and businesses have been included in an appendix with the submission. It is stated in the submission that of the companies and businesses canvassed on the matter they were generally supportive of the proposed housing scheme and stated that the provision of housing was essential to the economic well being of the companies. The location of major multinational companies in Ringaskiddy was also highlighted. Ringaskiddy is located circa 7km from the site at Kilnaglery, Carrigaline. It was stated that companies including Pfizer, GlaxoSmithKline, Novartis, Johnson & Johnson, Biomarin, Eli Lilly and Stryker are reliant on having adequate and proximate housing supply in maintaining and attracting their respective workforces.
- 3.1.15. The submission from the applicant also included an appendix containing four articles which discuss the current context of housing and the economy and conclude that the lack of sufficient housing supply has implications for the competitiveness and growth of the Irish economy.
- 3.1.16. Accordingly, the basis for the applicant’s argument that the proposed residential scheme would be appropriate to be permitted on the Objective ZU 18-10 zoned lands is that it would provide housing which would be beneficial to existing industries and therefore would be beneficial to the local economy. While I would note that the proposed development if granted permission would provide additional housing which would benefit existing industries and businesses it would also result in the reduction of available lands which are zoned Objective ZU 18-10 where the appropriate uses

are stated in the development plan as General warehousing, trade warehousing and distribution, manufacturing and repairs, storage, builders provider/ yard, food processing facility, logistics, fitting and business to business activity, wholesaling, vehicle sales outlets, high technology manufacturing plant and tool hire, public services, service station, vehicle servicing/maintenance garage, incubator units, childcare facilities and commercial film studio facilities.

- 3.1.17. The submission from the applicant highlighted that the zoning of the site changed from Objective ZU 3-1: Existing Built Up Areas under the provisions of the Cork County Development Plan 2014 – 2022 to Objective ZU 18-10 under the provisions of the Cork County Development Plan 2022-2028.
- 3.1.18. In relation to the provision of the different land use designations within a development plan area it is carried out on the basis of providing sufficient lands to accommodate the development of different land uses at appropriate locations based on calculations on the level of land needed to fulfil requirements.
- 3.1.19. On that basis then I would consider that the inclusion of the appeal site within the Objective ZU 18-10 zoned lands was done to fulfil the projected requirements for the overall provision of lands available for the development of uses as set out as appropriate uses in lands zoned Existing Mixed/General Business/Industrial Uses within Carrigaline. Accordingly, then if the lands were used to develop housing, it would not be available to fulfil the projected requirements for appropriate uses within Objective ZU 18-10 zoned lands in Carrigaline. I would also highlight that other lands within Carrigaline have been zoned with the primary purpose of providing for residential development, specifically lands zoned Residential and Residential Reserve. Therefore, on the basis that there are other available lands zoned locally in Carrigaline to provide specifically for residential development I would not accept the argument from the applicant that this specific site which is zoned for Existing Mixed/General Business/Industrial Areas uses should be developed for housing.
- 3.1.20. Accordingly, based on my assessment set out above, I do not consider that the proposed residential use on the Objective ZU 18-10 zoned site meets the test as open for consideration because it would result in the loss of land primarily designated for employment uses and as such it would not fulfil the requirements of the zoning objective to support the employment uses of these areas. I would further



conclude that the proposed development does not support the vitality or integrity of the employment uses of these areas.

### **3.2. Transitional Lands**

- 3.2.1. The applicant has put forward in their submission that the appeal site could be considered as being transitional lands and they cite Development Plan Objective ZU 18-5: Transitional Zones: Having regard to developments adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries. It is set out in their submission that the site context should be considered in respect of the proposed residential development of the lands. The applicant highlighted that the site abuts 'residential areas' on three sides and 'rural areas' for the entirety of the fourth side. Accordingly, they suggest that section 18.2.2 and Objective ZU 18-5 would be applicable in this case. In relation to the matter of Objective ZU 18-5, I would highlight to the Commission that while the site at Kilnaglery, Carringaline is not specifically zoned Objective ZU 18-5: Transitional zone that the site may be open to being considered a transitional zone having regard to the provisions of Section 18.2.2 of the Development Plan.
- 3.2.2. Section 18.2.2 of the Development Plan refers to Transitional Lands it states, "While the zoning objectives indicate the different uses permitted in each zone, it is important to avoid abrupt/disconnected transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments that would be detrimental to the amenities of these zones and in particular the more environmentally sensitive zones for example regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity as appropriate."
- 3.2.3. In relation to the site context, I would note that there are existing industrial/business uses in the area situated to the north of the appeal site which are separated by existing residential development and that there is housing located to the west of the site on the opposite side of the Kilnaglery Road L6507. There are business and employment uses located on the lands immediately to the east of the appeal site.

While I would note the provisions of Section 18.2.2 of the Development Plan which refers to transitional lands, I do not consider that it is relevant in the context of the appeal site on the basis that the site is in proximity to lands which are zoned for employment under Objective ZU 18-10 to the east and north. I would consider that the site is not appropriate to be considered a transitional location notwithstanding the location of the row of five dwellings directly to the north of the site on the opposite side of the access road and I would highlight to the Commission that those existing houses are also located on lands zoned Objective ZU 18-10 under the provisions of the Cork County Development Plan 2022-2028.

- 3.2.4. On the basis of my assessment as set out above, I would conclude that the proposed development is not supportive of employment uses and that it would undermine the provision of employment uses in accordance with the Objective ZU 18-10 because it would in the loss of lands available to fulfil the projected development requirements of appropriate uses in Objective ZU 18-10 zoned lands.

### **3.3. Procedural issues**

- 3.3.1. I note that the applicant has referred to the procedural issues in respect of the making and adoption of the Cork County Development Plan 2022-2028 and with reference to the zoning of the appeal. In relation to this matter, I note that on 3rd June, 2022, the Minister for Housing, Local Government and Heritage notified Cork County Council of his intention to issue a draft Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended) in relation to a number of matters in the adopted Cork County Development Plan 2022. The matters referred to in the Ministerial direction did not concern the appeal site at Kilnaglery, Carrigaline, Co. Cork.
- 3.3.2. The submissions from the third party appellants have referred to a number of matters which were assessed in the original appeal. They are traffic generation, flood risk, impact on residential amenity and design and layout of the proposed development. In relation to impact on residential and the design and layout of the proposed development, I am satisfied that those issues were fully addressed in the original assessment set out in the Inspectors report dated 30<sup>th</sup> of May 2022 in respect of ABP Ref: 312342-21.

### **3.4. Traffic**

- 3.4.1. In relation to the matters of traffic generation, the appellants highlighted that a preschool opened at a site adjacent to the appeal site. Regarding this preschool I note that under Reg. Ref. 19/05247 permission was granted for the construction of a single storey pre-fabricated structure for use as a preschool at Kilnaglery, Carrigaline, Co. Cork on the 8<sup>th</sup> of January 2020 and that was prior to the decision of the Cork County Council to grant permission for the residential scheme subject of this appeal under Reg. Ref. 206940. As part of the application a Traffic & Transport Assessment (TTA) was submitted at further information stage. As detailed in my original assessment it was concluded in the TTA that the impact of the traffic generated by the proposed development on the site access junction with the Kilnaglery Road L6507 would be negligible due to the low traffic volume.

### **3.5. Flood risk**

- 3.5.1. In relation to the matter of flood risk the appellant referred to occurrences of flooding arising from a drainage pipe on the site and highlighted that the flood risk assessment dated back to 2016. A Site Specific Flood Risk Assessment was submitted with the application and a revised Flood Risk Assessment Report dated October 2021 was submitted in response to the request for further information. It was concluded in the site is demonstrated to be within Flood Zone C and is demonstrated to be at low risk of flooding from tidal, fluvial and groundwater sources.

## **4.0 Recommendation**

- 4.1. Taking into account my assessment as set out in this addendum report, in conjunction with my original assessment, Inspector's report ABP Ref: 312342-21 dated 30<sup>th</sup> of May 2022 and having regard to the coming into effect of the Cork County Development Plan 2022-2028 on the 6<sup>th</sup> of June 2022 subsequent to date of the original assessment whereby the zoning of the appeal site changed from Objective ZU 3-1 'Existing Built Up Areas' to Objective ZU18-10 which refers to Existing Mixed/General Business/Industrial Uses, my recommendation to the Commission regarding the appeal is changed from my previous recommendation on the basis of the change in development plan in place. I recommend that permission be refused for the following reasons and considerations.

## **5.0 Reasons and Considerations**

1. The proposed development a housing scheme of 24 no. residential units is located on lands zoned Objective ZU18-10: Existing Mixed/General Business/Industrial Uses in the current Cork County Development Plan 2022-2028, the objective of which is 'to facilitate development that supports in general the employment uses of existing mixed/general business/industrial areas. It is specified under the provisions of this zoning objective that development that does not support, or threatens the vitality or integrity of the employment of these areas shall not be permitted. The proposed residential use is not identified as a use which is categorised as an appropriate use under this zoning objective. It is concluded that a grant of permission in this instance would contravene the zoning objective afforded to this site because it would result in the residential development of the lands which are primarily zoned for employment uses and therefore result in the loss of such lands being available for the provision of employment uses. Accordingly, the proposed development would not support the provision of employment uses on these lands. The development would, therefore, be contrary to the proper planning and sustainable development of the area as a whole.

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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Siobhan Carroll  
Planning Inspector

11<sup>th</sup> of August 2025