
An Bord Pleanála



Inspector's Report

Ref.:	PL04G.ZD2012
Development:	Monard Strategic Development Zone (SDZ) Planning Scheme
Location:	Monard, Rathpeacon, Co. Cork.
Development Agency:	Cork County Council
Appellant(s):	Monard Concerned Residents Group Scoil Náisiúnta Mhuire Ráthpéacáin (Rathpeacon NS) Board of Management Tadhg O'Leary & Jer Buckley Patrick J., Anne, Padraig, Colm, Colette & Brendan Sheehan Monard Community Association O'Flynn Construction Tim and Dan Quill
Observers:	An Taisce Patrick O'Sullivan Tom O'Byrne
Prescribed Bodies:	The Office of Public Works Health Service Executive (South) National Parks and Wildlife Service Bord Gais Energy Transport Infrastructure Ireland National Transport Authority

INSPECTOR: Robert Speer

Date of Site Inspection: 20th November, 2015

Date of Oral Hearing: 24th - 27th November, 2015, 2nd December, 2015 & 14th January, 2016

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1.0 INTRODUCTION:

1.1 This report relates to 7 No. appeals lodged under Section 169 of the Planning and Development Act, 2000, as amended, against the adoption of the Planning Scheme for the Monard Strategic Development Zone pursuant to the provisions of Section 169(4)(b) of the Act. In this respect it should be noted that although a Draft Planning Scheme for the Monard Strategic Development Zone was published by the Development Agency in April, 2015, on the basis that Cork County Council decided by resolution on 27th July, 2015 not to make a formal decision on the Draft Planning Scheme under the provisions of Section 169(4) of the Act, the Scheme was deemed to have been made on 11th August, 2015 by way of a legislative 'default mechanism'.

1.2 By way of background, the Board is advised that the Monard Strategic Development Zone Planning Scheme (August, 2015) provides for the proposed development of a new town at Monard as part of the wider strategy envisaged in the Cork Area Strategic Plan, 2001-2020 (CASP) which seeks to ensure a more sustainable form of spatial development within the Cork area through a series of measures, including the strengthening of the City Centre and the development of a major growth corridor in the northern and eastern part of the Metropolitan area between Blarney, Carrigtwohill, Cobh and Middleton, based upon and linked with the upgrading and re-instatement of the rail lines. Central to this strategy is the upgrading and better utilisation of the rail system, and the location of development to avail of the rail infrastructure. Accordingly, the proposed new town of Monard will be located along the suburban rail line (Mallow – Cork) and it is envisaged that it will accommodate approximately 5,000 No. new homes and a population of c. 13,000 No.

1.3 Having regard to the scale and long term nature of the scheme which is for a new strategic settlement on largely undeveloped lands, the nature of the concerns raised in the submitted appeals, and the scope of the reasons for refusal in the Board's previous determination of ABP Ref. No. PL04G.ZD2008, the Board considered that an oral hearing was necessary and justified in order to explore the planning matters arising in respect of this case. Accordingly, an oral hearing was held in the Metropole Hotel, MacCurtain Street, Cork City, on 24th - 27th November, 2015, 2nd December, 2015 & 14th January, 2016.

1.4 An inspection of the SDZ lands was undertaken on 20th November, 2015 and a series of photographs taken on those dates is appended to this report although

these should not be construed as amounting to a comprehensive photographic survey of the lands in question.

2.0 THE MONARD STRATEGIC DEVELOPMENT ZONE:

2.1 The Monard Strategic Development Zone was established on 25th May, 2010 pursuant to the Planning and Development Act, 2000 (Designation of Strategic Development Zone: Monard, Cork County) Order, 2010 (S.I. No. 540 of 2010) with the designation by Government having been made in response to a proposal by the Minister for the Environment, Heritage and Local Government upon which the opinion was formed that the specified development was of economic and social importance to the State. In this respect the specified development in question is described in the Statutory Instrument as follows:

‘residential development and the provision of schools and other educational facilities, commercial activities, including office, hotel, leisure and retail facilities, rail infrastructure, emergency services, and the provision of community facilities as referred to in Part III of the First Schedule to the Act, including health and childcare services’.

2.2 The S.I. further states that the site was designated for the establishment of a strategic development zone for the development specified following consideration of its scale and configuration, the efficient use of public investment in infrastructural facilities, including public transport, water, waste water and roads, and as the development of the site will help to give effect to the policies of the Regional Planning Guidelines for the South West Area 2004-2016 and the Cork Area Strategic Plan jointly adopted by Cork City Council and Cork County Council.

2.3 The Statutory Instrument also specified that the development agency for the purposes of Section 168 of the Act was to be Cork County Council. The area covered by the SDZ designation is shown on a map appended to the Statutory Instrument.

3.0 SITE LOCATION AND DESCRIPTION:

3.1 The Monard Strategic Development Zone is located to the northwest of Cork City, approximately 4km northwest of Blackpool and 4km northeast of Blarney village, and extends to an overall site area of 391 hectares / 966 acres. It is predominantly characterised by undeveloped ‘greenfield’ agricultural lands

interspersed with clusters of one-off rural housing and individual farmsteads although there is also an existing distribution / warehouse operation located on the south-western part of the lands which is accessed off the Old Mallow Road. The overall extent of the lands in question is generally defined by the main Cork – Dublin railway line (which runs along the southern boundary of the lands), the Whitechurch Road to the east, and the Blarney River Valley to the west, although the Old Mallow Road effectively serves as the westernmost limit of the built-up area of the proposed new town development. Access to the SDZ lands can be obtained from the south primarily via the Old Mallow Road which extends north-westwards from the N20 (Cork – Limerick) National Primary Road that runs between Blarney and Monard, although alternative routes are also available via Rathpeacon Lane and Sheehan’s Lane. The northern extent of the SDZ lands can be accessed via the Old Mallow Road and the Whitechurch Road whilst access is also available to some extent from the west via Rosses Lane which extends from the N20 National Road.

3.2 The SDZ comprises a total of 23 No. separate landholdings, some of which are of considerable size, and the Planning Scheme also states that there are approximately 70 No. existing dwelling houses within the developable area. Notably, the prevailing settlement pattern in this rural area is concentrated along the existing poorly aligned road network, with particular reference to Boreen Dearg / Monard Boreen and Kilcronan Lane which respectively traverse the southern and northern extents of SDZ lands.

3.3 Topographically, the area is characterised by low hills and shallow river valleys with the upper parts of same forming part of the backdrop to Cork City. The lands generally rise on travelling eastwards from the Blarney River Valley to an approximate elevation of 140m on the eastern side of the SDZ although there is also a notable fall from north to south towards the railway line. A trunk transmission gas main runs east-west across the southern part of the site whilst a 110kV overhead electricity line extends northwest-southeast through the eastern extent of the lands.

4.0 RELEVANT PLANNING HISTORY:

4.1 On Site:

ABP Ref. No. PL04G.ZD2008. Was determined on 4th September, 2013 wherein the Board refused to approve the making of the “Monard Strategic Development Zone, Draft Planning Scheme” for the following reasons:

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- Notwithstanding the long-term commitment of Cork County Council to the development of land at Monard as a new town, having regard to the lack of certainty in relation to essential elements underpinning the proposed planning scheme which are not within the control of the applicant, in particular the delivery of future national road infrastructure and operational railway links, it is considered that in the absence of these critical transportation elements, the development of the strategic development zone would be reliant on limited improvement of the local road network only, which would give rise to serious traffic congestion in the surrounding area, would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed planning scheme would, therefore, be contrary to proper planning and sustainable development.
 - The purposes of the Monard Strategic Development Zone, as designated under statutory instrument, is to establish a zone for residential development, schools, commercial development, rail infrastructure and community facilities. These developments are to be provided for by the efficient use of public investment in infrastructural facilities, including public transport, water, waste water and roads. The planning scheme as proposed, adopts a low density approach to urban development on a site that requires significant public capital investment. It is considered that the planning scheme as proposed, would not achieve the efficient use of land given the scale of public investment required. The planning scheme as proposed, would therefore fail to achieve the outcome intended by the designation of this Strategic Development Zone. The planning scheme as proposed would, therefore, be contrary to the proper planning and sustainable development for the area.
 - The topography of Monard represents a considerable challenge to development in terms of physical constraints, gradient, urban design, and long term management of physical infrastructure, including the control of surface water run-off. Furthermore, the pattern of landownership in the Monard Strategic Development Zone is fragmented. Having regard to the difficulties of the terrain and the multiplicity of land owners involved, the Board is not satisfied that the implementation mechanisms as set out in the planning scheme are sufficient to ensure the timely and efficient delivery of land and infrastructure for the purposes of the Strategic Development Zone. It is considered that the planning scheme, as proposed, would not provide a satisfactory framework within which to realise this outcome.

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- In terms of urban design, the planning scheme's approach to residential development fails to have sufficient regard to the topography of the Monard Strategic Development Zone and to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), published by the Department of the Environment, Heritage and Local Government in May 2009. The approach lacks coherence, definition and detail and would give rise to serious difficulties in relation to universal access. Furthermore, the siting of offices accessed via a residential estate would seriously injure the residential amenity of future occupants. The planning scheme as proposed would, therefore, be contrary to the proper planning and sustainable development for the area.

N.B. In deciding not to accept the Reporting Inspector's recommendation to seek further information regarding a more complete transportation assessment, the Board noted that the Inspector was considering limiting development in the planning scheme to 3,800 No. residential units in the absence of the provision of the Northern Ring Road. In this respect the Board considered that one of the purposes of the designation of a Strategic Development Zone was to give certainty that infrastructure would be provided in order to enable the rational development of the land. Accordingly, the Board formed the view that it appeared the delivery of the Northern Ring Road was crucial to ensure that 5,000 No. residential units could be provided at Monard thereby giving effect to the policies set out in the South West Regional Planning Guidelines for the Southwest Area 2010-2022, the Cork Area Strategic Plan and the Cork County Development Plan, 2009. In the absence of certainty regarding future access to the Northern Ring Road if delivered, the Board did not consider that additional information on transportation patterns would be necessary for decision making purposes. Furthermore, given the scale of public investment required to implement the Strategic Development Zone, the Board did not consider it appropriate to limit the development to 3,800 No. residential units.

5.0 THE PLANNING SCHEME:

5.1 The Making of the Scheme:

5.1.1 On 17th April, 2015 the Development Agency (Cork County Council) published notice of the preparation of a Draft Planning Scheme for the Monard Strategic Development Zone and invited submissions from interested parties as part of a process of public consultation. During this process of engagement a total of 205 No. submissions were received (copies of which have accompanied

the documentation forwarded to the Board for consideration), which included 12 No. submissions from the following prescribed / public bodies:

- Department of the Environment, Community and Local Government
- Department of Education and Skills
- Iarnród Éireann
- The Railway Safety Commission
- National Transport Authority
- Irish Water
- National Roads Authority
- Cork City Council
- Southern Regional Assembly
- Environmental Protection Agency
- Inland Fisheries Ireland
- Department of Arts, Heritage and the Gaeltacht

5.1.2 In accordance with the relevant legislative requirements, the Development Agency subsequently prepared a Manager's Report on the submissions received (entitled '*Chief Executive's Reports to Members on Submissions Received*' and dated 30th June, 2015) which was then submitted to the elected members of Cork County Council for their consideration. Notably, this document recommended a series of revisions to Chapters 4 & 5 and Appendix 1 of the Draft Planning Scheme in response to the submissions received. However, it should also be noted that a further report (entitled '*Recommended Changes arising from Chief Executive's Reports to Members on Submissions Received*' dated 17th July, 2015) was seemingly circulated which included additional recommendations as regards other revisions to the Draft Planning Scheme on foot of the Chief Executive's Report (*N.B.* These recommended changes concern Chapter Nos. 4, 6, 7, 8, 9 & 10 of the Scheme).

5.1.3 Following consideration of the Draft Planning Scheme and the aforementioned Manager's Reports, the elected members of Cork County Council decided by resolution on 27th July, 2015 not to make a formal decision on the Draft Planning Scheme and thus under the provisions of Sections 169(3) & (4)(b) of the Planning and Development Act, 2000, as amended, the Draft Planning Scheme was deemed to have been made on 11th August, 2015 by way of a legislative 'default mechanism'.

5.1.4 At this point I would refer the Board to the Chief Executive's Order dated 11th August, 2015 which states that on the recommendation of the Senior

Planner pursuant to his report dated 10th August, 2015 it was determined that the changes to the Draft Planning Scheme incorporated into the Monard Planning Scheme deemed to have been made on 11th August, 2015 did not constitute material alterations to the Draft Planning Scheme and that Strategic Environmental Assessment or Appropriate Assessment of these changes was not therefore required. By way of clarification, I would advise the Board that the Planner's Report dated 10th August, 2015 refers to those revisions to the Draft Planning Scheme as recommended in the Chief Officer's Reports on foot of the submissions received and asserts that following a determination pursuant to Section 169(4)(ba) the aforementioned recommended changes to the Draft Planning Scheme do not constitute a material alteration of same.

5.1.5 A total of 7 No. appeals have since been lodged under Section 169 of the Planning and Development Act, 2000, as amended, against the adoption of the Planning Scheme for the Monard Strategic Development Zone.

5.2 The Content of the Scheme:

5.2.1 The Planning Scheme comprises an A3 document which includes a written statement with numerous maps, drawings and illustrations. It is supported by a number of background studies and other documentation, including a Strategic Environmental Assessment Statement & Environmental Report and a Habitats Directive Screening Statement (*N.B.* Whilst a revised General Development Contribution Scheme was also prepared for the Monard SDZ, this was not adopted by the elected members of the Local Authority and does not form part of the subject appeal). The Scheme itself is laid out in 10 No. chapters, as follows:-

5.2.2 Chapter 1 - The Monard Project and its Context:

5.2.2.1 This chapter details the strategic planning process which has led to the designation of the site of the proposed new town in Monard as a Strategic Development Zone and states that the proposal for the new town is derived from the Cork Area Strategic Plan (CASP) which established the case for the suburban rail project and selected areas for urban expansion along the rail corridor. It further states that the provision of this new town has been an objective of successive Regional Planning Guidelines, the CASP Study and CASP Update, County Development Plans and Local Area Plans.

5.2.2.2 By way of further context, reference is made to the core strategy of the County Development Plan, 2014 which has estimated the capacity of zoned land (including Monard) in the County part of the Cork Metropolitan Area as some 14% above projected demand which is not considered to be adequate,

particularly as the majority of the zoned land is in the form of Master Plan areas, many of which require significant infrastructural investment. Accordingly, in light of recent indications of some degree of recovery in housing demand in Cork, it has been asserted that the Council needs to be in a position to provide enough serviced land to meet any resumption of normal housing demand. In this respect it is noted that Monard is one of the furthest advanced Master Plan areas.

5.2.2.3 In addition to contributing to the supply of housing land, Monard is also detailed as being a key part of the CASP rail corridor strategy which aims to provide for major increases in population in areas adjoining the Cork, Cobh, Middleton and Mallow lines as well as serving to increase employment in the City Docklands. In this respect Monard is the largest of the new development areas envisaged along the Cork-Mallow section of the rail system. It is also anticipated that Monard will support the aims of the CASP by contributing to a more balanced distribution of growth and modern economic development in the Cork area by increasing the proportion of same occurring on the northern side of the city.

5.2.2.4 The remainder of this chapter details the opportunities associated with the development of a planned new town on greenfield lands in addition to the role of Monard within the Cork housing market whilst it also outlines the Development Agency's response to the Board's previous decision to refuse to approve the Monard Strategic Development Zone Planning Scheme, 2012 (ABP Ref. No. PL04G. ZD2008), with particular reference to the concerns expressed by the Board as regards the uncertainty in relation to the provision of the Cork Northern Ring Road.

5.2.3 Chapter 2 – The Planning Framework:

5.2.3.1 This chapter identifies the locations of major infrastructure and facilities which are constrained in where they can be sited. These fixed elements serve to create a framework for more detailed planning of the area.

5.2.3.2 It proceeds to detail a flexible layout and sequencing arrangement for development in order to provide the main landholdings with either direct access to public roads and sewers, or a choice of alternative indirect connections. In relation to the road network it is proposed to develop a principle Services Corridor Road which will comprise an extent of the existing Old Mallow Road (a former national road i.e. the N20) in addition to a new section of roadway as a substitute for that section of the existing roadway that extends east-west through Rathpeacon. A series of new north-south routes will then be developed having

regard to the site topography in order to connect the bulk of the SDZ to the Services Corridor.

5.2.3.3 The wider layout of the scheme provides for the new town centre to be focused on the railway station to the south with the retail centre to be located to the north of the Services Corridor. The area south of the retail centre has thus been deemed suitable for higher density residential development because of its proximity to the station. Cycle and pedestrian connections are to be provided in order to link the rail station and the retail centre with residential development in the remainder of the SDZ.

5.2.3.4 The planning framework also details that the development of the new town of Monard will encompass the provision of 4 No. villages (each with a village centre providing suitable services including basic convenience retailing and community facilities such as education and childcare) and that suitable bus routes will be accommodated to serve same. In terms of key recreational facilities, it is proposed to provide sports fields on the eastern side of the town between the existing 110kV line and the Whitechurch Road whilst a Country Park will be developed in the Blarney River Valley to the west with trails connecting same to the wider SDZ area via linear open spaces.

5.2.4 Chapter 3 – Adapting Prospective Land Uses in Monard:

5.2.4.1 This chapter outlines the general approach to design and suggests specific types of layout, building and open space in response to generic issues which arise strongly or frequently within Monard. It further states that the policies, proposals and suggestions contained in this chapter should be seen as ingredients in more local design processes and thus they should become components of future planning applications where relevant.

5.2.4.2 It is stated that the scheme anticipates that Monard will be predominantly residential in function and that its development will take place within the context of an overall layout which will be primarily 'organic' in nature having regard to the *'Design Manual for Urban Roads and Streets'* and the Council's own residential estate design guide *'Making Places: A Design Guide for Residential Estate Development'*. Guidance is subsequently provided on the development of public spaces, enclosure and parking, in addition to wider design considerations with regard to open space including the need for cognisance to be taken of the visual and windbreak functions of such areas, the retention and supplementation of existing tree cover etc., and tree planting in urban areas.

5.2.4.3 The remainder of this chapter focuses on specialised house types and housing mix and includes discussion of the treatment of slope in building design.

5.2.5 Chapter 4 – Proposed Development in Villages & Neighbourhoods:

5.2.5.1 It is this chapter that forms the core of the Planning Scheme in that it provides indicative layouts, development types and planning requirements for each of the 4 No. villages and the neighbourhoods and local centres within them. It also summarises the overall quantities, types and extent of development proposed in Monard. It states that the main transport, infrastructure and amenity networks in the villages and neighbourhood sections are mandatory and locationally specific whereas proposals for buildings and street layouts not forming part of the main road network should be seen as indicative and subject to the principle of *'functional and neighbourly equivalence'*. Reference is also made to a detailed design of a sample neighbourhood undertaken by Mel Dunbar Associates as an exploratory exercise which is reproduced in Appendix 2 side-by-side with the 2012 and 2015 schematic layouts of the same neighbourhood.

5.2.5.2 Each neighbourhood is described individually, while cumulative house numbers and overall densities of development are identified at the end of the Chapter. The 4 No. villages can be outlined as comprising the following:

(N.B. For clarity purposes, the following descriptions are derived from the *'Monard Strategic Development Zone Planning Scheme, July, 2015'* as forwarded to the Board by the Planning Authority and do not include for any of the proposed amendments / modifications suggested during the course of the oral hearing).

5.2.5.3 Lower Monard Village:

5.2.5.3.1 Lower Monard Village comprises the southernmost extent of the SDZ and includes the proposed railway station, the town centre, and surrounding residential neighbourhoods. The overall circulation network converges on the Services Corridor in the town centre and railway station.

5.2.5.3.2 The retail part of the town centre will be characterised by an increase in urban scale with larger, less conventional buildings grouped around 'market squares' whilst the inclusion of 3 No. three / four storey landmark buildings is intended to shape the image of the new town as a whole. It is envisaged that 32,800m² of non-residential floorspace will be accommodated within the town centre, including 14,600m² of gross retail floorspace, whilst residential

development at upper floor levels is also proposed. The first primary school in the SDZ is proposed to the immediate north of the retail area.

5.2.5.3.3 Between the retail / commercial area and the railway line, the southern part of the town centre will provide for higher density residential development characteristic of an inner urban residential area punctuated by compact public spaces with a significant terraced housing component influencing the form of other housing types in the area. Building heights will vary from 2 / 3 storey terraced 'street' housing to 5-storey apartment blocks availing of the fall in levels to the south. A line of office buildings is also proposed parallel to the proposed Northern Ring Road on the south-eastern fringe of the town centre in order to act as a noise barrier for adjacent residential units.

5.2.5.3.4 Beyond the town centre to the north, northeast and northwest, it is proposed to develop a series of 5 No. residential neighbourhoods characterised by proportionately lower densities and typical building heights of 2/3 storeys although provision has been made for the inclusion of some landmark buildings and apartment schemes of increased height.

5.2.5.3.5 The total number of residential units identified for Lower Monard ranges between 1,510 and 1,845 No. units.

5.2.5.4 Upper Monard Village:

5.2.5.4.1 This village area is located to the northeast of the Town Centre (Lower Monard) and occupies the upper slopes and top of Monard Hill which encompasses the most elevated part of the SDZ, although it is characterised by a plateau-like terrain. The village centre is positioned within the north-eastern extent of the village in the vicinity of the 110kV overhead power line and is intended to be accessible from the Whitechurch Road to the east. It will provide for local services including shops, retail services, community facilities and a crèche. The volume of shopping and retail services floorspace which will be viable is undetermined and will be influenced by provision elsewhere, although overall non-residential ground floor uses could extend up to approximately 2,200m². Provision has been included for a new school to the southwest of the village centre.

5.2.5.4.2 A northeast-southwest linear park / pedestrian corridor will connect the village centre to the town centre and the railway station to the south whilst a further linear park will provide a northwest link to the Country Park adjoining the Blarney River.

5.2.5.4.3 Residential development will be accommodated within 5 No. neighbourhoods characterised by typical building heights of 2/3 storeys. The number of residential units identified for this village ranges from 1,250 to 1,525 No. units.

5.2.5.5 West Village:

5.2.5.5.1 This corresponds to a single, large farmholding located on the exposed western slopes of the SDZ. The village centre will be located centrally with a stepped pedestrian street running west to the Old Mallow Road and the Country Park. Although it will be in a less focal position relative to the main road network than the other three proposed village centres, this is considered to be compensated by its positioning at a focal point within the cycle network. Buildings within the village centre will be predominantly two-storey although some landmark elements may be permitted to exceed this. A crèche and school will adjoin the village centre and a retirement complex is also proposed to the immediate north. The main SDZ cycle route and linear park runs north through the centre of the village, providing connection to the town centre and railway station to the south and to Kilcronan village to the north.

5.2.5.5.2 The village will comprise 6 No. residential neighbourhoods (excluding the village centre) and the total number of residential units identified for this village ranges from 745 to 925 No. units.

5.2.5.6 Kilcronan Village:

5.2.5.6.1 This village comprises a separate townland and encompasses the northernmost extent of the SDZ which is bisected by Kilcronan Lane that extends between the Whitechurch Road and the Old Mallow Road. It is also traversed by the 110kV overhead power line along a northwest-southeast alignment.

5.2.5.6.2 This village centre is likely to be the last to be developed and it is suggested that due to the lapse of time between the formulation of the Planning Scheme and the actual development, there is a strong possibility that the mix of services needed within Monard will have changed to some extent. Indeed, in light of the likely timelines involved it has also been suggested that the Development Agency may have decided to review / amend the Planning Scheme by then and that this would provide an opportunity to upgrade the proposals for Kilcronan village centre. In this context, the layout of the village centre has been kept at a more indicative level than the other village centres thereby allowing for greater flexibility as regards building type / use.

5.2.5.6.3 Whilst provision has been made for the inclusion of a primary school site, there is a greater than normal separation between it and the village centre given the desirability of locating the former at a distance from the overhead electrical lines.

5.2.5.7 A total of 7 No. residential neighbourhoods are proposed within the village, comprising between 1,270 and 1,565 No. dwelling units.

5.2.5.8 Synopsis of Development Figures:

The overall combined amount of development in the neighbourhoods and the Village and Town Centres in the Scheme is identified as follows (Table 4.2):

Village	Dwellings		Floorspace ('00m ²)	
	Minimum	Maximum	Minimum	Maximum
Lower Monard	1490	1835	1747	2228
Upper Monard	1250	1525	1440	1785
West Village	740	925	839	1064
Kilcronan	1270	1565	1402	1787
Total	4750	5850	5428	6864

Table 4.3 of the Scheme identifies the proposed densities across the lands and the overall average residential densities, excluding the village centres and town centre (north), as follows:

Village	Net Area (hectares)	Dwellings		Density (dwellings per hectare)		
		Min.	Max.	Min.	Centre of Range	Max.
Lower Monard	47.62	1450	1785	30.5	34.0	37.6
Upper Monard	46.67	1250	1525	26.8	29.7	32.7
West Village	25.38	725	885	28.6	31.7	34.9
Kilcronan	49.92	1270	1565	25.4	28.4	31.4
TOTAL	169.49	4695	5760	27.7	30.8	34.0

N.B. From a review of Table 4.3, there would appear to some discrepancies in the figures set out in same. For example, despite the stated exclusion of those residential units within the village centres, the minimum and maximum number of dwelling units indicated for both Upper Monard and Kilcronan correspond with the total amount of development proposed in those villages when account is taken of the village centres.

5.2.6 Chapter 5 – Transport:

5.2.6.1 This chapter focuses on proposals with regard to transportation, including public transportation, the road layout, parking provision, and traffic management.

5.2.6.2 It is proposed to develop a new railway station along the southern side of the town centre and a suggested layout for the configuration of same has been developed following discussions with Iarnród Éireann (Please refer to Figure 5.1 of the Scheme). The opening of this station will be required to coincide with the first substantial block of development within the SDZ and in this respect it should be noted that although it would be undesirable for the station to open prematurely, it would be similarly undesirable for a substantial resident population to be in place in advance of the station as this may lead to a scenario whereby residents will have formed established travel habits in which public transport plays little part. Therefore, in order to balance the foregoing considerations while still providing for some certainty, permission for development in the northern part of Lower Monard will be contingent on an agreement being in place with construction of houses under any such permissions not to proceed until construction of the station is also underway. The development of the station will be facilitated in part by a supplementary development contribution scheme and an agreement has been reached between Cork County Council and Iarnród Éireann under Section 49(4) of the Planning and Development Act, 2000, as amended, with regard to same. Further agreements relating to the provision and timing of the proposed station will be necessary in advance of permissions for substantial development in the SDZ. Notably, Cork County Council will not start implementing the infrastructure works envisaged in the Planning Scheme, or grant any planning applications submitted for development, until such time as an up-to-date business case / feasibility assessment has been carried out which supports the implementation of the CASP proposals for a rail station and rail services for Monard.

5.2.6.3 The road layout within the Scheme makes provision for the development of bus services, including bus priority measures, where necessary.

5.2.6.4 The majority of trip destinations external to Monard lie to the south, south-east or south-west and the Scheme acknowledges the possibility of traffic congestion on roads accessing Monard from these directions. In this respect a transport assessment (ARUP) was undertaken in 2012 which determined that the existing local road network can cater for c. 1,000 No. additional residential units, assuming that the train station, Services Corridor Road and cycleway/pedestrian footpath connections to Blackpool are in place. It also found that the provision of

the new 'Southeast' and Southwest' Link Roads (as detailed in Figure Nos. 5.3 & 5.4), along with other identified network improvements, would be required in order to facilitate the development of a further 3,000 No. dwelling units without giving rise to local congestion. However, in the absence of the Northern Ring Road, the assessment concluded that development in Monard would be likely to be associated with increased congestion in Blackpool, with the junction between the N20 and Brothers Delaney Road and the junctions on the Redforge Road section of the former N20 being most likely to be affected, although it was also suggested that some unspecified increase in capacity within the road system could be achieved through traffic management and junction improvement works etc.

5.2.6.5 In response to the previous decision of the Board not to approve the 2012 Planning Scheme, a further Transport Assessment was commissioned in 2014 (Systra Transport Consultants) for the area immediately north of Cork City to include:

- The effect of either 3,800 or 5,000 No. dwellings at Monard on a future Northern Ring Road.
- Possible interaction between the alternative ring road junctions, and major development areas north of the City, including Ballyvolane, Stoneview and Kilbarry as well as Monard.

5.2.6.6 On the basis that the NRA had indicated a willingness to accept one junction on the Northern Ring Road between the junctions with the N20 and M8 which could serve Monard as well as the Kilbarry Industrial Estate, the main purpose of the new transport assessment was to identify a suitable location for said junction. This assessment proceeded to assess 6 No. junction options (and 16 No. possible scenarios) and concluded that the preferred option was a junction at Killendaniel, north of Kilcully, with connecting links west to Monard and east to the Ballyhooley Road.

5.2.6.7 The Scheme proceeds to state that if the Northern Ring Road is delayed, a further transport assessment will be undertaken before any permissions are granted on lands north of Monard hilltop thereby ensuring that the 3,800 No. dwelling threshold identified in the ARUP traffic assessment would not be exceeded, unless the further assessment indicated that additional development would be possible without undue congestion. The results of this future traffic assessment are to be incorporated into the Planning Scheme by way of a formal amendment under Section 171 of the Act and no further development is to occur

until such an amendment has been adopted (or approved on appeal). This approach allows for various possibilities, including the imposition of a moratorium on further permissions north of the relevant line, if transport conditions warrant, or a programme of measures designed to improve them.

5.2.6.8 The remainder of this chapter refers to car parking, provision for cycling, walking, public transport usage, and details target shifts to sustainable transport modes.

5.2.7 Chapter 6 – Infrastructural Services:

5.2.7.1 It is proposed that sewage from Monard will be collected via a predominantly gravity-fed foul sewer system and pumped to the Cork City Council wastewater treatment plant at Carrigrennan, Little Island, although an interim treatment and disposal system will be needed until such time as Monard's population reaches the critical mass necessary for the pipe to Carrigrennan to operate effectively (i.e. 1,000 – 1,500 P.E.). This interim provision will involve the pumping of effluent to the existing treatment system in Killeens until such time as the combined load to Killeens and Monard exceeds 1,000 P.E. when the effluent from both would then be piped to Carrigrennan.

5.2.7.2 A water supply will be obtained via connection to the Cork City Water Supply Scheme by way of the construction of a 5,938m trunk main from Churchview reservoir to a new low-level reservoir within the SDZ. This reservoir will supply the low-level area (including the town centre) whilst a pumphouse from same will feed a further high-level reservoir in order to supply the area near Upper Monard Village from which the high-level distribution network will radiate. The water supply will be required to precede or coincide with the first new developments in Monard.

5.2.7.3 A Preliminary Report on the provision of a Sustainable Urban Drainage System has informed the Scheme and the aim of the SUDS drainage strategy is to ensure that all surface water runoff from catchment areas is restricted to 'greenfield' discharge rates and to ensure that development does not cause or exacerbate flooding risks at any other location in the catchment or receiving watercourses. The importance of on-going maintenance of the various SUDS components is subsequently emphasised. The Scheme also notes that even in the absence of any development at Monard, there is still periodic serious flooding on the Blarney and Shournagh Rivers, although it is stated that some measures have been put in place in the last three years to reduce the risks, including a system for anticipating the localised consequences of particularly severe weather

alerts, and taking precautionary measures in places where that weather event poses a particular threat.

5.2.7.4 Electricity will be provided from the existing 110kV sub-station at Kilbarry. Any new transmission lines will be laid in underground ducting and the existing 10kV and 38kV lines within the SDZ will also be undergrounded as the land around them is developed.

5.2.7.5 There is an existing gas trunk transmission facility crossing the SDZ. In terms of providing a gas supply to Monard whilst one possible strategy would be the construction of a new above-ground installation adjoining the pipeline from which gas could be distributed to the new town, an alternative would be to extend local gas supply pipes at Killeens and on the Old Mallow Road. Further discussions on these matters will be required between Cork County Council and Bord Gais Networks.

5.2.7.6 The remainder of chapter refers to waste facilities and construction management, energy efficiency, the provision of broadband and telecommunications services, and the coordination of linear infrastructure provision.

5.2.8 Chapter 7 – Amenities, Facilities and Community Services:

5.2.8.1 The Scheme has identified sites for a 16-class primary school within each of the 'villages' whilst a secondary school is also proposed at the southern end of the Country Park. The provision of the first school will likely require advance acquisition of its site by the Council. In all 4 No. villages, development of their northern parts will be contingent on the parallel provision of the relevant primary schools and thus the schools will in effect act as a 'threshold' to further development within the relevant village. This threshold control will be supported by an incentive built into the development contribution system to make land for schools and other public purposes available.

5.2.8.2 A total of 23 No. locations for the provision of childcare facilities are identified in Table 7.2 of the Scheme, although specific sites have not been defined. The Scheme allows for flexibility in the overall level of provision having regard to demand / supply considerations as Monard develops.

5.2.8.3 With regard to other community and recreational facilities at village level, it is not considered realistic to expect all the village centre facilities to be in place in advance of housing in the northern part of those villages, however, Table 7.3

lists certain minimum basic facilities that should be provided prior to any development north of village centres.

5.2.8.4 Locations for local and neighbourhood play areas are generally identified whilst formal sports pitches are to be provided on the eastern side of the SDZ between the ESB line and Whitechurch Road.

5.2.8.5 The Scheme proposes an extensive network of open space ranging from linear parks linking neighbourhoods to the country park, the town and village centres, and the railway station, to smaller spaces designed to provide focal points within neighbourhoods. Detailed proposals will need to accompany planning applications on sites which include identified areas of open space.

5.2.8.6 The main recreational facility in which the County Council is likely to be directly involved in providing is the proposed Country Park. This will include a riverside walk whilst the southern part of the park has the potential for informal kick-about areas and other low-key recreational facilities whereas the northern part could accommodate a small pitch and putt course.

5.2.9 Chapter 8 – Minimising Adverse Effects on the Environment:

5.2.9.1 This chapter outlines the Strategic Environmental Assessment process and includes Table 8.1 which summarises the mitigation measures derived from same. It also identifies a series of environmental principles which pertain to key aspects of the town and are intended to provide guidance to developers.

5.2.9.2 Reference is made to the Habitats Directive Screening Statement which states that there are no Natura 2000 sites located either within or adjacent to the SDZ, although it is acknowledged that elements of the Scheme associated with the provision of water and wastewater infrastructure could potentially give rise to impacts on a number of designated sites in Cork Harbour. In particular, the screening conclusions highlighted the requirement to assess trenchless technology at the Glashaboy River crossing and its impact on Natura 2000 sites within Cork Harbour and an addendum to the wastewater preliminary report was prepared to address this issue. The screening conclusions state that the potential effects can be screened out and that the effects are not considered significant.

5.2.9.3 This chapter also refers to the Stage 2 Strategic Flood Risk Assessment which concluded that locations at risk from flooding within the Planning Scheme comprised the natural floodplain of the Blarney River which would not be developed for housing but would instead be reserved as a country park with the

lands used for informal recreational purposes in keeping with the sequential approach to flood risk assessment. It also outlines a series of recommendations contained in the SFRA which should be addressed in any future planning applications.

5.2.10 Chapter 9 – Contributions and Equalisation:

5.2.10.1 At the outset, this chapter explains how a General Development Contribution Scheme specific to Monard was adopted in 2012 in parallel with the now defunct Monard Planning Scheme, 2012 and that a revised Contribution Scheme has since been prepared in tandem with the Planning Scheme, 2015 which takes account of those changes affecting contributions that have occurred in the interim including the transfer of responsibility for water services (other than surface water) to Irish Water, the consequent reduction in the amounts charged under the Council's 2004 General Contribution Scheme, and the publication of the 2013 Development Contributions Guidelines.

5.2.10.2 The basis and operation of the Development Contribution Scheme for Monard (including how equalisation mechanisms will be applied with regard to the provision of recreational and community facilities etc.) is subsequently outlined in this chapter.

N.B. The development contribution scheme (Monard SDZ only) was revised and updated in parallel with the 2015 Draft Planning Scheme. Similar to the Planning Scheme, the Council decided by resolution not to make a formal decision on the Monard Strategic Development Draft Contributions Scheme and thus it is deemed to have been made on the 12th of August, 2015 pursuant to the provisions of Section 48(8) of the Planning and Development Act, 2000, as amended.

5.2.11 Chapter 10 – Phasing and Thresholds:

5.2.11.1 This chapter describes the flexible form of phasing envisaged and the controls which will ensure that the necessary infrastructure and facilities are provided at the appropriate time and that related housing areas are not allowed to proceed until these are in place.

5.2.11.2 The system of control over the sequence of development has the following components:

- **The principle of contiguity:** This will apply throughout the SDZ, with the exception of the southern part of Lower Monard. Significant new

development will be required to adjoin land which has already been developed, or is being developed, and cannot occur in isolation, or at a distance from it.

- **The principle of association:** This requires that neighbourhood crèches, recreational / play facilities, sports pitches and various other types of open space have to be proposed in applications for new housing, and provided in association with that housing.
- **Thresholds within villages:** A system of thresholds will apply in each of the 4 No. villages whereby development north of the school site cannot progress ahead of development on the school itself. The same principle will apply to village centre crèches, basic village retail and consumer service provision, village level recreational / play facilities and (in Kilcronan) a medical centre.
- **SDZ level threshold which will trigger a Transport Assessment:** These will apply with regard to the provision, timing, and access to the Northern Ring Road when the relevant threshold is reached. Applications to the north of the threshold line will not be granted until the assessment has been undertaken.

5.2.11.3 The Scheme states that a substantial amount of infrastructure and community facilities will need to be put in place at an early stage in the development and, therefore, planning permission should not be granted prior to the awarding of contracts for the necessary works and that no development should occur in advance of works on the relevant facilities. Development of the northern part of Lower Monard cannot proceed until the following facilities have been provided:

- Sewerage: Pipe connection from pumping station to Carrigrennan treatment plant. Killeens treatment plant to be decommissioned and sewage transferred to Monard for onward pumping to Carrigrennan.
- Rail station: The provision of the station and the 'Park and Ride' car park.
- Roads: Final surfacing of the Services Corridor Road.
- Cycle and pedestrian routes: Initial sections provided with development from the town centre outwards. Cycle and pedestrian routes SE towards Blackpool to be provided in conjunction with the laying of pumped sewer on same route as far as east end of Services Corridor route, and from there southwards with laying of ducts for ESB and other services under the Old Mallow Road.
- School: First Primary School.
- Crèches: 1st Town Centre.

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- Shops, retail and medical services: First 1000m²+
 - Indoor sports and / or community facility: First such facility.
 - Higher Level Play Areas: District Play Area.

5.2.11.4 The same principles will apply to the provision of schools, village centres, and community and recreational facilities in all 4 No. villages (as detailed in Table 10.3 which summarises the preconditions for development north of the relevant threshold lines and those facilities to be provided in association with each part of each village).

5.2.11.5 This chapter also identifies a possible natural threshold for strategic transport purposes which relates to the requirement to undertake a further transport assessment prior to any permission being granted north of same if at that point the Northern Ring Road is neither in place or imminent. It has already been detailed in Chapter 5 that the results of this assessment will have to be incorporated into the Planning Scheme by way of a formal amendment (with approval by the Board in the event of an appeal). It is further envisaged that this threshold would represent a suitable point at which to undertake a review of the Scheme in order to ascertain if more general amendments to same would be warranted.

5.3 Supporting Documentation to the Draft Scheme:

5.3.1 The Scheme is supported by the following principle documentation:

- Monard Strategic Development Zone Draft Planning Scheme & Monard SDZ Draft Contributions Scheme, Chief Executive's Reports to Members on Submissions Received (30th June, 2015)
- Monard Strategic Development Zone Draft Planning Scheme & Monard SDZ Draft Contributions Scheme, Recommended Changes arising from Chief Executive's Reports to Members on Submissions Received (17th July, 2015)
- Letter to S/Chief Executive regarding determination under Section 169(4)(ba) of the Planning and Development Act, 2000, as amended, on SEA & AA (Senior Planner's Report recommending that the changes to the Draft Planning Scheme do not constitute a material alteration, 10th August, 2015)
- Chief Executive's Order - Determination under Section 169(4)(ba) of the Planning and Development Act, 2000 on SEA & AA (i.e. that the changes to the Draft Planning Scheme incorporated in the Monard Planning Scheme deemed to be made on 11th August, 2015 do not constitute

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- alterations to the Draft Planning Scheme and that SEA or AA of said changes is not required)
- Monard Strategic Development Zone, Strategic Environmental Assessment Statement
 - Monard Strategic Development Zone, Environmental Report
 - Monard Strategic Development Zone Planning Scheme 2015, Addendum to Environmental Report
 - Draft Planning Scheme for Development of Monard Strategic Development Zone, Habitats Directive Screening Statement
 - Proposed Changes to Planning Scheme for Monard Strategic Development Zone Habitats Directive Screening Statement
 - Monard Strategic Development Zone, Development Contribution Scheme
 - Monard Strategic Development Zone Transport Assessment (ARUP)
 - Cork Northern Environs Transport Assessment, Final Analysis Report (Systra)
 - Monard Sewerage Scheme Preliminary Report (Nicholas O'Dwyer)
 - Monard Sewerage Scheme, Addendum Report – Glashaboy Crossing (Nicholas O'Dwyer)
 - Monard Strategic Development Zone Landscape Report (Nicholas De Jong Associates)
 - Monard Water Supply Scheme Preliminary Report Volumes 1 & 2 (RPS)
 - Geophysical Investigation, Monard Sustainable Urban Drainage System (APEX Geoservices Ltd.)
 - Monard Preliminary Sustainable Urban Drainage Report (T.J. O'Connor & Associates) Parts 1 and 2: (Refer to ABP Ref. No. PL04G.ZD2008) & Appendices (*N.B.* These documents are also publically available the Planning Authority's website).

5.3.2 In addition to the foregoing, the wider documentation forwarded to the Board also includes presentations made to the elected members with regard to the Planning Scheme, procedural documents such as public notices and the final Council Resolution, and copies of the submissions received during the public consultation process.

6.0 APPEALS:

6.1 Monard Concerned Residents Group:

- The Monard SDZ Planning Scheme, 2015 differs little from the scheme previously refused by the Board under ABP Ref. No. PL04G.ZD2008 in

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- addressing the topography of the area as the physical constraints remain unchanged.
- In its decision to refuse ABP Ref. No. PL04G.ZD2008 the Board stated that *'in the absence of certainty regarding the (Cork) Northern Ring Road if delivered, the Board did not consider that additional information on transportation patterns would be necessary for decision making purposes'*. In this respect it is submitted that much of the additional information contained in the Monard SDZ Planning Scheme, 2015 relates to transportation despite the fact that the sole reason given for designating Monard as an SDZ was its proximity to the railway (i.e. transport-related).
 - In relation to the Board's previous concerns as regards the *'lack of certainty in relation to essential elements underpinning the proposed planning scheme which are not within the control of the applicant'*, from a review of the submissions received from State bodies regarding the Draft Scheme, it is apparent that the situation has been complicated further since the Monard SDZ Planning Scheme, 2012. For example, the National Roads Authority will not permit an access junction from the proposed SDZ to the Northern Ring Road (itself a suspended project). Accordingly, the case remains that an inadequate, unsafe, low capacity local road network would be relied upon to provide connectivity between the proposed SDZ, Cork City and other destinations.
 - In its decision to refuse ABP Ref. No. PL04G.ZD2008 the Board essentially stated that it was not economic to develop at the density proposed. In this respect it is asserted that housing of the type and density proposed is untested in the local Cork housing market and thus represents a risk for potential developers. Furthermore, such development would also have the potential to result in social problems in the future.
 - The topography of the area has not changed since 2012 and the current Planning Scheme does little to address the specific topographical requirements of the area. Surface water runoff remains a threat to residents in Lower Monard and Blarney whilst the proposed reliance on Sustainable Urban Drainage Systems to maintain soakage at greenfield levels is unconvincing, particularly in light of the long-term maintenance requirements associated with same. Notably, Cork County Council has rejected the advice of its own consultants who, in recognising the complexity of installing and subsequently maintaining a SUDS scheme, recommended a specialist company to manage any such scheme.
 - With regard to the Board's previous concern that *'The approach lacks coherence, definition, detail and would give rise to serious difficulties in relation to universal access'*, it is considered that the Monard SDZ

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- Planning Scheme, 2015 is similar to that previously refused, save for the inclusion of proposals for the limited upgrading of local roads. Furthermore, it is considered that improvements are impossible at those intersections with the intercity Cork-Dublin railway line where the presence of narrow bridges serves to limit the carriageway width / access for public transport. Consideration should also be given to the submission made by Cork City Council on the Draft Scheme regarding congestion in Blackpool.
- Section 1.7 of Appendix 1 of the Planning Scheme states that *'local area plans or informal masterplans [are] a more reliable way of ensuring that development proposals of 'economic and social importance to the State' are realised than an SDZ planning scheme'*. Therefore, it would appear that Cork County Council has no confidence in the SDZ Planning Scheme and thus permission for same should be refused and the SDZ status for Monard revoked.
 - The only reason ever put forward for the designation of Monard as an SDZ is presence of the railway line, however, there is no station at Monard and neither is there any agreement that one will ever be built. Indeed, there are many other options for locating a station along the railway line and it is considered to be a matter of public interest that the reasons for the selection of Monard as an SDZ ahead of same be made available.
 - The Regional Planning Guidelines for the Greater Dublin Area, 2010-2022 state that any new town should be *'located at an adequate distance (>40km) away from Dublin to ensure a good level of self-sufficiency'*. This is clearly not the case with the Monard SDZ which runs the risk of becoming a disjointed suburb of Cork City rather than a new town. The Guidelines also state that *'the main disadvantage of the new town mode is that it is a very high risk option'*.
 - It should be noted that only 3 of the 14 No. largest employers in Cork are located north of the River Lee - Apple, Collins Barracks & Blizzard International, and that only the latter is easily accessible from Monard. Therefore, the majority of the potential inhabitants of the new town would have to commute across the city thereby contributing to congestion and pollution. In addition, with the relocation of the Port of Cork to Ringaskiddy, it seems likely that future industry will also be located on the southern side of the city.
 - The development of Monard requires the provision of essential infrastructure by a large number of State bodies, however, there are no agreements in place as regards same. Therefore, it is considered that there is an insufficient level of agreement in place on which to base a complex development such as the proposed new town of Monard.

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- Although Cork County Council met its statutory obligations, the level of communication with local residents is considered to have been very poor.
 - The development of Monard will not address the wider housing crisis as the infrastructural needs will have a lead-in time (and cost) thereby placing them beyond the scope of short-term requirements. Instead, consideration should be given to the redevelopment of those brownfield sites north of the River Lee (Ballyvolane and Tivoli) which are both available and located close to the railway. The start-up costs in these areas would be much lower and they lend themselves to higher densities due to their proximity to the city centre and existing services etc.
 - The local road infrastructure is wholly inadequate to support the anticipated increase in traffic, with particular reference to Sheehan's Lane and Ross's Lane.
 - Whilst the Planning Scheme contains information on traffic volumes, it does not seem to consider road safety. Furthermore, in the absence of the necessary transportation links, the Scheme only provides for the limited 'improvement' of the local road network. Therefore, the proposed development could give rise to serious traffic congestion and pose a real threat to public safety.
 - The Cork City Northern Ring Road is a suspended project and thus the inclusion of same in the Planning Scheme is disingenuous. In its submission on the Draft Planning Scheme, the National Roads Authority stated the following:

'the NRA has serious concerns with the inclusion of sections 5.2.29 – 5.2.32 and Figure 5.10 in the [draft] planning scheme because the Northern Ring Road junction strategy which has been indicated has not been agreed and national road design details shown will depend on the final detailed road scheme design (by the NRA): therefore the NRA recommends that these sections be omitted'.

However, the aforementioned sections have not been omitted from the final version of the Monard SDZ Planning Scheme, 2015 as requested by the NRA.

- The National Roads Authority has indicated that the Northern Ring Road is *'not intended to act as a distributor road to promote commuter traffic'*, however, it is considered that the use of same (if ever constructed) as a commuter route for Monard town would surely be unavoidable.

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- Key infrastructural elements, with particular reference to transportation, are not within the control of Cork County Council. For example, there is no agreement in place with regard to the railway station and even if such a station were to be built it would be peripheral to the town.
 - The likelihood of a station ever being developed at Monard should be examined having regard to the neighbouring town of Blarney which is only 3.5km west of Monard along the rail line. Blarney had a station up until the mid-1960s and the original site could be procured to serve this need again (including the provision of parking). In addition, the population of Blarney would justify this investment and any business case would prioritise a station at Blarney ahead of Monard. Similarly, Kilbarry (the site of historical sidings) is located c. 3km south of Monard and a station here would serve the major population centre of Blackpool.
 - It is of relevance to note that commuter usage of the Cork-Midleton suburban rail services has been disappointing. This could be in part due to Kent Station being poorly located in terms of access to the major employments hubs of Cork City.
 - Section 2.4.19 of the Monard SDZ Planning Scheme, 2015 acknowledges that *'good bus-rail interchange appears easier to achieve at Blarney station than at Monard'*.
 - According to Table 5.2 of the Planning Scheme, the construction of Monard station will only take place after at least 1,000 No. dwellings have been constructed.
 - Both the business case study and feasibility study upon which the demand for rail travel is based were undertaken in 2002 and Cork County Council has agreed that this data is out of date and thus can no longer be deemed reliable.
 - It is not possible to connect Monard to any other urban or employment centre by bus without considerable modification of the surrounding road infrastructure as the railway line effectively acts as a barrier to movement between the SDZ lands and the city and as all those roads that could be used to travel between Cork and Monard are unsuitable for heavy traffic. Three of the roads, including the Old Mallow Road, pass beneath narrow rail bridges with restricted clearances. Section 5.1.19 of the Planning Scheme also confirms that the rail bridge on the Old Mallow Road is unable to accommodate a regular bus route although the subsequent suggestion that buses could access the N20 at North Point Business Park ignores the fact that it is not possible to get a bus from Monard to the Business Park on the existing road network.

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- Given the limited public transport options available, the initial phase of development in Monard (in the absence of the rail station) will be car dependent by the time any public transportation is developed.
 - With regard to flood risk management and surface water runoff etc., it is considered that given the complexity of same, along with issues around land ownership, it would be difficult to install a unified and coherent flood defence system.
 - Sustainable Urban Drainage Systems are heavily dependent on effective long-term management and the subject Planning Scheme is unduly vague as regards this critical element of the necessary infrastructure.
 - In its submission on the Draft Planning Scheme, the EPA noted that there was insufficient detail as regards the proposed SUDS scheme and that a finalised SUDS strategy should be included rather than the current listing of SUDS measures.
 - The Monard SDZ Planning Scheme, 2015 falls dramatically short of the requirements for a sustainable town with many elements potentially contributing to significant carbon footprints.
 - The inability to provide a satisfactory public transport network will result in Monard having an overtly car-dependent population (contrary to the rationale for designating Monard as an SDZ in the first instance i.e. the proximity of the railway).
 - Table 5.4 (Page No. 113) of the Planning Scheme forecasts very poor usage of public transport for work / education purposes (7%). This table appears to be overly optimistic in the prediction of commuting by bicycle and on foot and seems to underestimate car usage.
 - Table 5.4 (Page No. 116) of the Scheme shows that only 3 No. of the travel options from Monard are considered to be 'good'. None of the public transport options are deemed to be 'good'.
 - The targets for cycling are highly optimistic. The cycle from Blackpool to Monard is uphill and very demanding whilst there is no existing cycle path connecting Blackpool with the City Centre.
 - The elevated position of Monard will result in houses having a higher energy consumption for heating purposes (Section 8.0.9 of the Scheme).
 - Section 2.3.4 of the Planning Scheme states that *'the topography of Monard presents some difficulties for cyclists, and its somewhat exposed position may also deter walkers in wet or showery conditions. As many rail users may wish to reach the station by one of these methods, this may make it more difficult to fully achieve the rail corridor*

based aims behind the proposal for a new town'. This also serves to highlight the weakness of the sole selection criterion for the Monard SDZ (i.e. access to the railway) and the generally unsuitable elevated location.

- The requirement to pump wastewater in perpetuity c. 20km to the Carrigrennan Wastewater Treatment Plant is not sustainable whilst the site itself does not have a waterway sufficiently large to accept treated waste.

- A high pressure (70 bar) gas pipeline passes through Monard to supply industrial, pharmaceutical, commercial and domestic customers in Ballincollig, Brinny, Kinsale, Bandon, Ballineen and Macroom. This pipeline is located in the middle of the proposed Lower Monard Town Centre and thus if the development were to proceed the area in question would be subject to construction works for many years thereby posing a significant health and safety risk. Furthermore, if the town were to be built it is queried how any defects in the pipeline would be repaired.
- Section 6.2 of the NSAI's *Standard Specification (Code of Practice for gas transmission pipelines and pipeline installations, Ed. 3.1) Declaration, 2003* states that operating pressures in excess of 16 Bar should not be used in the central areas of towns.
- The proposed road network will bisect the arable land of several landowners.
- Cork County Council does not have the authority to broker land-swaps and it is disingenuous for it to suggest otherwise (as set out in the Chief Executive's Report to the Members on Submissions Received).
- There are a significant number of errors / deficiencies in the Monard SDZ Planning Scheme, 2015 including the following:
 - There are inconsistencies throughout the Planning Scheme with regard to core elements of the management plan (e.g. the thresholds for the provision of infrastructure set out in Table Nos. 5.2, 10.1 & 10.2).
 - The Scheme does not include provision for all those items set out in Part III of the First Schedule of the Planning and Development Act, 2000, as amended.
 - The maps and town plans do not include scales or north-points.
 - In Table 2.2 the percentages should read down the columns and not across the rows.
 - There are 2 No. tables titled '*Table 5.4*' (on Pages Nos. 113 & 116).

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- Section 2.4.18 of the Scheme states the following:

‘Some uncertainty on how much commercial development individual village centres can support is nevertheless unavoidable. To allow for this, and for change in demand patterns over time, some buildings in each village centre should be designed to be readily convertible. If ground floors are initially fitted out as residential units, they should have steel frames or beams positioned so as to facilitate division or unification of ground floor space and opening up of shop fronts’.

However, there should be no uncertainty in a Planning Scheme, particularly as there is no provision for appeal with regard to individual developments.

- Section 3.4.3 of the Scheme states that *‘Steep areas are sometimes better left undeveloped’*. Given that large parts of Monard consist of steep areas it must be queried why it was designated as an SDZ in the first instance.
- Section 5.1.8 states that *‘the opening of the station needs to coincide with the first substantial block of development. It is not desirable that it open prematurely, appear empty, and perhaps become subject to abuse’* which is considered to be indicative of a lack of planning.
- Section 5.1.9 of the Scheme which states that *‘For any significant development to be possible at Monard, the County Council will need to commit to the necessary initial infrastructure’* suggests that the Council itself has not committed to the project.
- There are clear concerns with regard to Section 4.4.8 of the Scheme which states that *‘[U]nless the design process has been a very detailed one, which is not the case with this Planning Scheme ...’*
- The Scheme does not include an executive summary or a list of references.

The foregoing errors etc. undermine confidence in the ability of Cork County Council to organise a complex infrastructural project that will require liaison with multiple State bodies etc.

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- The proposed provision of recreational facilities within Monard is abject and the 5 No. sports pitches cannot possibly fulfil the requirements for GAA, soccer, rugby etc. In addition, no locations have been identified for school sports pitches / playing fields.
 - The proposed extension of the southern walk for the 'Country Park' will require land to be purchased from residents who have not been consulted. This land is outside of the SDZ and cannot be compulsorily acquired for this purpose.
 - Contrary to Section 7.6.4 of the Planning Scheme, the walkway through the Country Park does not serve the proposed Monard railway station.
 - Contrary to the requirements of S.I. No. 540 of 2010, Planning and Development Act, 2000 (Designation of Strategic Development Zone: Monard, County Cork) 2010, the subject Planning Scheme does not include for the provision of all those community facilities referred to in Part III of the First Schedule of the Planning and Development Act, 2000, as amended. In this regard specific reference is made to the absence of any planned facilities for people with disabilities, a caravan / camping park, or the reservation of lands for use as a burial ground.
 - The County Council has acknowledged that social problems will be a concern (e.g. Section 5.1.9 of the Scheme refers to the potential issues arising if the train station were to be left idle).
 - With regard to the proposed commercial units, it should be noted that there are a significant number of commercial parks across the northern side of Cork City, most with immediate access to the primary road network (e.g. Blackpool Retail Park, North Point Business Park & Blarney Business Park). These locations have many vacant units and also have considerable capacity for further expansion. Accordingly, it seems unlikely that Monard would be attractive to new business if it is not connected to the Northern Ring Road.
 - The development of Monard as a new town is of an aspirational / theoretical nature and there is a considerable amount of risk involved in undertaking such a project in Ireland where there is no historical connection to the 'new town' concept.
 - Elements of the Monard SDZ Planning Scheme, 2015 are unlikely to be embraced by developers due to cost considerations and technical difficulties. For example, with regard to the proposals detailed in Figure Nos. 3.17 & 3.18 in relation to the provision of basement type storage areas / garages, it is submitted that this type of space is expensive to construct and, even if fitted to the highest standard, will be unsuitable for storage due to the ingress of damp.

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- Section 3.5.2 of the Planning Scheme states that *'some of the proposals in this chapter are to some extent experimental, and will be subject to feedback, arising from the practical working out of design details on specific sites and in the market reaction from potential residents'*. It is considered that the purpose of an SDZ is to ensure that the detailed design is available 'up-front', particularly as there is no recourse to appeal the 'detail' if the experimental plan were to receive approval.
 - The proposal to pump sewage to the Carrigrennan Wastewater Treatment Plant has the potential to impact on Natura 2000 sites in Cork Harbour.
 - There are a number of priority species resident in the area including bats and Birds of Conservation Concern.
 - There are an alarming number of errors in the environmental report including the omission or misidentification of key species.
 - The proposed development would result in the loss of hundreds of hectares of dairy grassland at a time when Government policy is to increase milk output.
 - The proposal would result in the isolation of a 3km band of farmland north of Cork City and within the proposed route of the Northern Ring Road. Accordingly, it is queried as to what is the future plan for these lands.
 - There has been little consideration of the ecological and environmental impacts associated with the construction of the proposed development with particular reference to traffic, noise, dust and vibration.
 - There are multiple errors in the Habitats Directive Screening Report, particularly in relation to the separation distances between Monard and local protected sites.
 - It has been asserted that Cork County Council Planning Department did not engage with the Board of Management of Rathpeacon National School as regards the subject Planning Scheme.
 - The traffic volumes at Rathpeacon National School are already hazardous and will be greatly exacerbated by construction traffic and any significant increase in the local population.
 - The following specific concerns are raised on behalf of Michael & Margaret Cronin, "Teach Teile", Monard, Rathpeacon, and Finbarr & Rosarie O'Sullivan, "Rosffin", Monard, Rathpeacon:
 - There are concerns as regards the proximity of those buildings of increased height (i.e. apartment / duplex developments over ground floor retailing) relative to existing dwelling houses and the potential for overlooking of same. It is also considered to be unclear if the access and parking arrangements for the apartment units in

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- question will be provided along the northern side of same and what boundary treatment will be provided around existing dwellings.
- In relation to the district play area to the north of that property identified on the accompanying map as 'C16', it is unclear if parking will be provided to avoid congestion of the existing laneway.
 - Monard Boreen is proposed to be retained as an amenity walkway, intersecting with several new sections of roadway while providing continued access to existing dwellings, however, it is considered that there are safety concerns associated with such a proposal. The erection of signage will not prevent commuter 'rat-runs' whilst cul-de-sacs are undesirable as they contribute to loitering and opportunistic car parking.
- Of particular concern to John & Mairead Rowley is the development of the South-West Link Road (i.e. Sheehan's Lane) on which their family home is situated. This roadway is unsuitable for the proposed amendments and cannot accommodate the increased traffic volumes consequent on the development of Monard.
 - Sheehan's Lane leads to several other laneways which provide for onward access to Killeens, Rathpeacon and Blarney and therefore the upgrading of same is questionable given that any traffic using same will ultimately move onto substandard laneways.
 - The laneway itself is narrow with several steep gradients.
 - There is no agreement with Iarnród Éireann as regards the proposed amendments to the laneway over which the railway line passes.
 - The potential for serious damage to be caused to the bridge would be significantly increased due to the traffic volumes proposed to travel under same.
 - There is insufficient width beneath the bridge to accommodate a two-lane carriageway and a pedestrian footpath.
 - The existing railway bridge is worthy of protection from an architectural and built heritage perspective.
 - The proposal to widen the laneway would result in a reduction of the Rowley's landholding and an associated loss of mature hedgerow / planting.
 - The proposed amendments would give rise to serious traffic congestion and would compromise the health and safety of the appellants' (John & Mairead Rowley) family whilst also having a detrimental impact in terms of noise, pollution, loss of amenity etc.

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- The manner in which the Monard SDZ Planning Scheme, 2015 was deemed to have been ‘made’ is undemocratic. In this respect it is submitted that on 27th July, 2015 the elected representatives of Cork County Council were prepared to vote against the adoption of the Draft Planning Scheme based on a wide range of concerns and as almost 200 No. objections had been received from local residents, however, the Chief Executive subsequently withdrew the option of a free vote with a new resolution then being passed. This new resolution appeared to suggest that a decision on the Monard SDZ Draft Planning Scheme would be postponed pending further consultation with local residents, however, in actuality, the scenario has arisen that the Planning Scheme has been deemed to have been made under the relevant legislative provisions.
 - Notwithstanding the resolution passed by the elected members on 27th July, 2015, there has been no further consultation with local residents.

6.2 Scoil Náisiúnta Mhuire Ráthpéacáin (Rathpeacon N.S.) Board of Management:

- There are concerns that the Monard Strategic Development Zone Planning Scheme in its present format could prove to be highly detrimental to the Rathpeacon / Monard area.
- During the preparation of the Monard SDZ Planning Scheme, the Board of Management of Rathpeacon N.S. was not consulted as regards the increased pressure the school has experienced in recent years due to its steadily rising enrolments as a result of continuing development and population growth within its immediate catchment area. In this respect particular reference is made to recently constructed housing developments within the Killeens area which have placed significant pressure on the school.
- The existing road network serving Rathpeacon N.S is presently experiencing difficulties in accommodating the traffic volumes associated with the current school population. Furthermore, it is submitted that the construction of the newly expanded school in the adjacent townland of Whitechurch, in addition to the recent amalgamation of the boys and girls schools in Blarney, have in no way relieved the pressure on the school’s enrolments.
- The Department of Education has firmly advised that Rathpeacon N.S. (which is presently a 14 No. teacher school) will be capped to a maximum of 16 No. class teachers.

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- Rathpeacon N.S. is located immediately alongside the proposed Monard SDZ and is served by the only existing road infrastructure (i.e. the Old Mallow Road) linking Monard to the Cork City environs. Therefore, the existing school, whilst strictly outside the formal SDZ area boundary, will nevertheless be significantly affected by any proposed development within the SDZ.
 - Rathpeacon N.S. is presently nearing capacity and has little potential or future ability to accommodate the likely demand for school places associated with the initial development of 950-1,000 No. new dwellings within the SDZ area.
 - From a review of the reasons for the Board's previous decision to refuse to approve the Monard SDZ Planning Scheme in 2012, it would appear that the same fundamental problems arise with regard to the latest 2015 Planning Scheme despite the assertion by Cork County Council that the previous reasons for refusal have been adequately addressed. In this regard the Board is referred to the following extracts from the Monard SDZ Planning Scheme, 2015:

'1.15 Cork County Council is legally obliged 'to take such steps within its powers as may be necessary for securing the objectives of the development plan'. In this case, these steps include resubmission of this revised Planning Scheme, careful consideration of the Board's reasons for refusing to approve the 2012 scheme, and amendment of that Scheme to take account of these reasons as far as possible'.

1.16 The Board's main concern appeared to be uncertainty in relation to provision of – and access to – the proposed Cork Northern Ring Road.

1.17 The Council is only partly in a position to resolve these particular issues'.

- Notwithstanding the reference in the Monard SDZ Planning Scheme, 2015 to the provision of a 'Services Corridor' and 'Road / Infrastructure Corridors' within the SDZ, no account has been taken of the limited capacity of the existing infrastructure immediately outside of the SDZ which would be required to serve the proposed 'Corridors' in the initial phases of development, particularly until the construction of the new link roads and the Northern Ring Road at some unspecified dates in the future. In this regard the Board is referred to the following extracts from the Monard SDZ Planning Scheme, 2015:

Table 5.2:-

Issue	Discussion in this chapter; main issues:
<i>Roads linking SDZ to surrounding road network</i>	5.2 (a), (b) – Local Roads: <i>proposed improvements to links between SDZ and road network north of Cork City; interaction between timing of road improvements, traffic conditions and amount of development in SDZ.</i>

‘5.2.12: An incremental approach to the provision of extra road capacity on the Services Corridor Road is thus recommended. Decisions on whether and when extra lanes should be added to the two lane Services Corridor Road should be taken close to the time when they are to be implemented, in the light of up-to-date information on the transport conditions prevailing at that time . . . Decisions should take account of congestion outside as well as within Monard itself, and allow for the possibility that limited capacity which results in some morning peak congestion on the Services Corridor Road on its way out of Monard could be preferable to adding to downstream congestion outside Monard’.

Figure 5.3: *Proposed SE Link Road*

Figure 5.4: *Proposed SW Link Road*

Table 5.2: *Thresholds for provision of Local Transport Infrastructure in Monard.*

‘5.2.20: Prior to provision of a Northern Ring Road, development in Monard is likely to be associated with increased congestion in Blackpool, with the junction between the N20 and Brothers Delaney Road (immediately west of Blackpool Shopping Centre), and the junctions on the Redforge Road section of the former N20 (east of the shopping centre) being most likely to be affected’.

- In relation to concerns regarding phasing and the associated thresholds, the Board is referred to the following extracts from the Planning Scheme:

‘7.1.2: Timely provision of an initial school is one of the key features of the SDZ approach, important both in itself, and as evidence that community

services will be provided as they are needed. Provision of the first school is likely to require advance acquisition of its site by the Council, as landownership in Lower Monard is quite fragmented, and landowners would not necessarily have a sufficient interest in ensuring that a school was provided, whereas on a large holding, the owner may have more of an interest in ensuring that a site was available, in order to avoid delays to development in other parts of the holding’.

Table 10.1: Initial Linear Infrastructure and Facilities.

Table 10.2: Infrastructure & Facilities to be provided before housing in N. [Northern] part of Lower Monard.

Table 10.3: Summary Table showing preconditions for development north of threshold lines, and facilities to be provided in association with each part of each village.

- There is no apparent planned or committed improvement of existing road infrastructure outside of the proposed SDZ until after the construction of 500 No. dwellings (as per Table 5.2) and consequently such a scenario would have significant negative implications for both Rathpeacon N.S. and the existing community. This road network needs to be upgraded in order to accommodate existing (school) traffic levels and in advance of any further development within the school’s catchment area.
- The Monard SDZ Planning Scheme, 2015 allows for the development of up to 950-1,000 No. dwellings before the provision of 1 No. new primary school within the SDZ area. In this respect it is reasserted that Rathpeacon N.S. is nearing capacity with little potential for further expansion and thus it can in no way accommodate the additional enrolment demands likely to be associated with the initial development of 950-1,000 No. new dwellings in the southern part of Lower Monard which falls within the school catchment area. A new school should be in place at a much earlier stage as part of the overall Planning Scheme (i.e. prior to the construction of 950-1,000 No. housing units).
- The Planning Scheme allows for the potential development of up to 1,835 No. new dwelling units within the SDZ prior to the provision of the proposed new SE link Road which is required to relieve pressure on the existing road infrastructure in the Monard / Rathpeacon area.
- Further clarity is required in relation to the provision of community and recreational facilities in advance of the development of any new dwellings within Lower Monard (S).

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- Further clarity is required as regards the reference in Section 1.20 of the Planning Scheme to the absence of the Northern Ring Road only arising as a constraint once 3,800 No. dwellings had been provided and the subsequent omission of any reference to same in Table 10.3 of the document.
 - It is noted that a commitment has only been provided for the advanced acquisition of land (as opposed to delivery *'on the ground'*) for the first school during the initial development of up to 950-1,000 No. dwellings in the southern part of Lower Monard. Accordingly, questions arise as to where children from this initial phase of development will attend school.
 - In response to the appellant's previous submission on the Draft Planning Scheme that there had been no engagement with the National School given its concerns as regards the potential significant implications for the school, particularly during the early development stages of the SDZ and before the provision / establishment of other new infrastructure, Cork County Council stated that it had discussed enrolments etc. with the Dept. of Education and that it was acutely aware of the pressures on Rathpeacon N.S. It also indicated that advance land acquisition was envisaged for the first school and that the development of new housing would be limited in the southern part of Lower Monard until such time as the school was in place. In addition, it was considered that children born after the new housing is occupied would not attend school for several years and that the denser housing proposed in Lower Monard would have smaller households and fewer children.

Having considered the foregoing, the basis for the Council's response that *'children born after new houses are occupied will not attend school for several years'* and that *'denser housing proposed in Monard will have smaller households and fewer children'* is queried.

Furthermore, it is the appellants understanding that the planned SDZ development was targeting an 'overall inclusive social mix' and thus it is questioned how the foregoing generalisation which implies some proposed form of 'social-engineering' (or similar) can be given in response to a concern raised during the formal consultation process.

- The Board should refuse to approve the Monard SDZ Planning Scheme, 2015 until such time as sufficient clarity and certainty is made available as regards the key issues of traffic, transportation, educational facilities and phasing / threshold implementation.

6.3 Tadhg O'Leary & Jer Buckley:

- Both Blackpool Village and Commons Road are located downstream of the proposed development whilst the Glenamought River, which borders the development, flows downstream along Commons Road and onwards through Blackpool Village. Both of these areas experienced flooding in 2002, 2010, 2012 & 2013 and also in the preceding decades.
- The Office of Public Works is presently engaged in designing a flood relief scheme (Emerging Preferred Options Blackpool, 2014) in order to reduce the risk of on-going flooding in Blackpool Village and Commons Road. It has completed a study of the Glenamought / Bride River system and concluded that the current culvert system south of Blackpool Bridge cannot manage the peak flows from the Glenamought / Bride River system with the result that businesses and homes in Blackpool Village and along Commons Road are subject to flooding.
- There has been no consultation with the OPW to date as regards the potential impact of the proposed development (the SDZ) on the design of the flood relief scheme for Blackpool.
- At present, the system of culverts in Blackpool Village cannot manage peak flows in the watercourse and one of the solutions proposed following modelling by the OPW is the use of high walls in an attempt to pressurise the system of culverts in order to 'push through' the peak flows which would include the construction of walls extending to several metres in height over the riverbed in Orchard Court, Blackpool Village. In this respect it is the appellants understanding that the existing culvert system can presently accommodate a flow capacity of $26\text{m}^3 / \text{sec}$, however, peak flows of approximately $32\text{m}^3 / \text{sec}$ were experienced during flooding of the village in 2012. Further flood management options include localised surface water pumps, direct defences, sedimentation areas, and some culvert alignments in the village.

In view of the foregoing, it is submitted that the existing downstream culvert system cannot accommodate the current flow rates even before any additional water flows / volumes are taken into account.

- While most of the proposed development will drain to the Blarney River system, some of the approach roads will drain to the Glenamought River which flows through the aforementioned 'at risk' areas which are located downstream. Therefore, any future expansion of the proposed town will have the potential to add additional flows to the watercourses over time.

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- It is questioned how the proposed development will comply with the provisions of *'The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'*. In this respect it is submitted that the broad thrust of the guidelines is that development should be avoided in areas at risk of flooding and that in instances where the development in question is deemed to be justifiable, an assessment should be carried out to determine that the proposal will not contribute to flooding elsewhere.

Whilst Monard may not be within a flood plain due to its elevated location, there are concerns as to how the flood risk to downstream receptors (i.e. Blackpool Village and Commons Road) has been considered and if a suitable flood risk assessment has been carried out. Furthermore, given that the OPW is presently designing a flood relief scheme for these specific flood risk areas, it is queried if any flood risk assessment prepared for the Monard SDZ Planning Scheme can be shared with them.

- Maintenance of the Glenamought / Bride River catchment has been curtailed in recent years and this has led to several instances when large items of debris have caused the blockage downstream of a very vulnerable screen in Blackpool Village which contributed to flooding in 2013 (Please refer to the accompanying photos that indicate the neglect of the existing watercourse in recent years). In this respect it is also submitted that the appellants have previously made requests for specific high risk items (such as large tractor tyres and trees which have been cut into the river prior to expected instances of high risk weather) to be removed.
- It is noted that the proposed approach / support roads will drain into the Glenamought River and that the impact of the development will be reduced using swales and catchment ponds. Accordingly, it is queried how the on-going maintenance of these mitigation measures will differ from those conducted within the Glenamought / Bride catchment since the last major flood event in the village in 2012.
- The appellants have past experience as regards a failure to satisfactorily maintain both the river system and the flood risk reduction measures. Therefore, they are concerned for the future maintenance of any proposed future flood risk reduction measures.

6.4 Patrick J., Anne, Pdraig, Colm, Colette & Brendan Sheehan:

- Cork County Council (and the revised Monard SDZ Planning Scheme, 2015) has failed to adequately address the issues at the core of the Board's previous decision to refuse to approve the Monard SDZ Planning Scheme, 2012 under ABP Ref. No. PL04G.ZD2008.
- In its determination of ABP Ref. No. PL04G.ZD2008 the Board noted that the '*delivery of the future national road infrastructure and operational railway links*' were not within the control of Cork County Council. In this respect it is submitted that not only does the delivery of the aforementioned transportation infrastructure remain outside of the control of the development agency (i.e. Cork County Council), but that the responsibility for water services has since been transferred to Irish Water. Indeed, Section 6.1.9 of the SDZ Planning Scheme, 2015 acknowledges that '*it is possible that Irish Water may prefer a different – and possibly more integrated – solution*' yet Cork County Council has only had preliminary discussions with Irish Water as regards the disposal of wastewater from Monard. Therefore, given that further key elements underpinning the proposed Planning Scheme are not within the control of Cork County Council, it follows that the Board's initial reason for the refusal of ABP Ref. No. PL04G.ZD2008 has not been addressed and is even more pertinent than it was in 2013. Accordingly, the proposed scheme would be contrary to proper planning and sustainable development.
- It is questionable as to whether Cork County Council has addressed the Board's previous concerns with regard to the adoption of a '*low density approach to urban development on a site that requires significant public capital investment*' given the following statement in Appendix 1 of the SDZ Planning Scheme, 2015:

*'1.35: In the context of Monard, policies which **allow** higher densities have advantages over ones which require them. Particularly in the lower part of the economic cycle, if there are unduly prescriptive density policies in outer areas, and development nevertheless continues, it is likely to be at the expense of more sustainable apartments in the City. Alternatively, if such policies require more apartments and duplexes than developers are willing to build or able to sell, this will lead to – or extend - pauses in the process of development at Monard. Such pauses would be more serious in a new town . . .*

1.36: In summary, this approach to density and housing mix takes as much account of the Board's views on density as is possible, without departing from the basis on which a new town in Monard was adopted as an objective in successive County Development and Local Plans, and designated as an SDZ. Such data on the relevant segments of the housing and transport markets in Cork as is readily available does not suggest there is a strong evidence-based case for abandoning those adopted policies, and trying to secure agreement on substitute ones which would require higher densities than are possible . . .'

Therefore, it is clear that Cork County Council has not only acknowledged that apartments in Cork City would be more sustainable than in Monard, but that there is a strong evidence-based case for not adopting higher densities in the Cork area. In this respect the Board is advised to note the contents of the submission made by O'Flynn Construction Ltd. on the Draft Planning Scheme which stated that *'Density levels for the town centre should revert to [the] 2012 planning scheme'*.

According, on the basis of the foregoing, it is asserted that the subject Planning Scheme would not achieve the efficient use of land given the scale of public investment required and thus would be contrary to the proper planning and sustainable development of the area.

- Neither the topography nor the fragmented pattern of land ownership in the Monard area has changed since 2013 and thus this reason for refusal remains unresolved.
- The proposed *'Sustainable Urban Drainage System'* must be questioned in light of the comments contained in Sections 6.5.6 and 6.5.11 of the SDZ Planning Scheme, 2015 regarding the restriction of surface water runoff to existing 'greenfield' discharge rates. It is questioned if such a drainage strategy is possible in the case of Monard, particularly as the proposed development envisages a significant amount of building construction and other paved areas etc.
- With regard to Cork County Council's efforts to address the issue of universal access (as referenced in the Board's previous decision to refuse approval of ABP Ref. No. PL04G.ZD2008), the Board's attention is drawn to Section 1.94 of Appendix 1 of the Scheme which states that the following phrase has been inserted into each of those sections concerning the four town / village 'centres':

'The spaces and facilities should be designed to ensure that all members of society can use them'.

However, on a reading of the Scheme it would appear that the foregoing statement has only been included in reference to the 'Lower Monard' town centre.

- Notwithstanding the foregoing, it is considered that the Planning Scheme does not satisfactorily address the issue of universal access. For example, Section 5.1.5 states that the proposed ramps at the railway station should be at *'gradients which allow their use by those with limited mobility and will avoid the need for lifts'*. In this respect, it is suggested that in light of the Board's previous comments regarding universal access that the Council should be ensuring the provision of lifts as a priority.
- With regard to the Board's previous comments in relation to the designation of the SDZ as giving certainty that infrastructure will be provided so as to allow the rational development of land, it is submitted that not only is there still uncertainty as regards the provision (and timing) of certain road and rail infrastructure, but Bord Gais Networks have not given any agreement as regards the provision of a gas supply for Monard whilst Irish Water has not provided any agreement in relation to water services and the disposal of wastewater.
- There has been a failure to facilitate public consultation in accordance with Article 6(4) of the Aarhus Convention as regards the preliminary decisions made in respect of the designation of Monard as an SDZ, including (but not limited to) the requirement for the project in the first instance and the selection of study corridors without a more fundamental analysis of other options.
- A realistic consideration of alternatives, as required by the EU Environmental Impact Assessment Directive, has been undoubtedly compromised by the failure to provide a considered strategic context and in the absence of input from stakeholders and other concerned parties.
- The Board should revoke the SDZ status allocated to Monard on the basis that the requirements of the Aarhus Convention have not been observed.
- Not only is the provision of public transport infrastructure outside of the control of Cork County Council, but Section 2.4.19 of the SDZ Planning Scheme acknowledges that *'Good bus-rail interchange appears easier to achieve at Blarney Station than at Monard'*. Therefore, it is considered that there is a stronger case for a new railway station at Blarney whilst the

existing facilities at that location would also seem to favour a station over Monard.

- The National Roads Authority has not committed to the development of the Northern Ring Road and in the absence of this piece of infrastructure the development of the SDZ would be reliant on the limited improvement of the local road network. Furthermore, the Northern Ring Road project has been suspended.
- Notwithstanding the Board's comments in 2012 that it *'did not consider that additional information in transportation patterns would be necessary for decision-making purposes'*, Cork County Council proceeded to appoint Systra Transport Consultants to carry out a further transport survey.
- Notwithstanding the improvement of the surrounding local road network, it would be unable to accommodate the significant increase in traffic volumes associated with the development of Monard. In particular, the appellants object to the proposed amendments to the South-West Link Road as follows:
 - The proposed amendments to Sheehan's Lane will serve no purpose in addressing the short, medium or long-term traffic issues associated with the development of Monard. For example, traffic travelling to Blarney will use Rosses Lane, Tweedmount, Blarney, which is a single lane boreen also completely unsuitable for the proposed increase in traffic.
 - The serious health and safety issues that would arise.
 - The proposed increase in the carrying capacity of Sheehan's Lane would have a detrimental impact on the operation of the appellants family business and farm (both of which are sited along same).
 - The railway bridge and its structure would be seriously compromised should the proposed amendments proceed.
 - The carriageway width of the laneway passing under the railway bridge when coupled with the arched span of the construction would not permit two lanes of traffic or the provision of a footpath on either side of same.
 - The Monard SDZ Planning Scheme, 2015 makes no reference to any agreement with Iarnrod Eireann as regards the carrying out of the proposed amendments under the railway bridge.
 - The health and safety implications arising in respect of increased traffic congestion and noise / air pollution in addition to the diminution in the appellants' quality of life.

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- The low-lying lands in the Monard area are prone to high levels of flooding which can occur at any time during the year. Accordingly, it is submitted that the proposed development and the associated infrastructure will have a detrimental impact on the low-lying lands of Monard where the homes and businesses of the appellants are located.
 - The proposed development would seriously undermine the quality of the appellants' water supply which is obtained from a number of wells.
 - With regard to flooding, the Board's attention is drawn to Section 6.5.20 of the Planning Scheme which states that *'Cork County Council accepts that even in the absence of any development at Monard, there is still periodic serious flooding on the Blarney and Shournagh Rivers'*. Furthermore, the Council has acknowledged that Monard is located upstream of certain settlements with a history of flood events and that these will *'need to be protected from any increase in flood risk arising from its development'*.
 - Monard was designated as an SDZ due to its location close to the railway line, however, the sustainability of the proposal must be questioned in light of Section 2.3.4 of the Planning Scheme which states that *'the topography of Monard presents some difficulties . . . this may make it more difficult to fully achieve the rail corridor based aims behind the proposal for a new town at Monard'*.
 - The proposed development at Monard will have a detrimental impact on the local environment and ecology of the area. Indeed, Section 8.3.1 of the Planning Scheme acknowledges that *'elements of the scheme associated with the provision of water and wastewater infrastructure could potentially give rise to impacts on a number of designated sites in Cork Harbour'*.
 - The existing primary school at Rathpeacon is already at capacity and there is serious traffic congestion on a daily basis at school-times on the Old Mallow Road which poses a risk to the health and safety of children, parents, teachers, local residents and other road users. Indeed, the additional traffic volumes consequent on the proposed development will serve to exacerbate this situation.
 - It would appear that the first primary school will not be provided until after the construction of an initial 1,000 dwelling units whilst Section 9.3.3 of the Planning Scheme indicates that a single *'secondary school is likely to be provided only when substantial population growth has occurred in Monard'*. Accordingly, there are concerns as regards the provision of schools / school places (an essential element underpinning the Scheme) which is outside of the control of Cork County Council.

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- The Monard SDZ Planning Scheme, 2015 is of a theoretical and aspirational nature.
 - No commitment has been given by Irish Water as regards the disposal of wastewater from Monard. In this respect it is submitted that the proposal to pump sewerage to the Carrigrennan treatment plant at Little Island (a distance of 20km away) is questionable both in terms of feasibility and cost. Furthermore, in the intervening period it is proposed to dispose of sewerage from Monard via the existing treatment plant at Killeens although the capacity of same is questionable and the pipe connection details are not clear.
 - There is no agreement with Iarnród Éireann in relation to the provision or timing of the railway station at Monard and, therefore, given that Monard was designated as an SDZ due to the presence of the railway line, in the absence of any such commitment it is unrealistic to proceed with the development.
 - The SDZ Planning Scheme does not include for a cyclepath.
 - Given the absence of any agreement with Iarnród Éireann as regards the provision or timing of the railway station, it is questionable why Monard was designated as a SDZ in the first instance. There are many other suitable locations such as Blarney and Kilbarry where a railway station and the associated facilities could be provided. Indeed, the development of an integrated transport system would seem to favour the provision of a railway station at Blarney.
 - There is no agreement with Bord Gáis Networks as regards the provision of a gas supply which is outside the control of the Council.
 - The gas pipeline traversing the SDZ raises serious health and safety concerns.
 - Notwithstanding the proposal to provide several 'kick-about' areas, a small pitch and putt course, a 'Country Park' and 5 No. playing pitches, it is considered that little provision has been made for recreational facilities. Indeed, Section 2.5 of the Planning Scheme refers to the country park and the 5 No. pitches and states that there is limited choice as to where these can be provided and that the locations chosen have consequences for other parts of the SDZ.
 - The manner in which the Monard SDZ Planning Scheme, 2015 was deemed to have been 'made' is undemocratic and should not have been allowed to occur. In this respect it is submitted that on 27th July, 2015 the elected representatives of Cork County Council intended to vote against the adoption of the Draft Planning Scheme as they were *'unhappy with several aspects of the plan for the new town'* and as almost 200 No.

submissions had been received from local residents (the majority of which objected to the proposal), however, following talks with the Chief Executive no vote was taken (contrary to the mandate provided to the members by local residents) and a new resolution was brought before the Council which was subsequently seconded. Although it was the understanding of local residents that further meetings were to have been held, to date no such meetings have taken place. Accordingly, due to the legislative provisions, the scenario arose whereby the Planning Scheme was deemed to have been made simply because a period of 6 weeks had elapsed since the elected members received the Draft Scheme on 27th June, 2015.

- The serious traffic congestion on local roads in the surrounding area that would arise consequent on the development of Monard would have a negative impact on the local tourism industry with particular reference to visitors to Blarney Castle etc.
- There are more suitable sites with better infrastructural services on the northern side of Cork City. These lands would also benefit from their proximity to the railway and would seem to represent a significant cost-benefit saving given the myriad of infrastructural and sustainability issues associated with the development of Monard.

6.5 Monard Community Association:

- Whilst the appellant has no objection to the overall principle of development in the Monard area, it feels that the economic viability of the development set out in the Monard SDZ Planning Scheme, 2015 and the impact of same on the local community has not been comprehensively addressed.
- It is considered that the Board's reasons for the refusal of the previous Monard SDZ Planning Scheme, 2012 have not been adequately or successfully addressed in the revised Planning Scheme.
- The response of Cork County Council to the Board's previous grounds of refusal (as set out in Appendix 1 of the Planning Scheme, 2015), amounts to a rebuttal of the reasons for refusal rather than any constructive attempt to address same.
- In response to the initial reason for the Board's earlier refusal to approve the Monard SDZ Planning Scheme, 2012 under ABP Ref. No. PL04G.ZD2008, the revised SDZ Planning Scheme, 2015 (Chapter 1) states the following:

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- *The Council is only partly in a position to resolve these particular issues.*
 - *However, while there is no suggestion that a northern ring road will not be provided at some stage, there is considerable uncertainty on its timing.*
 - *In these circumstances, submission of a 2nd Draft Planning Scheme is regarded as consistent with the intentions of the Government in designating Monard as an SDZ, even in the absence of certainty on the timing of a Northern Ring Road.*

In relation to the proposed railway station the Revised Scheme (Section 5.1.6) states the following:

‘Cork County Council will not start implementing the infrastructure works envisaged by this Planning Scheme, or grant any planning applications submitted for development in accordance with it, until a business case/feasibility assessment has been carried out, and supports the implementation of the CASP proposals for a rail station and rail services for Monard. Development by the Council or others which is not consistent with this proviso will not be regarded as consistent with this Planning Scheme’.

Having regard to the foregoing, and given the continued uncertainty as regards the provision of the necessary infrastructure (with particular reference to the construction of the Northern Ring Road, the provision of bus services, and the availability of funding for water infrastructure), it is imperative that the required infrastructure is in place prior to the commencement of construction. Therefore, sufficient safeguards should be included within the Scheme so as to ensure that development does not proceed until clarity on these matters has been achieved.

- The Board’s stated position is not just that safeguards should be in place prior to the commencement of any development, but that certainty on the provision of infrastructure should be achieved even before a Planning Scheme is adopted.
- Whilst the National Roads Authority has indicated that a proposed junction on the Northern Ring Road could potentially serve Monard, there is still no commitment to the construction of the road itself. Although a preferred route option has been agreed, the road scheme has yet to be brought through the planning process. Furthermore, even if planning is secured for

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- the roads scheme, there remains significant uncertainty as to whether it will be progressed in the short to medium term.
- There has been no change in the position on the provision of road infrastructure since the refusal of ABP Ref. No. PL04G.ZD2008. the consequent implications for, and threat to, the carrying capacity and safety of the local road network should the development of Monard proceed in the absence of the Northern Ring Road remain relevant. It is clear that the existing road network cannot accommodate the level of development proposed.
 - There has been no significant change in relation to the provision of public transport and the development / timing of the railway station and rail services remain unclear. Indeed, it is noted that a business case has not yet been made. Therefore, the question arises as to why the adoption of a new SDZ Planning Scheme has been allowed to proceed in the absence of the necessary information and evidence that a business case for rail services at Monard can be sustained.
 - The change in position as regards the provision of bus services is minor and does little to strengthen the case that Monard will be properly linked to the Metropolitan Cork public transport network or that the location will be able to deliver a modal shift towards public transport and away from private car usage.
 - Local public transport connections are limited and unlikely whilst connections to elsewhere, particularly to those employment locations situated to the southwest and southeast of the city, are wholly inadequate and highly unlikely to be achieved or even utilised, if delivered.
 - It is insufficient for the Planning Scheme to simply state that the provision of the various infrastructure is outside of its control. The Scheme has emphasised the Government's decision to designate the area as an SDZ and it is just as important for a commitment from the Government and other parties to deliver the necessary roads and public transport infrastructure etc. to be included in the text of the Scheme.
 - There needs to be sufficient certainty that the required infrastructure, the necessary transport network, and the community and recreational facilities will be delivered concurrently with, or prior to, the development of the housing etc.
 - It is accepted that the SDZ Planning Scheme cannot, by itself, ensure that the subject lands will be satisfactorily developed in the manner intended and that successful implementation can only be achieved through effective partnership. The provision and completion of the range and scale of development outlined in the Planning Scheme will require a high level of

co-operation between Cork County Council, landowners, Government agencies and other bodies, however, it is still not evident from the Scheme that this co-operation will be forthcoming.

- In terms of the implementation, monitoring and oversight of development progress there are concerns that the Planning Scheme has failed to include a clear methodology for same. Few details have been provided as regards engagement with other agencies or the local community and the relevant section set out in the Scheme is non-committal and vague.
- The appellant is not satisfied that the delivery mechanism for the Planning Scheme is sufficiently robust or fit for purpose.
- Whilst it has been acknowledged that Monard is the only SDZ where there is an existing population, the appellant is disappointed at the lack of provision or reference in the Scheme to residents both within and bordering the SDZ.
- Section 169(8) of the Planning and Development Act, 2000, as amended, states that a Planning Authority shall consider the effect of a Planning Scheme on any neighbouring lands. Therefore, any conflict between the development of the SDZ and the maintenance of the quality of life and amenity enjoyed by existing houses can be considered a legitimate reasons for submission and objection to a draft Planning Scheme. Accordingly, a Steering Group and a Community Liaison Committee should be established with the appellant to be represented on same.

The establishment of the aforementioned groups should be included in an implementation / phasing section of the Planning Scheme. Monitoring is essential given the restricted opportunity for community involvement under SDZ legislation. On this basis communication and co-operation should be on-going and there should also be a continual review of the Scheme in consultation with key stakeholders.

- The final Planning Scheme should include a comprehensive section on implementation and community liaison detailing the delivery and consultation mechanisms.
- The issue of flooding should be addressed at the earliest stages of the development process and a more definitive statement on same should be included in the Planning Scheme.
- The location of the proposed playing fields remains remote from any areas within the locality.

6.6 O'Flynn Construction:

- By way of background, the appellant has committed to investing in a strategic landholding at Monard on the basis of best practice following identification of the need for strategic residential development land consistent with national planning policy, Cork County Council's Core Strategy, and the decision to designate Monard as an SDZ in 2010. There is presently a lack of available residential land within the strategic settlements of Co. Cork and a failure to adopt a planning scheme for Monard for a second time will have significant negative implications as regards the provision of plan-led housing development within the county thereby undermining the legitimacy of the SDZ designation and the forward planning process.

The appellant's landholding in Monard extends to c.14.2 hectares and is located along the southern boundary of the SDZ to the immediate north of the Cork-Mallow rail line and the Old Mallow Road. These lands fall entirely within the 'Lower Monard' development area.

- In the context of Lower Monard, the revised SDZ Planning Scheme, 2015 has focused on increasing the range of densities permissible. In the town centre area both the minimum and maximum number of units required have been increased whereas other areas of Lower Monard have seen a reduction in the proposed densities.

Whilst it is accepted that the increase in density has been included in response to the Board's ruling on the 2012 Planning Scheme, it is considered that the proposed density levels for the town centre are not commercially viable in the context of a new suburban settlement. Experience in the well-established towns of Ballincollig and Mallow shows that even high quality apartment schemes are market-resistant outside of Cork City Centre.

- The refusal of the 2012 Planning Scheme noted that the overall scheme adopted a low density approach to urban development in the context of the public infrastructure required and whilst this may have necessitated some increase in the density range within the overall settlement, it is not considered appropriate to impose a further density increase in the town centre area of Lower Monard. Although these lands are closest to the proposed railway station it should be accepted as an inherent principle of

the Planning Scheme that the new station will be easily accessible to the entire settlement.

- It is a retrograde step to further increase the densities in the town centre of Lower Monard as the levels required will not be achievable in the context of Cork's housing market within the foreseeable future (if at all). Instead, at a minimum, the density range for the town centre should be restored to that proposed in the original Planning Scheme whilst adjustments can be made elsewhere in the SDZ to achieve the objective of a higher density urban design.
- Greater flexibility should be provided in terms of density within the Lower Monard town centre on the basis that this area is likely to form an early and critical phase of the overall development and thus must be attractive to potential purchasers.
- In the original (refused) Planning Scheme, 2012 the table detailing the range of densities and floorspace requirements appeared to be inconsistent as regards the targets for the town centre and this inconsistency remains in the revised Planning Scheme, 2015. Despite requiring an increase in unit numbers within the town centre, the average size of the units is at odds with all other development / neighbourhood areas and doesn't make sense in the context of the high density proposed for the area. The average floorspace at the minimum density range is c. 129m² and at the maximum it is c. 137m² compared with the other averages which range from 97m² to a maximum of 117m².

Neighbourhood within Lower Monard	Dwellings		Floorspace (m ²)			
	Minimum	Maximum	Minimum	Av. at Min	Maximum	Av. at Max.
West	205	250	19,900	97	24,500	98
Northwest	135	165	15,300	113	18,800	114
North	105	125	11,800	112	14,600	117
Northeast	270	330	27,200	101	33,500	101
East	155	190	16,700	108	20,600	108
Town Centre	640	785	82,900	129	107,300	137
Total	1,510	1,845	174,700	116	222,800	121

- The revised Planning Scheme, 2015 continues to propose the development of offices at the south-eastern edge as a noise barrier to the future Northern Ring Road, although revisions have been incorporated to separate residential and commercial traffic, however, it is submitted that this is an inappropriate location for the scale of commercial / office use proposed given the distance from the railway station and the retail core. It is considered that the real issue is the attractiveness and marketability of

these units given the proximity of the Blarney Business Park, Blackpool Retail Park and Kilbarry Industrial Park. Therefore, the SDZ should include for greater flexibility in relation to commercial / office uses to ensure that both the uses and the development are viable from a long term perspective.

- The rate of the development contributions proposed in the associated Recreation & Amenity Scheme and General Development Contribution Scheme are higher than elsewhere in the county and thus fail to acknowledge that there is a need for either parity or preferential contributions within the Scheme area in order to ensure its success.
- There is no recognition in the Planning Scheme that the SDZ should be promoted and facilitated through positive incentives to the market. The approach to development contributions has not taken account of the provision of the *'Development Contributions, Guidelines for Planning Authorities'* which suggest that lower rates could be used in areas where Local Authorities are trying to promote development.
- Given its location alongside the railway line, Monard is intended to be a model of sustainability and thus a priority over development in areas which may be more reliant on road-based transport. The benefits of Monard will therefore be county-wide and additional costs of infrastructure should be accounted for and equalised at a county level.
- It is an objective of the Cork County Development Plan for retail provision in Monard to be delivered in accordance with the planned population and local catchment, however, this has not been translated into clear guidance in the Planning Scheme for the balance of the proposed convenience / comparison retailing. Accordingly, it is considered that the retail strategy and associated thresholds for development as detailed in Table 10.1 of the Scheme lack input and analysis from a commercial perspective.
- It is noted that although the railway station is proposed in the relatively early phases of the wider development, it is anticipated that a minimum of 950 No. houses will have to be in place before work on the station commences. Given the context of the collapse of the Irish housing market, the initial phases of Monard will be difficult to sell in a cautious market and as one of the main attractions for new residents will be rail access this should be prioritised at the earliest opportunity. While a full rail service or a complete station may not come on stream immediately, it should be a priority to develop a smaller scale interim service at the earliest opportunity.
- A commitment should be given in the Planning Scheme to explore options as regards the opening of an interim railway station & service within the

very first phase of development thereby giving confidence to the market that Monard will ultimately develop into a functioning railway settlement.

6.7 Tim and Dan Quill:

- The appellants retain an interest in one of the landholdings which makes up the Stoneview Masterplan Area and that forms part of a new housing settlement previously approved on appeal under ABP Ref. No. PL04.226862, PL04.226863 & PL04.266864. Therefore, it is submitted that any Planning Scheme for Monard should be consistent with the objectives for Stoneview as set out in the Cork County Development Plan, 2014.
- The County Development Plan was adopted on the assumption that the development of Stoneview would commence in 2018 with 1,200 No. housing units to be completed by 2022. Monard will commence a year later with 900 No. units to be provided by 2022. Ballyvolane is expected to reach 1,350 No. units at the same time with the result that the 3 No. new greenfield settlements in the northern environs of the Cork Metropolitan Area will jointly provide for 3,450 No. housing units by 2022.

The achievement of the housing targets for these 3 No. settlements is strategically important as there would still be a deficit of c. 2,500 No. units in regard to projected housing demand for these settlements and the deficit would be more critical if the City Council were to fail to achieve the housing targets for the Docklands. The targets for Monard, Stoneview and Ballyvolane should therefore be considered to be the minimum targets and every effort should be made to ensure that there is no slippage in the programmes.

- There are concerns with regard to the investment in roads, public transport and water services infrastructure which will be required for all three settlements and need to provide same in an integrated and plan-led way. In this respect it is not clear from the Monard SDZ Planning Scheme, 2015 how joint provision will be achieved as the scheme does not include many references to the parallel developments at Stoneview. Therefore, it is submitted that the infrastructural proposals for Monard should take more account of the interactions and cumulative effects with the parallel infrastructural investments at Stoneview including:

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- The provision of a new junction with the N20 which will be located between the end of the proposed N20 upgrade and the proposed new interchange between the N20 and the Northern Ring Road;
 - An upgrade of the local road network which will provide a new non-national road linking Stoneview and Blarney;
 - The provision of a new Blarney rail station as part of the first phase of the Stoneview development which will be operational in 2018 when the first housing units are occupied.
 - The limited capacity of the Blarney Wastewater Treatment Plant which will require that from 2020, the effluent from Stoneview will need to be disposed of at Carrigrennan in conjunction with the wastewater from Monard and Ballyvolane.
- It is acknowledged that the grants of permission issued in respect of Stoneview have expired and may not be renewed on precisely the same terms. It is also noted that Table 15.1 of the County Development Plan refers to a review of the Stoneview Masterplan in 2016 which may involve changes to the road and public transportation proposals and to the phasing of housing completions in relation to the upgrade of the transportation infrastructure. However, the housing targets for 2022 will still be required to be achieved and any uncertainty as regards to how Stoneview and Monard will connect to the road, public transport and water services networks should have been addressed as a matter of urgency before the Draft SDZ Planning Scheme for Monard was approved by default.
 - The Board is requested to ensure that there will be no negative interactions or adverse cumulative impacts between Monard and Stoneview which might affect the achievement of their respective housing targets. In that regard the following comments on the Planning Scheme are made:
 - *Public Transport:*
Sections 1.9 & 5.1.13-5.1.16 of the Planning Scheme would seem to imply some doubt as to whether new railway stations will be provided at both Stoneview and Monard. In this respect it is submitted that Blarney station is likely to attract more traffic, particularly in the earlier years, as it will serve the existing populations of Blarney / Tower as well as Stoneview and as it will be more centrally located within the wider catchment. It will also adjoin an established business park and is better placed to provide park and ride facilities. The greater demand for

services from Blarney and the fact that the station could be operational before Monard commences, are relevant to the public transport strategy for Monard. Consideration could therefore be given to the provision of a feeder bus from Monard to Blarney station in the early years with Monard station being deferred to later phases of the scheme.

- *Non-National Road Links:*

An important aspect of the traffic and transportation impacts of Stoneview and Monard is the degree to which the local (non-national) road network can be adapted to cater for journeys to work, school, shops and community facilities without having to use the existing and planned national routes. In the case of the approved scheme at Stoneview this focussed on the provision of a new direct link to Blarney which would provide an alternative to the existing link via Station Road. There is also an existing link from Curraghnalaght Cross to Killeens via Lower Monard. In the Monard SDZ Planning Scheme, 2015 the local road improvements set out in Figure 5.4 include for the upgrading of the link road between Monard Cross and Lower Monard. One potential interaction between the two schemes is the possibility that local traffic movements between Killeens, Stoneview and Monard might converge at Lower Monard. Therefore, this should be assessed as a potential cumulative impact before the Planning Scheme is finally approved by the Board. It is also relevant to the scenario that residents at Monard might use the station at Blarney in the early phases of the scheme.

- *National Road Links:*

The interaction between the settlements of Blarney, Stoneview and Monard and the national road network also require more detailed consideration given the fact that the junction between the N20 and the Northern Ring Road will be located between the three settlements. In the case of Stoneview there is already provision for a new junction with the N20 a short distance to the northwest of the intersection of the N20 and the Northern Ring Road. Sections 5.2.26 – 5.2.32 of the Monard Planning Scheme consider the options for links between Monard and the national routes by providing a new junction on the Northern Ring Road to the east of the N20 / Northern Ring Road intersection. Therefore, it is considered that there is a need for a more integrated approach as regards connectivity to the national routes particularly in the context of the continuing uncertainty in relation to the design and

implementation of the Northern Ring Road and the upgrade of the N20 to motorway standard.

- *Water Services:*

The proposed method of sewerage collection and effluent disposal is to pipe same from Monard and Ballyvolane to the Carrigrennan Wastewater Treatment Plant. Section 6.1.8 of the Planning Scheme notes that firm commitments would be needed on the phasing of development in both Monard and Ballyvolane in order to determine the most appropriate strategy for the connection of flows from Ballyvolane and ensure that both could be accommodated within the proposed infrastructure. However, there is no reference to the need to provide for Phases 2 and 3 of Stoneview.

Paragraph 4.9 of the Preliminary Report on the Monard Sewerage Scheme prepared by Nicholas O'Dwyer Ltd. states the following:

'At a separate meeting with Cork County Council on 31st January, 2012 the issue of contributions from additional developments at Stoneview and Ballyvolane were discussed. In relation to the Stoneview development, where there are proposals to provide approximately 2,500 houses in an area north of Blarney, it was requested by Cork County Council that an assessment of the feasibility of accommodating these flows into the Monard infrastructure should be examined. The results of this assessment determined that the inclusion of Stoneview sub-catchments into the Monard pumping station, where flows would be transferred approximately 20km to either Carrigrennan or Carrigtwohill may not represent the optimum solution for treatment of such flows. Instead it was determined that where proposals to upgrade the Blarney WWTP were progressed to provide a higher standard of treatment, then the needs of Stoneview could be better served at this location. It was also determined that there would be sufficient assimilative capacity in the Rover Shournagh (where treated effluent is currently discharged from Blarney) to accommodate the additional flows from the proposed development at Stoneview. It is therefore recommended that any future developments at Stoneview should be treated at the upgraded wastewater treatment plant at Blarney.'

The foregoing analysis and recommendation is at variance with the submissions made by the Planning Authority to the Board in relation to

ABP Ref. Nos. PL04.226863, PL04.226864 & PL04.226864 which were summarised by the reporting inspector as follows:

‘A more fundamental concern is the capacity of the treatment plant at Tower. The report from the relevant technical section of the council states that there is capacity in the treatment plant for a population equivalent (pe) of 13,000, of which spare capacity of 3,300 can be allocated to the development at Stoneview. The overall development there would require capacity for a pe of 10,000. Thus there is a shortfall in the capacity of the treatment plant of 7,700pe. An additional capacity of 6,000pe can be provided in the treatment plant under a previous EIS of which 5,000pe could be allocated to the Stoneview development, leaving a residual shortfall of 2,700pe. Any further loading on the treatment plant would breach the assimilative capacity of the Shearnough River to which it discharges, and would probably require a connection to the Cork city sewerage system’.

The adopted Planning Scheme acknowledges that the situation has changed substantially since 2012 in that the sewerage system in the Cork area is now under the unified control of Irish Water. In these circumstances, it is anticipated that a different – and possibly more integrated – solution may be preferred by Irish Water. Therefore, it is submitted that this more integrated solution should include specific provision for the second and third phases of the Stoneview development to be accommodated in the proposed connection to Carrigrennan. Accordingly, it would be premature for the Board to approve the Monard Planning Scheme until Irish Water has made a definite decision on the treatment and disposal of the effluent from Stoneview, Monard and Ballyvolane.

- Concerns remain as regards the delivery of essential infrastructure which is not within the control of the Planning Authority and which now includes strategic water services, national road infrastructure and suburban rail services. This uncertainty is heightened by the need to make simultaneous provision for the servicing of Monard, Ballyvolane and Stoneview as all three settlements have to achieve strategic housing targets within a very challenging timeframe.

7.0 OBSERVATIONS:

7.1 Prescribed Bodies:

7.1.1 Transport Infrastructure Ireland:

- The Authority is aware of the importance of the Monard SDZ Planning Scheme to Cork County Council and the Cork Region and fully supports the Government's decision to designate Monard as an SDZ, especially as the plan aims to achieve the benefits of increased transport choice and reduced congestion and emissions through the use of public transport.
- In the event the Planning Scheme is approved, the issues raised in the Authority's correspondence dated 16th June, 2015 will need to be addressed in the scheme documentation. That submission states that the design of the Cork Northern Ring Road has been suspended and may not recommence for some time and, therefore, any future junction from same intended to facilitate the development of the Monard SDZ will have to comply with the standards and requirements of the Authority which pertain at that time. It also states that having reviewed the proposals prepared by Cork County Council the following can be confirmed:

1. The junction strategy involving a single junction situated in the Killeendaniel Townland area is acceptable. The Systra assessment tested various options which performed satisfactorily and these can be referenced as possibilities in addressing the junction needs.
2. Fig. 5.10 should be entitled "*Indicative Location & Layout*" of the *junction connecting . . .*' It is also recommended that the NRR / Junction area be encircled / hatched to highlight the indicative nature of what is illustrated, given the timescales involved.
3. The following should be included in the text of Section 5.2.31:

'Figure 5.10 shows a schematic and indicative position for access to the future NRR, which may form the basis for the design with regard to the standards and appraisal requirements at the time'.

The remaining text in the Scheme need not be too prescriptive and can simply refer to the Systra report for layouts & links etc.

4. The costs of the junctions and associated road links / infrastructure will not be covered by the Authority and should be addressed by specific SDZ or future County Development Contribution Schemes.

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5. Any development that proceeds ahead of the Cork NRR should be protected from possible impacts of the future road scheme and appropriately mitigated in advance by the developer. These could be in the areas of noise and visual impact amongst others.

7.2 Third Parties:

7.2.1 Patrick O’Sullivan:

- Cork County Council's Core Strategy has identified a strategic need for the development of Monard as there is presently an insufficient supply of available residential land within the key settlements of Co. Cork. A failure to approve a planning scheme for Monard for a second time will have significant negative impacts for the provision of plan-led housing within the county and will serve to undermine the legitimacy of the SDZ and forward planning processes.
- It is considered that the extent of the Monard SDZ (as identified in the Ministerial Order and the Planning Scheme) does not represent the optimal area for the new town from a development perspective and is likely to be part of the reason why the Board did not approve the previous planning scheme proposed under ABP Ref. No. PL04G.ZD2008. Whilst it is accepted that the inclusion of additional lands would require an amendment of Ministerial Order S.I. No. 540/2010, there is provision within the Planning and Development Act, 2000, as amended, to make such an amendment. Indeed, it is considered that such an amendment would be beneficial in the long-term and would help address some of the issues raised in the Board's previous refusal of ABP Ref. No. PL04G.ZD2008. Accordingly, the case for amending the Ministerial Order and the Planning Scheme for Monard can be summarised as follows:
 - The extent of the current SDZ designation does not reflect the optimal development area for the new town of Monard and should be modified to include lands on both sides of the rail line.
 - Under Section 166(6) of the Act, the Government may “revoke or amend an order made under this section” – there is no legislative or procedural impediment to the inclusion of additional lands within the SDZ area.
 - The inclusion of the observer’s lands (an area of c. 12.4 hectares situated outside of the SDZ and to the immediate south of the Cork-Mallow rail line and the Old Mallow Road) within the SDZ area would

help to address some of the issues raised in the Board's previous refusal of ABP Ref. No. PL04G.ZD2008.

- If the Ministerial Order and the SDZ area are not modified, the County Council should consider zoning lands to the south of the rail line (e.g. as part of the Local Area Plan review process).

- The Monard Strategic Development Zone was established under Ministerial Order S.I. No. 540/2010 pursuant to Section 166(1) of the Planning and Development Act, 2000, as amended, and in accordance with the provisions of Part IX of the Act, on the basis that the development specified (i.e. a new town) was of *'economic and social importance to the State'*. It is apparent from Section 5 of the Ministerial Order that the efficient use of public investment in infrastructural facilities, including investment in rail transport, was one of the key reasons why the SDZ was designated for strategic development, however, it is not considered that the extent of the SDZ designation, which is entirely to the north of the Cork-Mallow rail line, provides for the efficient use of public investment as referenced in the Order.

The SDZ as designated means that all of the catchment area for the proposed rail link will be located on one side of the railway line and as a result accessibility to the station is not optimised with some of the residents within the northern extent of the SDZ being located 3km from same whilst those lands to the immediate south of the station will remain as a greenfield site. Furthermore, the designated town centre, which is based round the rail station, will be located at the edge of the town and not in a central location as would be expected of any new town.

Therefore, it is essential that consideration is given to the inclusion of additional lands to the south of the rail line within the SDZ on the basis that:

- The lands are immediately contiguous to the proposed rail station and would lead to the efficient use of rail infrastructure.
- The lands are located between the rail line and the route of the Northern Ring Road and will have no function or role as greenbelt lands, if left undeveloped
- The lands are immediately contiguous to the designated town centre for Monard.

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- While it is appreciated that the purpose of the subject appeal process is to consider the approval of the Monard SDZ Planning Scheme, 2015 and that the Board does not have the scope to consider the inclusion of further lands within the SDZ designation as part of said process, it is submitted that there should be some acknowledgement or indication that those lands to the south of the railway line should be considered for development in the future (e.g. as part of a future Local Area Plan or as part of an amended SDZ).
 - The Monard SDZ Planning Scheme, 2015 continues to fall short of the Board's requirement to achieve the efficient use of land given the scale of investment in public infrastructure required to deliver the town.
 - In order to address the Board's previous issues the 2015 Planning Scheme has focussed on increasing the range of densities permissible, and although the minimum and maximum number of units within the town centre have been increased, other parts of Lower Monard have seen a reduction in the proposed densities.
 - While it is appreciated that the increased density is in response to the Board's ruling on the 2012 Planning Scheme, it is submitted that the proposed densities are not feasible and / or commercially viable in the context of a new suburban settlement. Therefore, instead of making unworkable changes to densities, it is suggested that the inclusion of additional lands adjoining the rail station / town centre would be a more effective means of achieving the efficient use of public infrastructure thereby justifying the scale of public investment involved in the Planning Scheme.
 - It is noted that the rail station is proposed to be provided in the relatively early stages of the overall development and that a minimum of 950 No. houses will be in place before works on the station commence. Given that one of the main attractions for new residents in Monard will be the availability of rail access, this should be prioritised at the earliest opportunity.
 - While a full rail service (or a complete station may not come on stream immediately), it should be a priority to develop a small scale interim service at the earliest opportunity. In this context, the more land and development that is identified adjoining the rail station, the more feasible the delivery of the station will become.
 - In order to ensure the efficient use of infrastructure, those lands closest to the proposed railway station and the town centre should be given priority. It should also be ensured that the new station is easily accessible to the entire settlement.

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- It is reiterated that the inclusion of the observer's lands (which are immediately contiguous to the proposed rail station and the town centre and are located between the rail line and the route of the Northern Ring Road) would aid in addressing the issues raised in the Board's previous determination of ABP Ref. No. PL04G.ZD2008.
 - If the Ministerial Order and the extent of the SDZ are not modified, the Council should consider zoning those lands to the south of the rail line (e.g. as part of a future Local Area Plan). Whilst it would be preferable to amend the Ministerial Order to include those additional lands within the SDZ area, the alternative of zoning further lands has been successfully applied in relation to other SDZ areas such as the Hansfield SDZ and could provide a 'back-up' scenario in the event the Ministerial Order is not amended.

7.2.2 Tom O'Byrne:

- From a review of the reasons underlying the Board's previous decision to refuse approval of the Monard SDZ Planning Scheme, 2012 it is apparent that the same fundamental problems continue to blight the 2015 Planning Scheme. Accordingly, there is no discernible basis for the Board to arrive at a different conclusion *vis-à-vis* the 2015 Scheme.
- The viability of the 2015 Planning Scheme is largely predicated on the provision of 2 No. core items of transportation infrastructure that may never be delivered i.e. the Northern Ring Road and Monard Train Station.
- The National Roads Authority has indefinitely suspended the proposed Northern Ring Road whilst the delivery of this project has also not been included in the Government's Capital Projects Plan, 2016-2021 which was announced on 29th September, 2015. Accordingly, the foregoing points serve to confirm that the Northern Ring Road is not going to be constructed in the short-medium term (if ever).
- The Northern Ring Road is not intended to operate as a commuter conduit for a new dormitory town i.e. Monard.
- The provision of a train station as proposed in the Monard SDZ Planning Scheme would run contrary to Iarnród Éireann's aims to reduce costs arising from minor peripheral stations and to optimise efficiency for its core routes. Indeed, Iarnród Éireann has no strategic or commercial justification or appetite to develop such a station whilst the provision of stations at Cork (Kent), Monard, Blarney, Stoneview and Mallow, all within a short distance, would seem to be an operationally retrograde step.
- The existing transport (roads) infrastructure in the area immediately affected by the Planning Scheme is incapable of accommodating the

levels of development envisaged. Furthermore, the proposed 'fixes' intended to solve this fundamental problem do not stand up to scrutiny. For example, the suggested looping extension to Sheehan's Lane from Monard Cross to Killeens / Tweedmount is unworkable and would give rise to a serious hazard through the proposed direction of the increased volumes of traffic through a 'T'-junction surrounded by existing residential, agricultural and commercial entrances.

- It is not accepted that Figure 5.16 of the Planning Scheme provides a realistic breakdown of the likely use of differing modes of transport. In this respect it is submitted that several of the key roads serving Upper Monard are bisected by overhead railway bridges which prevent buses or other large vehicles from accessing the area. In addition, the SDZ is too far away to walk into Cork City whilst the assertion that bicycle lanes into the city would alleviate the strain on local roads ignores the practical realities arising from the topography of the area.
- There is a need to consider the cumulative impacts associated with the Monard SDZ Planning Scheme and other existing / permitted developments in the area. In this regard it should be noted that the appeal lodged by Tim & Dan Quill has identified a possible convergence at Lower Monard and the possibility that the proposed 'Stoneview' development may exacerbate same. Similarly, there is already congestion at Rathpeacon N.S. during peak times whilst the junctions at Brothers Delaney Road (Blackpool Shopping Centre) and the intersection at Camden Quay / Carroll Quay (opposite the Opera House) form 'bottlenecks' at commuter times. Any further congestion would stifle development on the north-side and serve as a disincentive to those who might consider relocating to that side of the city.
- There are concerns that the development of the SDZ (by reason of the unpredictable increase in surface water runoff) will result in flooding of those properties within Monard Glen which lie in a valley beside the Blarney River. Similarly, properties within the Killeens / Blarney area would be put at greater risk of flooding as many of these dwelling houses have been constructed within floodplains.
- Swales, attenuation ponds, SUDS etc. are prone to failure and are unreliable at the scale proposed.
- The proposed installation of a wastewater treatment plant / pumping station immediately adjacent to the Blarney River poses an unacceptable threat to the Blarney pNHA and the downstream Clogheenmilicon Fen (which is an invaluable resource for local residents, wildlife and tourists).

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- The proposals for sewage disposal as set out in Section 6.1 of the Planning Scheme, 2015 would appear to be fraught with risks of environmental pollution, cost overruns and public opposition. The construction of the necessary infrastructure would be hugely disruptive over a wider area whilst the interim measure of flushing the wastewater to Killeens is also highly unsatisfactory.
 - The isolated and high density nature of the development proposed in the Planning Scheme is undesirable and predisposed to the fostering of social problems. In this respect it is notable that the grounds of appeal lodged on behalf of O'Flynn Construction highlight concerns that the proposed increase in housing densities set out in the Scheme is not commercially viable.
 - A need to meet the aspirational housing objectives of Cork County in general is not an adequate rationale to support the overall concept of the Monard SDZ in circumstances where there are more suitable development alternatives in the Cork County hinterland.
 - The siting of the 'Country Park' – in the context of such an expansive high density development – will inevitably prove to be a 'hub' for anti-social behaviour, particularly given its relatively inaccessible location and topography in terms of supervision and access by emergency services.
 - Much of the work undertaken by Cork County Council in preparing the 2015 Planning Scheme is capable of useful deployment elsewhere and 'joined-up' thinking with the City Council could pay dividends to this end. For example, there is a strong market for modern, high density housing in the City Centre whilst Carrigaline / Ringaskiddy will soon benefit from further infrastructural investment and can already support expansion in housing development.
 - There has been no large scale development to date within the SDZ area because it is manifestly not suited to same.

7.2.3 An Taisce:

- In its decision to refuse the previous Monard SDZ Planning Scheme, 2012 the Board stated that *'in the absence of certainty regarding the [Cork] Northern Ring Road if delivered, the Board did not consider that additional information on transportation patterns would be necessary for decision making purposes'*.
- The previous decision of the Board to refuse permission for the Monard SDZ Planning Scheme, 2012 was based on the following 4 No. grounds:

- *Transport:*

The *'lack of certainty in relation to essential elements underpinning the proposed planning scheme which are not within the control of the applicant, in particular the delivery of future national road infrastructure and operational railway links'*.

In this respect it is submitted that the aforementioned 'uncertainty' remains and has been exacerbated by the decision of the National Roads Authority not to permit an access junction for the proposed Monard SDZ to the Northern Ring Road (which is itself a suspended project).

The Board also stated *'that in the absence of these critical transportation elements, that the development of the special development zone, would be reliant on limited improvement of the local road network only'*.

It is still the case that an inadequate, unsafe, low capacity, local road network would be relied upon to provide connectivity between the proposed Monard SDZ, Cork City and other destinations. This issue has been identified by almost all of the appellants, including those developers who are in favour of the SDZ. For example, single track roadways with no passing points and numerous blind bends are being proposed as main access routes intended to accommodate peak traffic volumes of up to 700 No. vehicles per hour.

- *Housing Density:*

'The planning scheme as proposed, adopts a low density approach to urban development on a site that requires significant public capital investment'.

The Board's previous decision to refuse the Monard SDZ Planning Scheme, 2012 cited the need for high density development in order to ensure the effective use of public transport. In this regard it is submitted that the revised planning scheme would not appear to achieve the efficient use of the land given the scale of public investment required and thus would be contrary to proper planning and sustainable development for the area.

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- *Topography and Implementation:*
'The topography of Monard represents a considerable challenge to development in terms of physical constraints, gradient, urban design, and long term management of physical infrastructure, including the control of surface water run-off'.

This major consideration has not been satisfactorily addressed. Specifically, the railway station can only be positioned on the extreme periphery of the proposed town where access to same will be difficult for the majority of residents.

- *Urban Design:*
'The approach lacks coherence, definition and detail and would give rise to serious difficulties in relation to universal access'.

The revised planning scheme does not satisfactorily address the issue of universal access and the *'serious difficulties'* regarding same, as previously referenced by the Board in 2013. For example, within the railway station it is proposed to accommodate those with limited mobility through the use of ramps rather than through the installation of lifts.

- The only reason ever been put forward for the selection of Monard as an SDZ is the presence of the railway line, however, there is no station at Monard nor is there any agreement that one will ever be built. Indeed, there are other options along the railway line where a new station could be located. It would also seem reasonable to suggest that a number of locational options for the development of a new town should have been considered at the outset in order to establish the optimum location for same. Therefore, it is a matter of public interest that the reasons for the selection of Monard as an SDZ ahead of other locations should be made available.
- The *'Regional Planning Guidelines for the Greater Dublin Area, 2010-2022'* state that any new towns should be *'located at an adequate distance (>40km) away from Dublin to ensure a good level of self-sufficiency'*, however, the Monard SDZ runs the risk of developing into a disjointed suburb of Cork City rather than a new town. The Guidelines also state that *'the main disadvantage of the new town model is that it is a very high risk option'* which is particularly pertinent in the case of Monard where development companies would be expected to assume the risk.

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- It should be noted that only 3 of the 14 No. largest employers in Cork are located north of the River Lee - Apple, Collins Barracks & Blizzard International, and that only the latter is easily accessible from Monard. Therefore, the majority of the potential inhabitants of the new town would have to commute across the city thereby contributing to congestion and pollution. In addition, with the relocation of the Port of Cork to Ringaskiddy, it seems likely that future industry will also be located on the southern side of the city.
 - It is queried whether the ownership of certain lands was a factor in designating Monard as an SDZ.
 - A significant number of key elements required for the development of Monard are outside the control of the applicant (i.e. the development agency) and will necessitate agreement with various State bodies including:
 - Transport Infrastructure Ireland
 - The National Transport Authority
 - The Environmental Protection Agency
 - Iarnrod Eireann
 - Bus Eireann
 - Irish Water
 - Electricity Supply Board
 - Bord Gais
 - Department of Education and Skills

There is a clear need for a high degree of co-ordination between the aforementioned bodies in order to ensure the provision of essential infrastructure, however, it is understood that no agreements pertaining to same are presently in place. Whilst it is acknowledged that discussions may have taken place with some of the bodies listed above, this cannot be construed as providing for a sufficient level of agreement on which to base the complex development of a new town.

- The Cork City Northern Ring Road is a suspended project and thus the grounds for the refusal of the previous Planning Scheme remain unresolved.
- On the basis of submissions made by the relevant road and rail authorities, it would appear that the provision of certain key transport infrastructure has become less likely. For example, there is no agreement as regards the provision of a railway station within Monard.

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- The likelihood of a station at Monard ever becoming a reality must be examined having regard to the siting of Blarney only 3.5km further west along the rail line. Blarney previously had a train station up until the mid-1960s, the original site of which could be procured to accommodate any new station (and associated parking), whilst its existing population base and tourism interests would justify any such investment. In effect, any business case would have to prioritise the provision of a station at Blarney ahead of Monard. Similarly, Kilbarry (the site of historical sidings) is located c. 3km south of Monard and a station here would serve the major population centre of Blackpool.
 - It is of relevance to note that commuter usage of the Cork-Midleton suburban rail service has been disappointing. This could be in part due to Kent Station being poorly located in terms of access to the major employments hubs of Cork City.
 - Section 2.4.19 of the Monard SDZ Planning Scheme, 2015 acknowledges that *'good bus-rail interchange appears easier to achieve at Blarney station than at Monard'*.
 - According to Table 5.2 of the Planning Scheme, the construction of Monard station will only take place after at least 1,000 No. dwellings have been constructed. Furthermore, both the business case study and feasibility study upon which the demand for rail travel is based were undertaken in 2002 and Cork County Council has agreed that this data is out of date and thus can no longer be deemed reliable.
 - It is not possible to connect Monard to any other urban or employment centre by bus without considerable modification of the surrounding road infrastructure as the railway line effectively acts as a barrier to movement between the SDZ lands and the city and as all those roads that could be used to travel between Cork and Monard are unsuitable for heavy traffic. Three of the roads, including the Old Mallow Road, pass beneath narrow rail bridges with restricted clearances. Section 5.1.19 of the Planning Scheme also confirms that the rail bridge on the Old Mallow Road is unable to accommodate a regular bus route and whilst it is subsequently suggested that buses could access the N20 at North Point Business Park, this ignores the fact that it is not possible to get a bus from Monard to the Business Park on the existing road network.
 - Given the limited public transport options available, it is clear that the first 1,000 No. dwellings to be built in Monard will have no access to public transport and thus will be car dependent by the time any public transportation is developed.

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- The ability to install an effective Sustainable Urban Drainage System is questioned, particularly as the complexity of any such system, along with issues around land ownership, would give rise to difficulties as regards the installation of a unified and coherent flood defence network.
 - Sustainable Urban Drainage Systems are heavily dependent on effective long-term management, to which no firm commitment has been provided.
 - In its submission on the Draft Planning Scheme, the EPA noted that there was insufficient detail as regards the proposed SUDS scheme and that a finalised SUDS strategy should be included rather than the current listing of SUDS measures.
 - The Monard SDZ Planning Scheme, 2015 fails to meet targets as regards '*Smarter Travel*':
 1. The inability to provide a satisfactory public transport network will result in Monard having an overly car-dependent population (contrary to the rationale for designating Monard as an SDZ in the first instance i.e. the proximity of the railway).
 2. Table 5.4 (Page No. 113) of the Planning Scheme forecasts very poor usage of public transport for work / education purposes (7%). This table appears to be overly optimistic in the prediction of commuting by bicycle and on foot and seems to underestimate car usage.
 3. Table 5.4 (Page No. 116) of the Planning Scheme shows that only 3 No. of the travel options from Monard are considered to be 'good'. None of the public transport options are deemed to be 'good'. This is entirely unsustainable.
 4. The targets for cycling are highly optimistic. The cycle from Blackpool to Monard is uphill and very demanding whilst there is no existing cycle path connecting Blackpool with the City Centre.
 5. The elevated position of Monard will result in houses having a higher energy consumption for heating purposes (Section 8.0.9 of the Scheme).
 6. The requirement to pump wastewater in perpetuity a distance of c. 20km to the Carrigrennan Wastewater Treatment Plant is not a sustainable solution.

The foregoing factors are considered to compromise the pillars of sustainability i.e. economy, society & environment.

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- Contrary to the requirements of S.I. No. 540 of 2010, Planning and Development Act, 2000 (Designation of Strategic Development Zone: Monard, County Cork) 2010, the subject Planning Scheme does not include for the provision of all those community facilities referred to in Part III of the First Schedule of the Planning and Development Act, 2000, as amended. In this regard specific reference is made to the absence of any planned facilities for people with disabilities, a caravan / camping park, or the reservation of lands for use as a burial ground. The foregoing items are all specific requirements of S.I. No. 540 of 2010 and their inclusion is a statutory obligation i.e. they are not optional.
 - The topography of Monard is not conducive to the movement of mobility impaired persons, with particular reference to the climb from the railway station which is located at the lowest point of the SDZ.
 - The development of Monard as a new town is of an aspirational / theoretical nature and there is a considerable amount of risk involved in undertaking such a project in Ireland where there is no historical connection to the 'new town' concept.
 - Section 3.5.2 of the Planning Scheme states that *'some of the proposals in this chapter are to some extent experimental, and will be subject to feedback, arising from the practical working out of design details on specific sites and in the market reaction from potential residents'*. It is considered that the purpose of an SDZ is to ensure that the detailed design is available 'up-front', particularly as developments in an SDZ are not subject to the usual appeal process.
 - It would seem unlikely that developers will risk investment in the construction of untested / experimental housing options.
 - There has been no consultation with the local national school (Rathpeacon NS) which is already at capacity. In this regard it is noted that whilst it is proposed to develop a primary school on construction of the initial phase of 1,000 No. dwelling houses, considering that Rathpeacon NS is already at capacity it is queried how school-going children within the early stages of the development will be accommodated.
 - On 27th July, 2015 the elected representatives of Cork County Council were prepared to vote against the adoption of the Draft Planning Scheme based on a wide range of concerns (and as almost 200 No. objections had been received from local residents), however, the Chief Executive subsequently withdrew the option of a free vote and thus the Council decided not to make a formal decision. However, under Section 169(4) of the Planning and Development Act, 2000, by not making a decision on the adoption of the Scheme, the scenario has arisen whereby there has been

a *de facto* acceptance of the Planning Scheme (i.e. by not making a formal decision, the Scheme has been deemed to have been made).

8.0 RESPONSE TO GROUNDS OF APPEAL:

8.1 Response of the Planning Authority (Development Agency):

8.1.1 Response to Monard Community Association:

- With regard to the assertion that the Monard SDZ Planning Scheme, 2015 has failed to adequately address the Board's reasons for refusing the previous 2012 Planning Scheme, it is necessary to provide some explanation of the legal and procedural context for the response of the Development Agency to that earlier decision.

Following the Board's refusal of the 2012 Planning Scheme, Cork County Council sought legal advice from Senior Counsel which recommended that it seek a judicial review of the decision. Whilst the Council accepted this advice it did not act on same as it was felt that litigation should be avoided if at all possible. Therefore, the only mechanism by which this advice could be communicated to the Board was in the course of an appeal against any subsequent Planning Scheme for Monard (*N.B.* A summary of the advice received from Senior Counsel has been appended to this submission).

The Board's previous refusal also incorporated views on issues of principle, interpretation and fact, which were not raised during the appeal process, and which the Council could not reasonably have been expected to anticipate. For example:

- i) The Board's stated reason for not accepting the recommendation of its inspector implied that no development could be permitted in Monard unless the planned development of all the 5,000 No. houses could be guaranteed. Such a demanding requirement would likely take 20-30 No. years to implement and the Council is unaware of any comparable case where such a position has been taken. The South-West Regional Guidelines, the Cork Area Strategic Plan and the County Development Plan, 2009 have all been cited by the Board in support of its decision, however, it is submitted that there is nothing in the text of any of these documents which could suggest that they be interpreted in such an 'all-or-nothing' manner.

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- ii) If any question of the *'outcome intended by designation'* (as referred in the refusal of the 2012 Planning Scheme), had been raised in the appeal, or had appeared likely to have been an issue, the Council would have immediately submitted the Memorandum to Government dated 29th April, 2010 and the Dept. of the Environment's press release of 27th May, 2010 as factual evidence of the Government's actual intentions.

Such issues were not discussed during the processing of the previous appeal despite a written request for further information and the holding of an oral hearing. Therefore, these missing discussions have been included in Appendix No. 1 of the Planning Scheme, 2015, this being the first opportunity the Council has had to bring these matters to the attention of the Board. This appendix details the Council's understanding of the previous reasons for refusal, the manner in which the Planning Scheme has been modified in response to same, and any practical constraints which have been identified in the process.

- In relation to concerns as regards the level of certainty pertaining to the provision of certain infrastructure, the Planning Scheme does specify the initial parts of the proposed road, foul sewerage, SUDS, and water supply systems which must be in place to serve the first stage of development in the SDZ and provided prior to or in tandem with same. The Council will itself be responsible for providing components of the initial infrastructure as illustrated in Figure No. 10.7 of the Planning Scheme. In addition, the Scheme does not permit any development *'until a business case / feasibility assessment has been carried out, and supports implementation of the CASP proposals for a rail station and rail services for Monard'* and treats any development not complying with this provision as inconsistent with the Scheme.
- The need to minimise uncertainty in relation to all essential infrastructure serving Monard is not disputed, however, it is submitted that this should be done in ways which reflect the actual conditions and timescale under which the development is likely to proceed. If the approach to minimising uncertainty is the same for a 25-year project in 2015 as it would have been for say, an 8-year project in 2005, it is probably too remote from the practical realities of at least one of them. For example, these realities include more frequent institutional and policy changes affecting those State agencies responsible for providing infrastructure and their reduced ability to enter into binding medium / long-term commitments on future

investment. For example, since the definitive adoption of the proposal for a new town in the Blarney-Kilbarry Special Local Area Plans, 2005:

- The Monard junction along the Northern Ring Road, which had been proposed in the NRA's public participation documents in 2004 and 2006, was deleted in 2007. Design work on the Ring Road itself was suspended in 2011.
- With regard to the proposed rail station, the National Transport Authority and the Dept. of Public Expenditure issued guidelines requiring the preparation of a business case for any public investment project in 2013. In 2015, Cork County Council discussed the preparation of an update of the 2002 Cork Suburban Rail Feasibility Study with Iarnrod Eireann, the City Council and the NTA, however, it was advised that this should be delayed until the NTA's SW Regional Multi-Modal Transport Model was available (postponed until November, 2015), and in August, 2015 it was further advised that no study should be undertaken until the NTA had carried out a National Rail Review.
- In relation to water services, the responsibility for same was transferred to Irish Water in 2014.

None of the aforementioned changes could have been predicted when proposals for Monard were being drawn up in 2005 and thus it cannot be assumed that there will be no further unpredictable changes within the next decade.

- The appellants' request for agreed proposals as regards bus services illustrates the relative merits of different methods for reducing uncertainty on future infrastructure. For example, the rail station will serve the initial southernmost phase of the SDZ whereas a bus service will be required as development proceeds northwards. Whilst the provision of bus services has been discussed with Bus Eireann, it is not in a position to commit to same this far in advance. Furthermore, the possibility that Bus Eireann would not be able to deliver on such a commitment due to a change in circumstances cannot be excluded.
- The Monard SDZ Planning Scheme, 2015, instead of seeking any guarantees on bus services, relies more on defence in depth. Bus services are normally provided to substantial newly developed residential areas in Ireland and this is likely to apply to the northern part of Monard. However, if this ceased to be the case, it would affect other newly

developed areas without a rail service more severely than the southern 3 No. villages in Monard, and would serve to strengthen the case for Monard. The northernmost village (Kilcronan) would be more seriously affected if a bus service were unavailable and thus the Scheme requires this service to be in place prior to any development in this area. This requirement is legally enforceable under Section 179(2) of the Act, whereas no national infrastructure provider is likely to provide legally enforceable guarantees of future services a decade in advance.

- The appellant has not related the need for certainty on infrastructure provision to the expected timescale of the Planning Scheme (c. 25 No. years) i.e. it has not considered the constraints on long-term commitments facing the providers of infrastructure or what would happen in the event of a change in the policy / circumstances of the said parties.
- The requirement for dependable advance commitments is reasonable for short-term plans, however, if it is also regarded as absolute for long-term plans, a realistic allowance for the effects of timescale and institutional change will result in such plans not being undertaken at all.
- When compared to a series of Local Area Plans, the use of thresholds in an SDZ whereby specified infrastructure is a legally enforceable precondition for the development of an area provides for a greater level of certainty.
- The Monard SDZ Planning Scheme, 2015 addresses the system of planning and infrastructure in Ireland as it actually exists. The Council is seeking to implement its Development Plan, and to give effect to the designation of Monard as an area whose development is of economic and social importance to the State, by adopting a realistic and practical approach in the particular circumstances that presently apply to Monard.
- The development of the Monard SDZ is Government policy.
- In relation to the implementation of the Planning Scheme, it is not realistic to expect a full consensus to be reached between all the parties concerned (i.e. landowners, public bodies etc.) over a quarter of a century, and, therefore, incentives to co-operate with the aims of the Scheme, and controls over what will happen if or when a consensus is not achieved, have been built into the Scheme.
- Alternative sequences of development, requirements to cooperate with adjoining landowners on the creation of infrastructure networks, and incentives to develop earlier rather than later, have been included in the Planning Scheme, and are designed to influence the behaviour of the individual landowners and developers and to avoid dependence on some not easily achieved wider consensus.

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- In a worst-case scenario, the threshold / precondition system included in the Scheme provides for pauses in the development of particular areas, or in some cases, the development of the SDZ as a whole, until certain infrastructure is in place. These provisions will prevent development running ahead of infrastructure and, in some cases, will also put the infrastructure provider under a certain amount of moral pressure not to delay development.
 - Chapter 10 of the Planning Scheme has been extensively rewritten since 2012 to strengthen the provisions dealing with implementation and monitoring etc.
 - With regard to the reference to the need for a *'fit for purpose delivery vehicle'*, the appellant would seem to be suggesting the involvement of some form of new town development agency or multi-agency taskforce, however, there is no local precedent which would support a full-time multi-agency team working on a project for a period of decades (as opposed to months or years). The Scheme provides for the establishment of a Steering Committee to include representatives of the public bodies more directly involved in Monard with provision for variation in the composition of same as needs develop over time. This committee could ultimately see merit in creating a multi-agency team for one or more short critical stages in the implementation process and the Council would have no objection to this possibility being referenced in Section 10.1.2 of the Scheme.
 - The Planning Scheme includes at least a dozen references to the existing community, mostly involving provisions designed to minimise the impact of new development on existing houses and laneways. The Scheme has sought to carefully control the scale and type of development adjoining existing houses and it also includes for the establishment of a local community liaison group which will interact with the Council's multi-disciplinary team.
 - The Scheme's approach to minimising uncertainty relies to a considerable extent on the effectiveness of Section 168(2) of the Act in ensuring that development does not run ahead of infrastructure provision.

8.1.2 Response to Scoil Náisiúnta Mhuire Ráthpéacáin (Rathpeacon NS) Board of Management:

- In order for development to commence in Monard, the Council will need to acquire land for the proposed services corridor road and it is envisaged that this will include acquisition of a site for the proposed primary school. Therefore, the school site should be available to the Dept. of Education

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- from the start of development onwards and thus it could be developed in tandem with the first housing developments.
- The Dept. of Education has the primary role in the provision of schools and the precise timing of the school is a matter for the Department which is also aware of the pressures on Rathpeacon N.S. In the event the school is delayed, Table 10.3 of the Planning Scheme provides that no development shall occur in the northern part of Lower Monard until it has been provided.
 - The thresholds / preconditions set out in Table 10.3 of the Scheme require enforced pauses in the development process where vital physical or social infrastructure has been delayed and a point has been reached where further development cannot be allowed to progress until the matter has been rectified. Any such pauses amount to a corrective intervention and are not what is envisaged or expected. Furthermore, in setting the point at which such interventions occur, a balance needs to be struck so that they are not applied prematurely and in a way which unnecessarily disrupts the development process.
 - It is anticipated that applications for the development of the northern part of Lower Monard will be received before the southern part of same has been fully developed. If no school is in place at that point, it will be necessary to refuse applications in the northern part of Lower Monard until the situation has been resolved.
 - The maximum permissible figure of 950 No. dwellings referenced in Table 10.3 of the Planning Scheme will only arise if all of the available land in the southern part of the village is developed to its maximum density and that all of the dwellings are occupied. Such a scenario is considered to be unlikely as vacancy rates rarely fall below 7%. It should also be noted that O'Flynn Construction Ltd. has appealed against the minimum density required on the lands in question. Even if this appellant reversed its position and sought maximum densities, higher density dwelling types are associated with smaller household size and fewer family households and, therefore, the number of children requiring school places would not increase proportionately. Accordingly, it is submitted that the relevant threshold is set at a reasonable point.
 - With regard to the road network, the proposed Services Corridor Road is listed in Table 10.1 of the Scheme as initial linear infrastructure which '*will have to be available for any new development in Monard to be possible*'. It will effectively bypass Rathpeacon from the start and the natural routes in and out of the initial development areas in Monard will be along that road and not through Rathpeacon.

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- The former N20 National Road which passes through Rathpeacon is lightly trafficked at present and congestion only occurs along that section of the roadway passing the school for short intervals at drop-off / pick-up times during the school term.
 - The development of Monard will provide an alternative route avoiding Rathpeacon thereby accommodating both existing and future road users and alleviating congestion in Rathpeacon at the start and end of the school day.
 - Table 5.2 of the Planning Scheme envisages the provision of the Southeast Link Road by the time 1,000 No. dwellings are constructed in Monard. The purpose of the SE link road is to relieve the section of the Old Mallow Road southeast of Rathpeacon and connecting into the city, rather than the section passing by Rathpeacon School.
 - The Cork Northern Ring Road is not part of the Monard development and its timing relative to development within Monard is uncertain. Accordingly, the inclusion of the Northern Ring Road within a particular stage of Table 10.3 is not appropriate, however, Sections 5.2.23 - 5.2.26 of the Scheme explicitly state that development shall not occur to the north of the line shown in Figure 10.6 unless the Ring Road is in place or is imminent, other than as a result of a formal amendment of the Planning Scheme.
 - It is proposed to provide community and recreational facilities in parallel with development. This will include the provision of the initial southern part of the Country Park where the Council will need to acquire land at the start of the development process.
 - Provision has been made in the Planning Scheme for the use of land not yet being developed to serve as temporary open space.
 - Open space is intentionally provided on a more generous basis within the northernmost extent of Lower Monard (as opposed to the southernmost part) as the lands in question are located further from the railway station and are closer to existing housing.
 - An adequate local population is necessary to support community / indoor sports facilities and this is why such facilities are shown in Table 10.3 of the Scheme as being required before the northern part of Lower Monard.

8.1.3 Response to O'Flynn Construction:

- The basis for slightly higher densities in the areas close to the station is that this is the area where self-selection by those willing to travel to the city centre or docklands by rail is most likely thereby reducing the risk that decentralisation of apartment provision could lead to less sustainable travel patterns overall. In addition, the area in question includes steeper

lands, which may be better suited for higher density development, and is not constrained by existing housing.

- It is accepted that the demand for apartments in Cork is weaker than in Dublin and that it also fluctuates during the economic cycle. Section 4.6(K) of the Scheme allows for the possibility that development of blocks of land suitable for denser groups of housing may have to be delayed pending suitable market conditions and provides for the interim use of these lands as temporary open space.
- The boundaries and names of some of the neighbourhoods in Lower Monard have been altered from the 2012 Planning Scheme and thus a direct comparison of densities is difficult. Furthermore, the floorspace cited for the Town Centre area in Section 4.6(R) includes substantial non-residential floorspace and thus the average dwelling size cannot be calculated by dividing the total floorspace by the number of dwellings.
- In relation to commercial / office uses, it is considered that there is a good match between the need for:
 - A noise tolerant non-residential use in a linear building on higher ground close to the Northern Ring Road, capable of acting as an effective noise barrier
 - Some employment over and above that involved in local services in Monard, in a high profile location near the station.

The demand for such premises is influenced by the economic cycle, which may lead to a need to wait for suitable market opportunities, but it is considered that there are compensating benefits for the appellant in question (in the form of higher quality, better protected housing on the quiet northern side of the linear commercial building), as well as for Monard.

- Both the National Roads Authority and Iarnród Éireann made submissions following publication of the Draft Scheme seeking to ensure that provision was made for adequate measures to mitigate noise from the proposed Ring Road and the existing rail line. The proposed linear commercial building is one of the main ways the need to achieve this has been incorporated into the proposed layout.
- With regard to development contributions and the recreation / amenity requirements, it has been demonstrated that Monard is different to normal zoned, edge of town, greenfield lands given its reliance on new infrastructure. Due to its distance from any edge of town zoned land, the

lowest price landowners are willing to accept should be less influenced by bids on adjoining recently sold development land. The extent to which infrastructure funded by contributions will be 'benefitting' development in Monard will thus be greater than normal.

- The Monard Development Contribution Scheme has had to strike a balance between various factors, including:
 - Greater than average benefit from the provision of infrastructure.
 - The 'actual estimated costs' of the infrastructure required.
 - The concern of the 2013 Guidelines to use contributions to promote; or at any rate not to discourage, development in priority areas.

This balance is reflected in the provision whereby the difference between general contributions in Monard and in other adjacent areas is limited to €20/m². For an average size house of 115m², this represents a maximum difference of €1,500 – less than 1% of any likely house price. This difference should not be enough to cause significant distortions.

- In relation to the retail targets, recent retail strategies in Cork have provided for a fairly even balance between convenience and comparison shopping and that is what is proposed in Monard.
- A 'new town' centre is in a different situation to existing town centres in that it will not contain any older or readily adaptable buildings which give such areas built-in flexibility with which to respond to changing market trends. Therefore, proposals for Monard town centre are intended to be flexible and are not unduly prescriptive.
- Table 10.3 of the Scheme states that a maximum of 950 No. dwellings will be permissible prior to the provision of the rail station. The potential synergy between early development in Monard and the provision of the rail service is acknowledged in the Scheme which considers it probable that the necessary agreement between the Council and Iarnrod Eireann will also involve one or more developers.
- There may be scope for reducing the initial cost of the rail station by using shorter platforms, however, Iarnrod Eireann may be reluctant to have two separate construction phases. In addition, the rationale for allowing flexibility on when the station will come into operation is not so much related to cost as to the undesirability of opening a station before there is a prospect of it being reasonably well used.

8.1.4 Response to Tim and Dan Quill:

- With regard to the appellants doubts concerning the provision of rail stations at both Blarney and Monard, it should be noted that the 2002 Faber Maunsell Cork Suburban Rail Feasibility Study recommended a station at Blarney at a time when the Stoneview development was not yet envisaged. In addition, a rail line with stations at Blarney, Monard and Blackpool is likely to be able to support a more frequent service. Therefore, proposals for stations at Blarney and Monard are mutually supportive.
- The suggestion of a feeder bus between Monard and Blarney Station is not realistic on an operational level. The time involved in transferring from one public transport service to another is a substantial deterrent to the use of such combined services, particularly in smaller cities where the walk and wait time is a higher proportion of overall journey time.
- Local traffic movements between Monard, Killeens & Stoneview will be on a much more modest scale than movements southwards towards the City and its environs, but the linkage between them is qualitatively important in expanding the choice of facilities for the residents of those settlements. This was considered as part of the 2 No. transport assessments carried out in conjunction with the preparation of the Planning Scheme. The SE and SW link roads will both facilitate movements between Monard and Killeens. Movements between Monard and Stoneview will be accommodated via the SE link road as well as via the existing route from the northern part of Monard to Blarney via Coolowen Cross.
- The Cork Northern Environs Transport Assessment compiled by Systra in 2015 on behalf of the Council addresses the cumulative effect of the Stoneview, Monard & Ballyvolane developments on the road system north of Cork City and the alternative ways of connecting same into the national and regional road network.
- In advising the Council on wastewater disposal, Nicholas O'Dwyer Ltd., who prepared the preliminary report, were fully aware of the previous Stoneview appeals, and on the basis of information that became available in 2012, it formed the view that effluent from Stoneview would be more appropriately disposed of via an upgrade of the existing wastewater treatment plant in Blarney rather than combining it with effluent from Monard and pumping both to Carrigrennan WWTP. While the treatment of effluent from Stoneview is now a matter for Irish Water, proper consideration was given to possible interaction between Monard, Stoneview & Ballyvolane in the preparation of the preliminary report and

the Council has incorporated the report's recommendations into the 2012 and 2015 Planning Schemes.

- The Council has responsibility for Blarney and the Ballyvolane Masterplan area as well as Monard and has considered the potential for interaction between same in relation to the types of infrastructure referenced in the grounds of appeal.

8.1.5 Response to Tadhg O'Leary & Jer Buckley:

- The only parts of the Monard development that will drain to the Glenamought River are the SE Link Road and the south-eastern end of the Services Corridor Road. These will incorporate SUDS measures to avoid adverse impacts on peak flows downstream.
- The Monard SDZ Planning Scheme, 2015 is compliant with the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'*. A flood risk assessment has been carried out and the potential flood risk from the SDZ to all locations downstream has been addressed.
- All drainage systems (SUDS etc.) must be maintained to function correctly and this is addressed in Sections 6.5.15 – 6.5.17 of the Scheme.
- There is no intention to extend proposed development in Monard south-eastwards where it could affect the Glenamought River catchment. If any such proposals did emerge in the future, an amended Planning Scheme would be necessary and this would be subject to public participation and a right of appeal. Any development outside of the SDZ would be subject to the normal appeal process.
- The Planning Scheme does not prejudice the appellants' position or imply further development which might adversely affect them.

8.1.6 Response to Patrick J., Anne, Pdraig, Colm, Colette & Brendan Sheehan:

- The Monard project originated in the CASP Study following the completion of various consultation processes. Following the recommendation of the CASP in relation to the suburban rail corridor and a feasibility study of the rail project there was then an informal public participation exercise on how population growth could be distributed along it in 2003, including circulation of a discussion paper in July and a public exhibition in November. A total of 108 No. submissions were received, including 39 No. relating to Monard. Following this, the Draft Special Local Area Plans for Blarney / Kilbarry, Carrigtwohill and Midleton were put on public display in January, 2005 and adopted by Council in September, 2005. The creation of a new town at Monard was thus adopted policy by 2005 after extensive participation involving the consideration of options at strategic, corridor

and local level over a 5 year period. The Blarney / Kilbarry Special Local Area Plan envisaged this objective being implemented either as an SDZ or as a Masterplan. The designation of Monard as SDZ was not a policy choice, but was instead a choice on what procedure would be used to implement a policy that had already been adopted. Furthermore, this designation cannot be taken in isolation from the steps that led to same.

- While interchange between bus and rail services would appear to be easier to achieve at Blarney station than at Monard, and although Blarney would be well placed for bus connections from the northern part of the Monard SDZ, the overall populations served by stations and the range of means of access to them are considered to be more important factors.
- Contrary to being in competition, it is considered that stations at Monard and Blarney would be mutually complementary. A rail line with stations serving Blarney, Monard and Kilbarry is likely to be able to support a more frequent and economically viable service.
- The aim of the report by Systra on behalf of the Council was to resolve uncertainty in relation to the location of a junction on the Northern Ring Road which would serve Monard having regard to the view of the NRA that only one junction would be acceptable between the M8 and the N20 junctions. It also assessed the cumulative impacts of (and access to) other major developments planned to the north of the city including those at Stoneview and Ballyvolane. It was not in a position to remove uncertainty as regards the actual provision of the Northern Ring Road and this was not one of its objectives.
- The proposed SW link road is a longer term proposal which will not be due for construction until c. 3,000 No. houses have been provided (possibly in the early 2030s). Accordingly, the need for further consultation with local residents closer to the time is accepted. The way in which minor existing roads are used such as Ross's Lane may have changed in the meantime as a result of changes to junctions on the N20 and also through traffic management measures.

The SW link connects the former N20 (Old Mallow Road) and the main road to Coolowen / Killeens and the majority of traffic will use these roads to access Blarney.

There is a railway bridge height restriction at Monard Cross so it is likely that the SW link will be used mainly by cars. A carriageway width of 4.8m at the bridge will facilitate two-way car traffic. This would permit a car and

a lorry to pass (subject to the height clearance) and would also allow the provision of a 1m wide public footpath.

The projected peak hour (a.m.) 2-way flow for the SW link road once the entire Monard development is in place is 585 No. vehicles / hr. If it was necessary for development to pause at 3,800 No. dwellings due to the absence of the Northern Ring Road, a flow of 670 No. vehicles / per is projected.

- A strategic Flood Risk Assessment was compiled pursuant to the requirements of the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'*. This has identified a very limited area of land within 'Flood Zone A' which is confined to the Blarney River Valley and a small section of the Kilcronan stream. The river valley will not be developed for housing and will be reserved as a country park with the level floodplain lands being suitable for informal recreational use.
- The Draft Lee CFRAMS has identified flood locations downstream of the SDZ. A preliminary report was prepared by external consultants and this sets out a comprehensive site specific SUDS strategy.
- Extensive on site investigations were carried out for the SUDS scheme which included a two-dimensional model of the Blarney River together with extensive flow monitoring across the site over a 6-month period. The system is designed to ensure that the rate of discharge from the urban area to the receiving waters should be limited to the equivalent greenfield runoff rate and volume. This is discussed in greater detail in the SFRA which has accompanied the Planning Scheme.
- With regard to the existing flooding of a stream at a road crossing near Killeens and Monard Glen, this will be addressed through the use of swales / filtration drains etc. along the SW link road which will ensure no adverse impact on current peak flows in the rivers downstream of the SDZ. The catchment of this stream will also be reduced through the implementation of the Monard SUDS strategy and thus the flows will be reduced proportionately.
- It should be noted that the appellants reference to Section 2.3.4 of the Planning Scheme outlines the nature of the difficulties the site would present for cyclists and pedestrians in the absence of interventions designed to overcome same. This quotation cannot be viewed in isolation and Section 2.3 must be read in its entirety.
- With regard to the appellants' concerns pertaining to the need to run a pipe under the Glashaboy River, a report was commissioned in relation to

the types and effects of trenchless technology on the Glashaboy River estuary. The resulting addendum to the preliminary report for Wastewater Disposal has investigated the issues arising and provides a satisfactory methodology for addressing this issue.

- The timing of the first primary school and the roads issues relating to Rathpeacon School are addressed elsewhere in this response to the various appeals. In addition, it is considered that one post-primary school will be adequate to meet the needs of the proposed population.
- In relation to the appellants' concerns that certain aspects of the Planning Scheme are of an 'aspirational nature, it is submitted that the Scheme is trying to steer a middle course between accepting the established output of the housebuilding sector in Cork as a given, and seeking to enforce precisely defined building types which unduly restrict the creative role of architects and which the market may be unwilling to accept.
- Irish Water has confirmed that it supports the Draft Scheme in principle and that the water services infrastructure required by same will be designed and developed in line with statutory, regulatory and technical obligations and the evolving demand for water. The Council is in discussions with Irish Water regarding strategic water services infrastructural capacity and demand issues relating specifically to the Planning Scheme and the Northern Environs.
- Detailed preliminary reports have been prepared for both water and wastewater infrastructure and thus practical and suitably costed ways of serving Monard have been identified and planned in some detail.
- In relation to wastewater disposal, it should be noted that treatment etc. can involve substantial capital costs and that economies of scale are available in the operation of larger treatment plants. Treatment capacity already exists at Carrigrennan and does not have to be specially created for Monard.
- Iarnrod Eireann supports clustered development around stations as stated in its submission on the Draft Scheme.
- A clear case for the Monard railway station is set out in the Faber Maunsell Study – it is only due to the lapse of time since then that a further business case must be prepared before Iarnrod Eireann is allowed to invest in a station at Monard. The preparation of such a business case has been discussed with Iarnrod Eireann, the City Council and the National Transport Authority, the latter has advised that this should be delayed until the NTA's SW Regional Multi-Modal Transport Model has been made available (now postponed until November, 2015) and that no

study should be undertaken until the NTA has carried out a National Rail Review.

- There is no risk that Monard will proceed in the absence of a business case supporting a rail station as Section 5.1.16 of the Scheme precludes same. In any event, public bodies are unlikely to invest the larger sums necessary for the provision of other infrastructure if it is not possible to invest €4m in a station.
- The majority of funding for the station will come from supplementary contributions which have already been collected or will be generated by the development of the southern part of Lower Monard. The remainder will be recovered via supplementary contributions from subsequent development in Monard.
- With regard to the sustainability of the Scheme and the appellants reference to cycle path provision, it is submitted that the Planning Scheme provides for an extensive cycle network.
- In response to the appellants questioning of the SDZ designation in the absence of certainty on a rail station and the subsequent suggestion of Blarney and Kilbarry as suitable alternative locations for stations, Monard is the development area with the largest proposed populations along the Cork-Mallow rail line and thus is likely to make the greatest contribution to rail usage thereby making a frequent and economically viable suburban service possible.
- The existing gas main which traverses the site is a strategic high pressure line and cannot be used for the provision of gas to Monard. However, there is no objection to running a road over same and a section of the Services Corridor Road is aligned along its route.
- The two options for the provision of a gas supply to the new town are outlined in Figure 6.9 of the Scheme.
- A hierarchy of recreational facilities is proposed in the Scheme in addition to an extensive network of linear parks and pedestrian and cycle routes. Built sports / community facilities are encouraged through the recreation and amenity policy and are required as components of the town centre and Kilcronan Village Centre.
- The resolution at the meeting of Cork County Council held on 27th July, 2015 intentionally allowed for the provision in the Planning and Development Act, 2000, as amended, by which, in the absence of a formal Council decision, an SDZ Planning Scheme is deemed to come into effect 6 weeks after the Chief Executive's Report. Whilst this outcome may not have been what the appellants wished the elected representatives to decide, it is not undemocratic.

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- The Monard Design team has invited all the appellants to meet with it in order to assist in their understanding of the Scheme's details so as to facilitate their engagement with the Board. Further meetings have been / will be held with the elected members.
 - Contrary to the appellants' assertions, the Chief Executive can advise elected members, however, it does not have the power to prevent them voting on a particular issue should they wish to do so.
 - In respect of the concerns raised as regards the potential impact of the development on tourism in Blarney, due to the presence of a long ridge west of the Blarney River at a height of c. 130m, Monard will be largely screened from view although it is acknowledged that parts of it will be visible from the top of Blarney Castle. In addition, as Blarney is accessed directly off the N20 rather than via local roads, it is not accepted that the SDZ will contribute to traffic congestion in that area.
 - The appellants have failed to identify any brownfield sites on the north side of Cork City and in close proximity of the rail line which could be held to provide a suitable alternative to the development of Monard.

8.1.7 Response to Monard Concerned Residents Group:

- Paragraph 1.7 of the April, 2015 Draft Scheme sets out the alternative options for long term planning (which are primarily Local Area Plans or SDZs) and makes it clear that an SDZ is a better way of planning a new town, although it also acknowledges that as Local Area Plans are not subject to appeal or refusal on an all or nothing basis they could be regarded as more reliable in that particular sense only.
- The site selection process for a new rail-based town originated in the Cork Area Strategic Plan, 2001 and Monard / Rathpeacon was identified as the location for such a town subject to further assessment. The Cork Suburban Rail Feasibility Study endorsed the creation of a settlement at Monard in 2002 and this was subsequently accepted by Government which then funded the major investment required for the suburban rail system i.e. the re-opening of the Midleton rail line in 2009.
- The location of Monard town centre was selected following careful consideration of alternatives. The retail centre will be located on an area of relatively level ground reasonably close to the rail station and is designed to provide a wider range of services in a highly accessible location.
- The area proposed for the retail centre is not in the ownership of O'Flynn Construction Ltd. That company has appealed against the proposed housing density and office content applicable to its lands on the basis that these components are commercially unattractive.

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- Monard will comprise a Metropolitan area or satellite town rather than a new town in the traditional sense as used in the UK. The Regional Planning Guidelines for the Greater Dublin Area, 2010 refer to the term 'new town' in the latter sense and apply to the Dublin area. The 2015 Planning Scheme under consideration is consistent with the South West Regional Planning Guidelines as has been stated in a submission by the Regional Assembly on the Draft Scheme.
 - Monard will help address the imbalance of development in Cork between the north and south sides of the City, in conjunction with the development of other settlements along the suburban rail line.
 - Irish Water has confirmed that it supports the Draft Scheme in principle and that the water services infrastructure required by same will be designed and developed in line with statutory, regulatory and technical obligations and the evolving demand for water.
 - Detailed preliminary reports have been prepared for both water and wastewater infrastructure which are presently being given consideration by Irish Water.
 - Provision has been included in the Scheme for an ESB connection and the necessary infrastructure will be rolled out on a phased basis.
 - The provision of 4 No. primary and 1 No. post-primary schools has not changed significantly since the 2012 Planning Scheme.
 - The provision of primary schools is in line with the requirements of the Dept. of Education.
 - There has been extensive discussion with Iarnród Éireann as regards the layout of the rail station.
 - On foot of the Supplementary Development Contribution Scheme, an additional agreement under Section 49(4) of the Planning and Development Act, 2000, as amended, relating specifically to Monard is envisaged, probably involving some initial developers of housing in the SDZ as well as the Council and Iarnród Éireann.
 - Iarnród Éireann supports clustered development around stations as stated in its submission on the Draft Scheme.
 - The Council is already in receipt of c. €1.6m from the rail line Supplementary Contribution Scheme and will generate more from development in Monard.
 - The preparation of the 2015 Planning Scheme has involved extensive public participation and consultation.
 - The appellants' reference to Ballyvolane presumably relates to that part of the area which forms a suburb of Cork City. This is a largely developed area with only limited brownfield land available. The Ballyvolane

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- Masterplan area is further east and comprises greenfield lands. All of this area is located in excess of 1km from the rail line and already forms part of the population targets set out in the County Development Plan, 2014 and is necessary to meet prospective housing needs (in addition to Monard).
- The Tivoli industrial estate is proposed as an area for future development once existing harbour and industrial uses on the site have relocated (A Local Area Plan will be prepared for the site, subject to detailed flood risk assessment). These lands are not presently available for development.
 - The traffic flow for Sheehan's Lane quoted in the Chief Executive's Report relates to its use after it has been widened and realigned, and the 'skew' at the bridge removed, and not to its use under existing conditions.
 - The Scheme focuses cycle facilities on corridors and movements which are relatively level and thus more attractive to cyclists.
 - It is unclear at this stage how the situation will develop over time along Ross's Lane and at its junction with the N20 when the Sheehan's Lane improvements are carried out. The possibility of traffic management measures to discourage through use of Ross's Lane may be necessary at that stage.
 - Section 5.2.31 of the Planning Scheme represents the current position of the National Roads Authority.
 - All drainage systems (SUDS etc.) must be maintained to function correctly and this is addressed in Sections 6.5.15 – 6.5.17 of the Scheme.
 - Developers will be required to demonstrate compliance with the SUDS strategy in any planning application by clearly outlining the design capacity and location etc. of the specific measures proposed whilst an exceedance of existing greenfield runoff rates and volumes should not be permitted.
 - It is a condition of the SFRA that the maintenance of all SUDS features should be carried out by an agreed body at regular intervals until such time as the development is taken in charge. This will ensure that the said features are working effectively and will not contribute to any downstream flood events.
 - Table 5.4 of the Planning Scheme reflects what might occur if current patterns of behaviour observed in analogous existing settlements were reproduced in Monard. The comparative data city in Table 5.4 is derived from the 2011 census. The ARUP assessment adopted this conservative approach partly because its main purpose was to estimate effects on – and the extra capacity needed in – the local road system immediately south of Monard.

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- In the longer term, the limiting factor on public transport usage in Cork is the relatively low proportion of employment in the city centre and the absence of a quick and simple transfer from one service to another. The suburban rail project should support a degree of recentralisation and some works are already underway to improve the interchange between bus and rail at Kent Station.
 - It is considered that the appellants comments with regard to quality of the transport links set out in Table 5.4 of the Scheme are misleading in that no reference has been made to those links described as *'quite good'* or *'good once some (expected) improvement is in place'*.
 - The target of 7% for cycling in Monard is not particularly optimistic. The proportion of cycling to work in the Cork Metropolitan area as a whole was 8% in 1986 with much higher proportions in less hilly areas on the southern side of the city. Whilst cycling declined during the 'boom', it is now starting to recover and facilities to support same are being put in place.
 - The average gradient from Blackpool to Monard should not be a deterrent. It averages around 2%, and from Blackpool southwards into the city centre it is virtually level.
 - The Council has recently participated in the preparation of a cycling strategy for Metropolitan Cork, which includes Monard. The Draft Cycling Strategy includes the cycle route from Monard to Blackpool and onwards to the city centre.
 - The pumping of wastewater to Carrigrennan was considered to be the optimum solution. The Carrigrennan WWTP is the primary facility for the treatment of wastewater arising in Cork City and its environs and it already has the necessary capacity to accommodate Monard.
 - Whilst an elevated landscape is a prevalent feature of Cork City and its environs, the layout of the Scheme has taken account of microclimatic conditions and orientation to an extent unusual for a plan of the scale proposed.
 - The location of the gas transmission main largely within the footprint of the services corridor roadway optimises the position of the gas main within the new town and also maximises its distance from proposed buildings.
 - Discussions have been held with BGE Networks in order to ascertain its requirements with regard to the gas transmission main. For example, the vertical road design has been developed to be compatible with BGE requirements whilst any need for protective concrete slabs over the main can be determined during further consultations with BGE relating to the detailed design of the services corridor roadway.

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- Gas pipelines are constructed to a high standard and BGE is responsible for the operation, inspection and maintenance of same.
 - In the case of an existing section of transmission gas pipeline and where the nature of its location changes, the pressure limitation which applies to new pipelines can be exceeded subject to a quantitative risk assessment. BGE will ensure that its requirements are met and, therefore, in practical terms, the risk to the existing pipeline will be very small and at the very least compliant with the relevant standards.
 - With regard to the appellants' reference to land severance, the paragraph of the Chief Executive's report cited in support of same actually refers to possible negotiations with an individual landowner at the time of acquisition so as to minimise disruption to him. The description of this provision as 'brokering' land swaps is considered to be misleading.
 - Relative to the 2012 Planning Scheme, Table 5.2 of the current Scheme has been amended to take account of the Inspector's draft conditions. It is not clear that this has led to any inconsistencies.
 - Scales and north-points have been provided on the fold-out maps of the Scheme.
 - The percentages in the columns of Table 2.2 of the Scheme add up to a total of 100%. The rows of the table are not intended to add up to 100%, particularly given the absence of car journeys from the table.
 - It is acknowledged that the appellant is correct in referencing the presence of 2 No. figures entitled 'Table 5.4' in the Scheme and apologies are offered in this regard.
 - The Scheme allows for flexibility and adaptability between residential and commercial uses. In addition, the village centres of Upper Monard and West Village are both located at some distance from existing housing and thus those properties will not be adversely affected by the flexibility in the use of some of the buildings in the centres.
 - With regard to the intended meaning of certain passages of the Scheme as referenced by the appellant, it is considered that these are clearly apparent when taken in context with the relevant part of the Scheme being read as a whole.
 - In relation to the absence of an executive summary, the Planning Scheme is a land use plan, not a technical report, and the inclusion of such summaries is not a standard feature of land use plans.
 - Concerns with regard to the adequacy of the recreational and community facilities have been addressed elsewhere in this response.
 - There is a distinction between the Country Park, which will be provided, and the 'possibility' of southwards extension of the walk along the western

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- side of Monard Glen being 'allowed for' in Section 2.5.9 of the Scheme. The latter would probably occur (if at all) by agreement with the landowner, and once the Country Park has become well established.
- The path system within the Country Park will connect through to Monard Cross as is shown in the Scheme.
 - A footpath will be provided along the southern side of the Old Mallow Road to the station.
 - The reference in S.I. 540/2010 to the SDZ being for residential development and the provision of a number of other types of development, which includes community facilities '*as referred to in Part III of the First Schedule*', could in theory be read either as authorising the provision of any of the facilities listed in that Schedule or as requiring the provision of all of them, however, this latter interpretation is not considered tenable. The First Schedule is clearly headed '*Purposes for which objectives may be indicated in Development Plans*'.

Notwithstanding the foregoing, most of the items listed in the First Schedule have been provided for in the Planning Scheme, with the exception of hospitals, caravan parks and burial grounds. It should also be noted that some further additions to the facilities proposed have been included since the 2012 Scheme such as 3 No. retirement homes located beside the three village centres.

- It is entirely desirable that the railway station works successfully from the outset and that it does not '*open prematurely, appear empty and perhaps be subject to abuse*'.
- It is accepted that there are a number of existing commercial parks on the north side of the city and this is why the Planning Scheme does not proposed to add to same. Instead, the modest town centre office space proposed will differ from what is typically available in a standard suburban business park. These offices will benefit from their proximity to the rail station and the other town centre facilities in addition to the Northern Ring Road upon the completion of same.
- The Monard proposal is not '*embedded in the English idea of a 'new town*' as it does not involve counter-urbanisation at a substantial distance from the core of the city so that an independent employment base can develop, which was the aim of UK new towns. The concept for Monard is derived from the Cork tradition of Metropolitan area / satellite towns and is also influenced by the aim of producing a more compact grouping of settlements with greater critical mass, as recommended by the CASP. It

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- differs from the existing Cork satellite towns in their early stages in not involving incremental development around a pre-existing core settlement.
- It is accepted that construction on sloping sites can be demanding and it is partly for this reason that a number of options are discussed.
 - The suggestion that *'the point of an SDZ is to have detailed design upfront'* is over-simplified. It is not practical or desirable for an SDZ to specify detailed designs or to be unduly prescriptive on the approach a designer should adopt. While developers are often risk averse, if a small scale experimental design proves to be successful, it will usually find imitators.
 - An ecological survey of the Blarney River recorded water birds and no species of birds of prey were noted.
 - Provision has been made in Chapter 8 of the Scheme for the protection of barn owls and any sightings and / or nests encountered during construction will be recorded and protected.
 - The Monard SDZ is surrounded by agricultural lands thereby containing development within the site boundary and ensuring the preservation of wildlife.
 - The environmental report which accompanies the Scheme utilised an Ecological Report prepared by Ecofact to provide baseline information on invasive species. That ecological report identifies the presence of Giant Rhubarb along the riparian corridor of the Blarney River, although follow-up investigations would be required to confirm if the species has been misidentified. The presence of Japanese Knotweed is of much greater concern as its growth is much more vigorous and difficult to control.
 - Chapter 6 of the Scheme specifies the need for comprehensive construction management plans.
 - The environmental report examines in detail the environmental impacts of the proposed development, including effects on population and human health. The SEA which accompanied the 2012 Planning Scheme was previously considered acceptable by An Bord Pleanala.
 - Concerns with regard to Rathpeacon National School have been addressed elsewhere in this response to the various grounds of appeal.
 - In relation to the specific local issues raised in the grounds of appeal:
 - a) The eaves levels are shown on the figure on Page No. 52 of the Planning Scheme so as to allow the designer some discretion as regards roof type. In addition, provision has been included whereby larger buildings do not have to utilise standard pitched roofs and can

avail of alternative designs. In any event, roof construction should not be unduly bulky or result in undue shadowing.

The 100m distance cited in Panel 1 on Page No. 52 relates to apartment blocks on the southern side of the Services Corridor Road. The retail / mixed use buildings shown in red on Page No. 53 are on lower ground than the existing houses to the north or the proposed apartment block to the south, and the latter point is reflected in the difference in eaves levels.

The distance between the mixed use buildings and the relevant dwellings is on average 55-60m. There is no intention that there should be parking to the north of the buildings on the northern side of the east-west street in the retail centre. A general prohibition on windows on this side of these buildings would not be justified, though design which avoids unnecessary overlooking would. Given the distances involved, the potential for overlooking of a back garden may be more of an issue than direct overlooking of those within buildings. The Council is open to suggestion in relation to fencing arrangements between those buildings and existing housing.

- b) Parking is not proposed at district play areas as these are intended to function as a local facility to be accessed on foot.
- c) The identification of Monard Boreen as Boreen Dearg can be rectified by way of condition, if necessary.

The control of non-residential access along this boreen can be addressed through suitable traffic management measures.

The proposed Southwest Link Road is a longer term proposal which is not due for construction until after the provision of c. 3,000 No. houses (possibly in the early 2030s). The need for consultation with local residents nearer to the time is accepted. The projected peak hour (a.m.) 2-way flow for the SW link road once the entire Monard development is in place is 585 No. vehicles / hr. If it was necessary for development to pause at 3,800 dwellings due to the absence of the Northern Ring Road, a flow of 670 No. vehicles / hr is projected.

There is a railway bridge height restriction at Monard Cross so it is likely that the SW link road will be used mainly by cars. A carriageway width of 4.8m at the bridge will facilitate two-way car traffic. This would permit a car and a lorry to pass (subject to the height clearance) and would also allow the provision of a 1m wide public footpath.

The SW link connects the former N20 (Old Mallow Road) and the main road to Coolowen / Killeens. From the northern two thirds of the SDZ, there will also be a fairly direct link north along the old N20, and then southwest towards Stoneview and Station Road. The majority of traffic will use these roads to access Blarney.

With regard to the suggestion that an improved Sheehan's Lane could feed traffic between Monard and Blarney onto Ross's Lane, it is submitted that this is not a sufficiently attractive route to draw much traffic in its current condition. It is also unclear at this stage what the situation will be on Ross's Lane and the junction with the N20 at the western end of same (in perhaps 15 No. years) when the Sheehan's Lane improvements are carried out. The possibility of traffic management measures to discourage through use of Ross's Lane may be necessary at that stage.

All base errors with regard to recent housing along Sheehan's Lane have been rectified.

8.1.8 Response to the wider discussion of the reasons for the refusal of ABP Ref. No. PL04G.ZD2008 as set out in the Third Party Appeals of the Sheehan Family and the Monard Concerned Residents Group:

- Reason No.1:-
The issue of certainty in relation to infrastructure provision (with specific reference to the Northern Ring Road) has been discussed elsewhere in the Council's response to the grounds of appeal. The removal of uncertainty in relation to the location of the proposed junction onto the Northern Ring Road at Killeendaniel has not been acknowledged in either of the appeals.

- Reason No. 2:-
The Board would appear to have been of the opinion that the density of the 2012 Planning Scheme was unnecessarily low and thus did not

ensure the efficient use of land and infrastructure. However, if (as argued by the appellants) the densities envisaged in the 2012 Scheme are the highest that are marketable / sustainable / developable without undue risk, or are too low to represent the efficient use of land or infrastructure, it can be implied that there is no possible Planning Scheme which is both practicable and efficient, and that Monard should not therefore have been designated as an SDZ. This is not the view of the Council and the accompanying legal opinion questions whether it is open to the Board to adopt any such position.

The 2015 Planning Scheme adopts a more flexible view, based on the recognition that market conditions can change over time and also tend to vary cyclically. The Scheme therefore widens the range of permissible densities considerably so as to reduce the risk that they will require to be less efficient than they can be, or alternatively higher density than is marketable or sustainable.

The efficiency or otherwise of development at Monard cannot be discussed realistically without recognising that there is approximately €500 million worth of infrastructure already in place, in the form of the Cork-Blarney rail line. In the absence of Monard, effective use of the spare capacity on this line will not occur.

- Reason No. 3:-

The appellants have argued that neither the topography nor the landownership pattern have changed since the 2012 Planning Scheme and they are also unconvinced that the SUDS system will work.

It is accepted that topography and landownership have not changed since the refusal of ABP Ref. No. PL04G.ZD2008 or the decision to designate Monard as an SDZ. In this regard it is suggested that the appellants position would seem to imply that Monard should not have been designated as an SDZ for both topographical and land ownership reasons, however, a clear difficulty with this view is that the same factors could be claimed to affect a considerable amount of other development land in the Cork area thereby severely restricting the supply of same. In any event, the Board's reason for refusal indicated that it was not satisfied that the proposed implementation mechanisms were sufficient to overcome these constraints thereby implying that there were possible mechanisms which would be adequate.

It is not easy to identify why the Board deemed the proposed implementation mechanisms to be deficient or what form more adequate ones would be expected to take, however, where additional mechanisms have been identified (such as the proposal for an advance planting incentive), these have been included in the scheme. Where there is only a limited range of options for dealing with an issue, these have been identified and their relative merits considered.

With regard to the risk of downstream flooding due to stormwater runoff from a development, the range of options available to deal with same is limited and includes the piping of runoff to nearby watercourses, a reliance on underground attenuation tanks, and the SUDS approach which is more favoured. Therefore, it is considered to be reasonable that those who do not regard SUDS as the correct approach to provide some indication of their preferred alternative. Furthermore, it should be noted that since development in any location will generate runoff, the problem cannot be easily resolved by moving development from Monard to somewhere else. In this respect the Board is advised that the two other main development areas north of the City, namely, Stoneview and Ballyvolane, drain into the same river system as Monard and the Glen River respectively.

- Reason No. 4:-

With regard to the appellants comments on urban design, the proposed SE link road will involve creating a new bridge over the rail line at a point where it is in a rock cutting thereby resulting in a route to the City Centre and the national road system which does not pass under any rail bridge.

In respect of the SW link which will pass under an existing rail bridge, the approaches to the bridge will be realigned and the gradients along same considerably reduced.

It is accepted that the wording on universal access has not been inserted in the sections of the Scheme on the 3 No. village centres, as well as the town centre, as intended, Therefore, the Board may wish to consider imposing a condition remedying the omission in respect of the village centres.

In relation to the appellants' suggestion as regards the provision of lifts at Monard station, it is considered that suitably ramped access for those with disabilities is preferable as this allows facilities for pedestrian movements between platforms to be combined with those between Rathpeacon and Monard (and needing to avoid the existing skewed roadbridge over the rail line).

8.1.9 Conclusions:

- Whilst several of the appeals have suggested alternative places to locate a rail station, they have not considered that a reasonably frequent rail service will require several substantial settlements with suitably located stations in order to obtain the necessary volume of passengers.
- In terms of housing supply, the Council fully supports the development of brownfield lands in the City, however, there has been a consistent long run average increase of c. 2% per annum in the number of households in the Metropolitan Area since the 1960s. In this respect the residential development proposed in Monard represents slightly over 2 years long run average growth in demand and it is clear that this number of dwellings cannot actually be provided in Monard over that period and will in fact probably take over two decades. Therefore, other parts of the Cork area will have to develop in parallel with Monard and there is no choice between 'greenfield' and 'brownfield'.
- While the County Development Plan, 2014 does provide in principle for enough zoned land to meet demand over the Plan period, in practice the amount of land which is serviced and has planning permission (or could be granted planning permission in the short term) is only sufficient to maintain new housing output at the current (depressed) rate of c. 1,000 No. units per annum for the next 2-3 years. Development after that will depend on the provision of critical infrastructure.
- Monard is the most advanced 'masterplan area' in terms of detailed planning and infrastructure design.
- Any attempt to remove every possible source of uncertainty from the Planning Scheme may lead to its delay indefinitely. The risk of a medium-term housing shortage affecting at least Dublin, Cork & Galway is already fairly clear, and the further risk that 'hand-to-mouth' methods will have to be adopted to deal with it is also evident.

8.2 Response of the Monard Concerned Residents Group:

8.2.1 Response to Monard Community Association:

- It is considered that the Monard Community Association is not representative of the local community in Monard and that it has no mandate to act on behalf of same.
- It is acknowledged that many of the points raised in the appeal lodged by the Monard Community Association are well developed, however, the Monard Concerned Residents Group are very concerned as regards the following statement contained in Section 1.0 of that appeal:

‘the Monard Community Association have no objection to the overall principle of development in the Monard area’.

Representatives of the Monard Concerned Residents Group visited every dwelling house within the Monard SDZ, in addition to many other residences along the local road network in the immediate surrounds, and almost all of these households submitted objections to Cork County Council with regard to the Draft Monard SDZ Planning Scheme, 2015. Accordingly, it is submitted that the Monard Community Association does not represent the views of the local community in Monard and that it is inappropriate for them to purport to do so. Instead, the vast majority of the residents of Monard object to the overall principle of the development proposed.

8.2.2 Response to O’Flynn Construction:

- By way of clarity and contrary to the implication in the grounds of appeal of O’Flynn Construction, the *‘strategic landholding in Monard’* acquired by the firm in question was purchased in 2007 some 3 No. years before the designation of the SDZ.
- The designation of an SDZ must be based on good planning principles and not on the ownership of land by a particular party who may be sympathetic to the development of same as it would represent a return on an investment.
- The appeal of O’Flynn Construction considers the housing density proposed for Monard town centre to be excessively high in order to be commercially attractive and proceeds to state that *‘experience in the well-established towns of Ballincollig and Mallow shows that, even with high quality, apartment schemes are market resistant outside the city centre of the Cork housing market’.* These concerns would seem to identify a major problem with the development of Monard in that the town requires a high

density of housing in order to maximise the efficient use of public transport whereas the type of housing proposed will not be attractive to Cork-based homeowners. Conversely, if the housing density were to be lowered this would give rise to an inefficient use of public transport and thus the development site offers no advantages.

8.2.3 Response to Tim and Dan Quill:

- It is evident from the grounds of appeal lodged by Tim and Dan Quill that the developments proposed at Stoneview and Ballyvolane (and possibly elsewhere) have not been considered in the Monard SDZ Planning Scheme, 2015 in terms of the impact of same on infrastructure such as roads, water and wastewater services.
- The potential impact of other developments progressing alongside the Monard SDZ is of particular relevance in terms of environmental assessment. Notwithstanding the 'Appropriate Assessment' Screening Report prepared for the Monard SDZ, in light of the comments set out in the appeal of Tim and Dan Quill, it is evident that there has been no assessment of 'in-combination' effects (i.e. the impacts arising from all other relevant projects). This shortcoming is particularly evident with regard to the following:

a) Water Supply:

The water supply for the proposed Monard SDZ will be obtained from the Inniscarra Reservoir and it is submitted that this will impact on water levels upstream in the River Lee, including The Gearagh Special Protection Area and The Gearagh Special Area of Conservation. The impact on water levels in The Gearagh was only considered on the basis of the increased consumption associated with the Monard SDZ alone and did not account for any in-combination effects attributable to the additional water demands consequent on the development of Stoneview and Ballyvolane (and possibly other developments within Cork City and County).

b) Wastewater Disposal:

Sewage from Monard is proposed to be piped to the Carrigrennan Wastewater Treatment Plant with the treated effluent ultimately being discharged to Cork Harbour. It is submitted that this discharge from the Carrigrennan Wastewater Treatment Plant, particularly due to the increased organic and nutrient loadings, has the potential to adversely impact on the Great Island Channel

Special Area of Conservation and the Cork Harbour Special Protection Area by way of eutrophication. The potential impacts have only been considered on the basis of the Monard SDZ alone whereas they should have been assessed in-combination with the Stoneview and Ballyvolane developments (and possibly other developments within Cork City and County).

9.0 POLICY CONTEXT:

9.1 Planning and Development Act 2000 (Designation of Strategic Development Zone: Monard, Cork County) Order 2010, S.I. 540 of 2010:

9.1.1 The Monard Strategic Development Zone was established on 25th May, 2010 by Statutory Instrument (S.I. No. 540 of 2010) with the designation by Government having been made in response to a proposal by the Minister for the Environment, Heritage and Local Government upon which the opinion was formed that the specified development was of economic and social importance to the State. In this respect the order states that the site was designated for the establishment of a strategic development zone following consideration of its scale and configuration, the efficient use of public investment in infrastructural facilities, including public transport, water, waste water and roads, and as the development of the site will help give effect to the policies of the Regional Planning Guidelines for the South West Area 2004-2016 and the Cork Area Strategic Plan jointly adopted by Cork City Council and Cork County Council.

9.2 The National Spatial Strategy:

9.2.1 The National Spatial Strategy, 2002-2020 was in preparation when the Cork Area Strategic Plan (CASP) was launched and subsequently endorsed the CASP strategy. In promoting a more balanced pattern of spatial development for the State, the strategy emphasised the critical role of Gateways and Hubs in delivering future economic growth. Cork City was designated as a Gateway.

9.2.2 The NSS noted that the implementation of the CASP was important to secure the objectives of the NSS. It further noted that appropriate implementation structures supported by the local authorities and State agencies would be needed to drive this strategic plan forward. The NSS also emphasised the creation of high quality living environments through urban design and the integration of social and community amenities.

9.3 Cork Area Strategic Plan (CASP), 2001-2020:

9.3.1 The Cork Area Strategic Plan established the concept of Metropolitan Cork, comprising Cork City, its environs and the metropolitan / satellite towns, as an integrated planning unit characterised by a single jobs and property market linked together with a high quality rail and bus system and the social, cultural and educational facilities of a major European City.

9.3.2 The Metropolitan Area Structure Plan envisaged that growth would be based upon rounding off development on the western and southern edges of the City and developing the potential of the northern and eastern sides of the City by maximising the use of the existing rail corridor as a catalyst for the development of a fully integrated public transport system. It further references a major growth corridor in the northern and eastern part of the Metropolitan area between Blarney, Carrigtwohill, Cobh and Midleton, based upon and linked with the upgrading and re-instatement of the rail lines. In this respect the CASP favoured Monard / Rathpeacon for some of the planned development on the Blarney-Midleton corridor, subject to a detailed assessment. New stations were identified at Kilbarry and Monard/Rathpeacon with a further and a 'Park and Ride' station to the north of Blarney.

9.3.3 The phasing programme contained in the strategy was divided into three broad development tranches up to 2020. It was envisaged that the emphasis in phase / tranche 2 (2007-2013) would be upon the northern arc of growth along the railway line between Blarney in the north and Carrigtwohill, and to a lesser extent Midleton in the east. In tranche 3 (2014-2020) growth would continue along the rail corridor between Rathpeacon/Monard and Midleton and in the Docklands thereby ensuring a sustainable, high quality rail service in the area.

9.3.4 Appendix G sets out population and dwelling projections for the CASP area. Table G5 projected the development of 5,380 No. dwellings in the Monard / Rathpeacon / Whitechurch area by 2020, of which 5,000 No. would be located in Monard.

9.4 Update of the Cork Area Strategic Plan (CASP), 2008:

9.4.1 The Cork Area Strategic Plan was updated in 2008 following the adoption of the Blarney-Kilbarry Special Local Area Plan, 2005 (see below), based on the Cork Suburban Rail Feasibility Study. The Update noted that in addition to strengthening the City Centre's function, the spatial strategy involves developing the Metropolitan towns, in particular Blarney, Monard, Carrigtwohill and Midleton,

in line with the adopted Special Local Area Plans and their location along the rail line.

9.4.2 The Updated CASP Strategy proposes that development should be directed along the Cork suburban rail corridor, which would support the investment that the Government is making in suburban rail. It therefore provides a phased approach which gives priority to growth along the rail corridors wherein growth would be directed first (under the updated Tranche 2), to locations along the rail line, and in the City / Docklands.

9.4.3 The provisions of the Blarney-Kilbarry Special Local Area Plan, 2005 were noted and the strategy assumes that the full potential of Monard was not achievable by 2020. The Update put forward revised population projections for Monard for 2020, representing 75% of the overall potential development in the Monard area. It was envisaged that the remaining 25% capacity of the area will develop beyond 2020. Employment in Monard in 2020 was projected to be 1,394 No. persons. The revisions take account of the fact that the timing of completion of some population settlements such as Monard will be different to that originally envisaged in CASP.

9.5 South West Regional Planning Guidelines, 2010 – 2022:

9.5.1 These Guidelines form a strategic policy document designed to steer the future growth of the region over the medium to long term and aim to implement the strategic planning frameworks set out in the National Spatial Strategy (NSS) published in 2002 and National Development Plan, 2007-2013. They set out high level strategies, in line with the NSS and promote the overall sustainability and growth of the region. The policies contained in the Guidelines serve to inform and advise Local Authorities in the preparation and review of their respective Development Plans, thus providing clear integrated linkages from national to local levels, in terms of planning and development policy.

9.5.2 Chapter 4 of the Guidelines states that the core settlement strategy will be to create the conditions for higher levels of growth in the region in a sustainable manner by focussing population and employment development, as a priority on the Cork Gateway and Hub towns of Tralee/Killarney and Mallow. Within the core strategy, growth will be characterised by a sharp upturn in the population of Cork City, with a moderation of the rate of growth in the southern suburbs and an acceleration of the rate of population growth in the northern suburbs of Cork City. The priority for population growth in the region will be in the Cork Gateway. The main locations (outside Cork City) for future population growth, will be in the

Metropolitan Towns, comprising settlements along the suburban rail corridors including Midleton, Carrigtwohill, Monard, Blarney, and Cobh.

- *Regional Settlement Strategy: RSS-02: Cork Gateway:*

It is an objective to promote the sustainable development of the Cork Gateway as the economic driver of the region through targeted investment in infrastructure, sustainable and efficient transport modes and services, with a strong emphasis on achieving choice in location and modal shift targets, along with strengthening controls on urban generated housing in the surrounding rural area.

9.5.3 Chapter 4 of the Guidelines states that, in line with the settlement strategy, the necessary sustainable transportation options and infrastructure will need to be put in place to support growing levels of population and economic activities. It is further stated that the Cork Gateway, the Hub Towns and other urban areas present the main opportunity to develop more sustainable transport modes in line with national targets and the Guidelines suggest a target of 55% of journeys by sustainable means by 2022.

- *Regional Transport and Infrastructure Strategy: RTS -01 Transport:*

It is an objective to encourage a 55% level of non-car based transport within the Cork Gateway, Hubs and other main towns and a 20% level of non-car based travel for journeys within rural areas of the region.

Local Authorities should address integrated transport strategies and systems as part of Development Plan and Local Area Plan preparation - including Sustainable Freight Strategies and Local Traffic and Transport Plans, examining and promoting sustainable transport options.

9.5.4 The provision of integrated public transport is considered to be critical to the overall transportation strategy. Therefore, planning policies should encourage good public transport services both within the Cork Gateway and between the urban areas of the region. This ties in with the overall strategy of developing the potential of the gateway, with a concentration of development (both residential and employment) along existing public transport routes or in close proximity to new routes, and along the rail corridor in the Metropolitan area.

9.5.5 Further work on improving the line and stations at Kilbarry, Monard and Blarney on the northern line and Dunkettle in the eastern line, together with other

possible stations, will assist in improved accessibility to the suburban rail network.

9.5.6 With regard to the road network, the Guidelines state that the strategic focus of the NRA is on the major inter-urban routes, specifically motorways linking Dublin with the cities of Cork, Limerick, Galway and Waterford and to Belfast. An important element of these new inter-urban routes will be the improvement in access to the Gateway and Hubs to the motorways, such as linking the M8 to Cork City, linking the Mallow hub to the M20; and linking Tralee and Killarney to the Gateways via the N21 and N22. Planned routes such as the Northern Ring Road (M20) interconnecting the M20 with the N22 and M8 should have good access to strategic employment zones.

9.5.7 The guidelines also note the need to provide water and wastewater services to cater for new development at Monard.

N.B. These Guidelines were made on the 27th July 2010, subsequent to the coming into effect of S.I. 540. They replace *the 'Regional Planning Guidelines for the South West Region, 2004-2016'* which were referenced in that order.

9.6 Cork County Development Plan, 2014:

9.6.1 Chapter 2: Core Strategy:

9.6.1.1 Monard lies within the County Metropolitan Cork Strategic Planning Area for the purposes of the settlement strategy and is identified as a metropolitan town in the network of settlements.

9.6.1.2 The Plan seeks to avoid spreading growth over too large a geographic area, thereby neutralising the potential gains from infrastructure investment. Rather, significant housing and employment growth is targeted at Metropolitan Cork, with appropriate growth allocations identified for other existing settlements in order to sustain their socio-economic development.

9.6.1.3 Outside of Cork City and within the Metropolitan Cork Area some higher density locations exist close to Cork City and on existing public transport routes and these opportunity locations should be exploited. However, in the absence of public transport investment at outer Metropolitan Areas higher densities may be less attractive to future residents.

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- *CS 4-1: County Metropolitan Cork Strategic Planning Area:*
 - a) Recognise the importance of the role to be played by Metropolitan Cork in the development of the Cork 'Gateway' as a key part of the Atlantic Gateways Initiative and, in tandem with the development of Cork City, to promote its development as an integrated planning unit to function as a single market area for homes and jobs where there is equality of access for all, through an integrated transport system, to the educational and cultural facilities worthy of a modern and vibrant European City;
 - b) Maintain the principles of the Metropolitan Cork Greenbelt to protect the setting of the City and the Metropolitan Towns and to provide easy access to the countryside and facilities for sports and recreation;
 - c) Assist in the development in the longer term, of the designated Strategic Development Zone (SDZ) at Monard;
 - j) Maximise new development, for both jobs and housing, in the Metropolitan Towns served by the Blarney – Midleton/Cobh rail route (including the proposed new settlement at Monard) and to enhance the capacity of these towns to provide services and facilities to meet the needs of their population;
 - k) Provide an enhanced public transport network linking the City, its environs, the Metropolitan towns and the major centres of employment;
 - n) In the Cork Gateway, development to provide the homes and jobs that are necessary to serve the planned population will be prioritised in the following locations, Carrigaline (Shannon Park), Midleton (Waterrock) and Carrigtwohill (North of the Railway), Ballincollig (Maglin), North Environs (Ballyvolane), Glanmire (Dunkettle), Blarney (Stoneview), Monard and Cobh. Details of the proposed development will be set out in Master Plan studies and Local Area Plans as appropriate.

9.6.1.4 Within the Monard SDZ, the Plan has set a population target of 3,619 No. for 2022 (Figure 2.3) whilst it is also proposed to provide a total of 1,502 No. new households between 2011 and 2022 whereas 1,727 No. new units are stated as being required during the same period.

9.6.2 Chapter 10: Transport and Mobility:

- *TM 2-5: Rail Transport:*

The County Council will support and prioritise the following key Rail Transport initiatives:

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- a) Encourage the enhancement of service provision in tandem with planned population and employment growth;
 - b) Secure the delivery of new stations to support planned population growth in: Midleton (Waterrock), Cobh (Ballynoe-River Ferry), Dunkettle (Park & Ride), Blarney & Monard;
 - c) Encourage greater use of the suburban rail network; support other agencies in delivering an appropriate integrated landuse and transportation framework in the hinterland of rail stations in the Cork City area including park and ride facilities.
- *TM 3-1: National Road Network:*
- a) Seek the support of the National Roads Authority in the implementation of the following major projects:

Projects Critical to the Delivery of Planned Development:

- Cork Northern Ring Road (N22/N20/M8).

9.7 Blarney – Kilbarry Special Local Area Plan, 2005:

9.7.1 This plan aimed to establish a development framework for the rail corridor from Blarney to the edge of Cork City to guide new development and take advantage of proposals to establish a suburban rail network for Cork. The Monard / Rathpeacon area was intended to grow during the CASP period to become the third largest centre of population outside Cork City on the Suburban Rail Network.

9.7.2 Section 5 set out detailed proposals for the new settlement at Monard and these proposals were intended to provide a project brief that would inform and provide clear guidance for the ‘master plan’ to be prepared for the settlement.

9.7.3 The proposals included the development of the settlement in the form of a group of interlinked villages rather than a new town. The aim would be for each village to be largely self-contained in terms of the services and facilities that most people need on a day-to-day basis. It identified that 5,000 No. new houses would be provided, supporting a population of up to c. 13,000 No. persons by the year 2020. The plan also identified the necessary community and social infrastructure and facilities to be provided.

N.B. This plan has been superseded by the Blarney Electoral Area Local Area Plan, 2011.

9.8 Blarney Electoral Area Local Area Plan, 2011 (2nd Edition, Jan. 2015):

9.8.1 This Plan gives priority to locations close to the city for new population growth and along the railway line in order to meet sustainable development objectives and to facilitate public transport provision. In this respect the focus of growth will be along the suburban rail line at Monard, Blarney and Cork City North Environs with over 62% of all new households located along this corridor. The Plan proceeds to state that the 2008 CASP Update sets out a development framework for the CASP Area and that the 2005 Blarney / Kilbarry SLAP identified the site for a new town at Monard with the intention of facilitating the delivery of significant housing units in tandem with improvements to the suburban rail network and the associated social and physical infrastructure.

9.8.2 Monard is subsequently identified as a *'Main Settlement'* within the electoral area with a specified population target of 7,788 No. persons / 3,279 No. houses for 2020 and an overall target of 5,000 No. houses (based on the County Development Plan, 2009).

9.8.3 Section 5 of the Plan notes that while the 2011 Electoral Area LAP replaces the 2005 Special Local Area Plan, the latter remains relevant because of its role as a brief, restated in the County Development Plan, 2009. The 5,000 No. new houses to be provided at Monard, as a group of interlinked villages, will support a likely ultimate population of 12,000-13,000 No. persons. Land outside Monard such as the IDA proposals for Kilbarry and the Blarney Business Park will meet the employment needs of the residents.

9.8.4 The plan identifies the need for community, recreational and educational facilities at Monard and further states that the existing road network serving the area will require major reconstruction if it is to serve the new settlement. The emerging proposals for the Cork Northern Ring Route will provide links with Cork City, the N20 northbound/Mallow, Blarney/Tower. Other new or improved routes likely to be required include Whitechurch and Killeens.

- *Objective No. X-01:*

- a) It is an objective of this plan to facilitate the development of a new settlement on land to the north of the proposed railway station for Monard through the Strategic Development Zone process, as set out in the Planning and Development Act 2000 (as amended).

b) The new settlement at Monard will comprise the following main elements;

- About 5,000 new homes
- A new secondary school
- New Primary Schools
- Major new Country Park
- New Railway Station
- Some Comparison and Convenience Retail
- Recreation and Open Space

10.0 ORAL HEARING:

10.1 An Oral Hearing in respect of the Monard SDZ Planning Scheme, 2015 was held in The Metropole Hotel, MacCurtain Street, Cork City, on 24th - 27th November, 2015, 2nd December, 2015 & 14th January, 2016. This hearing was chaired by Mr. Robert Speer, Planning Inspector.

10.2 The interested parties were represented as follows:

a) *The Development Agency (Cork County Council):-*

David Holland, Senior Counsel, CCC
Dr. Nicholas Mansergh, Senior Planner, CCC
Andrew Hind, Senior Planner, CCC
Rosie O'Donnell, Executive Planner, CCC
Sharon Casey, Heritage Officer, CCC
Donald Cronin, Executive Engineer, CCC
Andrew Archer, Systra
Declan O'Sullivan, Nicholas O'Dwyer Ltd.
Diarmuid Cahalane, T.J. O'Connor & Associates
Grellan McGrath, RPS Consulting Engineers
Nicholas de Jong, Nicholas de Jong Associates
Mel Dunbar, Melville Dunbar Associates

b) *The Appellants:-*

Monard Concerned Residents Group: Tim Butter, Norma Hurley, Mairead Rowley, Michael Cronin & Cllr. Ken Conway.
Scoil Náisiúnta Mhuire Ráthpéacáin (Rathpeacon NS) Board of Management: Frank Maguire & Susanna O'Neill
Tadhg O'Leary & Jer Buckley

Padraig, Colette & Brendan Sheehan
Monard Community Association: Dave Coakley, Coakley O'Neill Town
Planning Ltd.
O'Flynn Construction: Tom O'Driscoll & Màiri Henderson, McCutcheon
Halley Walsh and Michael O'Flynn.
Tim and Dan Quill: Brian McCutcheon, McCutcheon Halley Walsh.

c) Observers: -

Tom O'Byrne

10.3 Although 2 No. other written observations were received in respect of the subject appeal from An Taisce and Mr. Patrick O'Sullivan, these parties did not attend the oral hearing whilst no new third party observations were made during the course of the hearing. Furthermore, no prescribed bodies were represented at the hearing.

10.4 The hearing itself was recorded and a full copy of the recording is appended herewith. This report seeks only to highlight key points which arose in the proceedings.

10.5 The hearing sought to adhere to the following broad order of proceedings, although several exceptions were made in order to accommodate the availability or otherwise of certain witnesses / interested parties:

1. **Submissions:** Development Agency (project overview)
 Appellants
 Observers
2. **Development Agency response to submissions**
3. **Cross-questioning**
4. **Closing submissions**

10.6 Hearing Day 1:

10.6.1 Development Agency (Project overview) (1):

10.6.1.1 The hearing commenced with a summary overview of the Monard SDZ Planning Scheme presented by **Dr. Nicholas Mansergh** on behalf of the Development Agency which included an outline of the main components to the Scheme and those revisions with regard to density, layout and design made in response to the Board's previous decision to refuse to approve the 2012 Planning Scheme. This was followed by the submission of a '*Schedule of*

Suggested Amendments to the Planning Scheme, 2015 and an explanation of same by Mr. Mansergh. Additional supporting documentation was provided at this point in the hearing which included a *Mapping Booklet* for information purposes, copies of correspondence from Transport Infrastructure Ireland and Irish Water, and a revised *Monard SDZ 2015 Environmental Report* which included mapping that had previously been omitted in error from the original documentation forwarded to the Board (*N.B.* Additional suggested amendments referenced at this stage of the hearing concerned the revision of the first sentence in Paragraph 10.0.8 of the Scheme through the omission of the word *'possible'* in relation to the threshold defined in Figure 10.6, and the deletion of the reference to *'Kilcronan'* contained in the third 'grey box' of Table 10.3 of the Scheme which relates to the requirements for any applications north of Lower Monard (N) for development).

10.6.2 Appellants' Submissions:

10.6.2.1 *Monard Concerned Residents Group (1):*

10.6.2.1.1 An initial submission was made by **Mr. Tim Butter** on behalf of the Monard Concerned Residents Group (MCRG) which queried the legal basis for the current Monard SDZ Planning Scheme, 2015, particularly as the previous 2012 Planning Scheme had seemingly not been submitted to the elected members of Cork County Council within two years of the original SDZ designation under S.I. No. 540 of 2010 as required by the relevant legislation. Further concerns were raised as regards the lack of clarity in whether or not there was any legislative basis for the submission of a subsequent Planning Scheme given the previous refusal of ABP Ref. No. PL04G.ZD2008. The remainder of Mr. Butter's submission primarily focused on the inadequacy of the surrounding road network to accommodate the levels of development envisaged in the Planning Scheme, the lack of public transport connectivity to the wider area (including major employers), and the uncertainty as regards the provision (and strategic function) of the Northern Ring Road.

10.6.2.1.2 **Cllr. Kevin Conway** was then permitted to make a submission on behalf of the Monard Concerned Residents Group which referenced the concerns of both local residents and the elected members of Cork County Council with regard to the Planning Scheme. This submission subsequently outlined the basis upon which the elected members agreed that the Scheme should be determined by the Board by way of the default mechanism contained in the legislation and ultimately concluded by proposing that there were alternative landbanks for housing in both Cork City and County which would be more suited to the development proposed than Monard. This was followed by a

brief segment of questioning by the Development Agency clarifying Cllr. Conway's position as regards the SDZ.

10.6.2.1.3 At this point the MCRG was amenable to the suspension of its submission in order to permit a number of the other appellants to make their particular submissions.

10.6.2.2 Tadhg O'Leary & Jer Buckley:

10.6.2.2.1 This submission commenced with a presentation by **Mr. O'Leary** (including both PowerPoint and digital video media) that outlined a history of recent flood events in the village of Blackpool which lies downstream of the Monard SDZ along the River Bride (the southern part of the SDZ is drained by the Glenamought River which flows into the River Bride). Mr. O'Leary further noted that despite the undertaking of certain works, including the installation of a new culvert for the river, the village had nevertheless continued to flood on several occasions and that the presence of blockages and a lack of maintenance along the river system had contributed to same. The submission proceeded to query the absence of any Flood Risk Assessment for the village of Blackpool in the Planning Scheme given its siting downstream of the SDZ and asserted that it was premature to permit the development of agricultural land upstream of the village without first having provided additional capacity in Blackpool. In this respect it was submitted that the key issue was that the proposed development should not be permitted to worsen flooding in Blackpool. In particular, it was stated that the existing river system in Blackpool could not accommodate in excess of a 1 in 30 year flood event and that as the Office of Public Works was presently designing flood protection measures for the village on the basis of a 1 in 100 year flood event it should be a requirement that attenuation in Monard also be designed to a 1 in 100 year standard in order to coincide with the OPW's proposals. Mr. O'Leary subsequently emphasised the importance of maintaining the river system and any proposed attenuation measures etc.

10.6.2.2.2 **Mr. Jer Buckley** proceeded to raise concerns as regards the potential flooding implications arising from the infilling of upstream bog / wetlands at Lower Killeens and the subsequent approval of developments on same by Cork County Council. He also referenced the EU Floods Directive and the obligations arising from same in relation to compiling a Flood Risk Assessment as regards the potential impact of a particular development on neighbouring lands. In this respect he expressed particular concerns as regards the absence of any flood risk assessment of the approach roads that would be required to be developed in order to access Monard.

10.6.2.2.3 In closing, **Mr. O’Leary** summarised the points raised in the submission and proposed a series of suggestions including that no permission be granted for any approach roads or hardcover within the Glenamought catchment until such time as Blackpool had been provided with extra capacity and that a Flood Risk Assessment be undertaken for the village. In effect, the case was put forward that no development should be permitted at Monard which would worsen the flood impact downstream of same.

10.6.2.3 Monard Community Association:

10.6.2.3.1 In opening his submission **Mr. Dave Coakley** outlined those members / parties which comprised the Monard Community Association (MCA) in response to an earlier query raised by the Development Agency. He proceeded to state that the position of the MCA reflected, for the most part, the reasons set out in the Board’s previous refusal of ABP Ref. No. PL04G.ZD2008 and thus the key question arising was whether those reasons had been satisfactorily addressed in the revised Planning Scheme. In this respect it was submitted that there was an unacceptable level of uncertainty as regards the timely provision of the necessary infrastructure required to support the development of the SDZ (i.e. road, rail and bus services). It was asserted that the Northern Ring Road was a suspended project and that the planning and design of same may not recommence for some time whilst it also appeared that the full extent of the development proposed in the Planning Scheme could not be delivered in the absence of the Northern Ring Road and a junction onto same given the inadequacy of the existing road network. Therefore, it was suggested that the completion of local road improvements and the provision of a cycle way / footpath to Blackpool should be a prerequisite of any grant of permission for large scale development in the SDZ.

10.6.2.3.2 It was also submitted that there needed to be more clarity and certainty in the Planning Scheme as regards the timely provision of the proposed railway station, particularly given the limited funding available for same and the need for a business case to be established for the station which cannot be undertaken until such time as the National Transport Authority has completed a National Rail Review, for which no date has been set.

10.6.2.3.3 The MCA then raised further concerns with regard to the implementation, delivery and monitoring of development progress within the SDZ and the need for mechanisms to be put in place for on-going engagement / liaison with the local community.

10.6.2.4 Scoil Náisiúnta Mhuire Ráthpéacáin (Rathpeacon NS) Board of Management:

10.6.2.4.1 In this submission **Ms. Susanna O'Neill** set out the background to the existing school at Rathpeacon and noted that as a result of the construction of housing developments in the surrounding area, with particular reference to those constructed in Killeens during the 1990s, enrolments at the school had increased significantly. It was detailed how this increased demand for school places culminated in the construction of a new 7-classroom school in 2003, although at its official opening in 2005 it was noted that the new school already included for 2 No. additional prefabricated units on site. Since 2005 the demand for school places has continued to spiral which resulted in the construction of a 4 No. classroom extension in 2013 whilst planning permission has also been sought for a further 3 No. classroom extension. Ms. O'Neill stated that current enrolment at Rathpeacon N.S. stood at 369 No. pupils and that the school had been informed by the Dept. of Education that it was at capacity. Accordingly, there were serious concerns with regard to the proposed construction of c. 950 No. additional housing units within the school's catchment in advance of the provision of any new primary school.

10.6.2.4.2 **Mr. Frank Maguire** proceeded to emphasise the need for the provision of adequate and timely educational facilities to support the development of the SDZ and suggested that this did not seem to be the case in the proposed Planning Scheme and thus further clarity was required. He then indicated that despite further consultations with the Development Agency and the suggestion of certain amendments in response to same, the appellants continued to have reservations with regard to the clarity of the thresholds set out in Table 10.3 of the Scheme and that the development of 950 No. housing units in the absence of any school provision was unacceptable.

10.6.2.5 Patrick J., Anne, Padraig, Colm, Colette & Brendan Sheehan:

10.6.2.5.1 This submission was presented by **Messrs. Brendan & Padraig Sheehan** and included a 'PowerPoint' presentation, a copy of which has been submitted to the Board. At the outset, it was submitted that the reasons for the Board's previous refusal of ABP Ref. No. PL04G.ZD2008 had not been addressed in the Planning Scheme, 2015. In this respect the appellants included reference to the fact that water services were no longer within the control of Cork County Council and also asserted that the proposed higher density approach as sought by the Board would not be suitable for Monard given the Cork housing market. Reference was also made to the continued fragmented pattern of

landownership within the SDZ and the failure of the new Planning Scheme to satisfactorily address the urban design and universal access requirements of the Board.

10.6.2.5.2 With regard to public transport, it was submitted that this was a consideration outside the control of the Development Agency whilst the Scheme itself stated that *'Good bus-rail interchange appears earlier to achieve at Blarney Station than at Monard'*. In relation to the Northern Ring Road, it was reiterated that this was a suspended project and that the Board has previously indicated that the development of Monard would be reliant on the limited improvement of the local road network in the absence of critical transportation elements.

10.6.2.5.3 The submission proceeded to emphasise the inadequacy of the surrounding road network to accommodate the proposed levels of development notwithstanding any road improvement works, with particular reference to the proposal to upgrade Sheehan's Lane to provide for the 'Southwest link road' (and the impact of these works on the appellants' amenity / farmholding). Concerns were also raised with regard to the potential impact of the proposed development on lower-lying lands within Monard, the possible detrimental impact on water quality in private wells in the area, the wider suitability and sustainability of the Monard SDZ (given the availability of alternative locations e.g. Kilbarry and 'brownfield' sites on the northern side of Cork City), the potential negative impact on environmental and ecological considerations, and the suitability of the proposed wastewater drainage arrangements. In addition, the submission also questioned the aspirational / experimental nature of the Planning Scheme, its impact on tourism (including the views available to / from Blarney Castle), the need for further archaeological investigation of the area (including the route of the SW link road), and the adequacy of the proposed educational and recreational arrangements.

10.6.2.5.4 The appellants also asserted that there had been a failure to facilitate early public consultation in accordance with the requirements of Article 6 of the Aarhus Convention as regards the preliminary decision made to designate Monard as an SDZ. It was also submitted that the realistic consideration of alternatives as required by the EIA Directive had been compromised by the failure to provide the strategic context and assessment necessary for this initiative and for any input from key stakeholders and other concerned parties.

10.6.2.6 Monard Concerned Residents Group (continued) (2):

10.6.2.6.1 At this point the MCRG resumed its submission with **Mr. Michael Cronin** commenting on those elements of infrastructure necessary for the progression of Monard which are outside the control of the applicant (i.e. the Development Agency). In this regard he referred, in particular, to the wider suitability of those locations selected for the provision for school facilities (particularly given the topography of the area), the fact that responsibility for water services has been transferred to Irish Water, wider concerns as regards the provision, funding and operation of the proposed railway station and the associated 'Park and Ride' facility (including the need for a business case to support the development of the station), and the lack of certainty as regards the provision of the Northern Ring Road. The submission proceeds to question the viability of the proposed Monard rail station in particular on a number of grounds, including its peripheral location relative to the remainder of the SDZ and as a new station at Blarney would appear to be a more sustainable option.

10.6.2.6.2 Further concerns were raised with regard to the proposed provision of recreational and community facilities such as the Country Park, the likelihood of investment in the Town Centre given the opportunities presented by other nearby business parks / commercial developments, and the requirement for higher densities of development to be accommodated in order to address the Board's previous refusal of the 2012 Planning Scheme.

10.6.2.6.3 Mr. Cronin subsequently proceeded to question the SUDS strategy detailed in the Planning Scheme and asserted that the development of Monard would increase the risk of flooding to downstream properties.

10.6.2.6.4 The remainder of this element of Mr. Cronin's submission also referenced the continued fragmented pattern of landownership in the SDZ and questioned the adequacy of the public consultation undertaken to date.

10.6.2.6.5 At this stage in the submission of the MCRG, **Ms. Norma Hurley** submitted that the Planning Scheme had failed to adequately consider the wider issue of sustainability and she further noted the absence of a 'Sustainability Statement' in the document. She also stated that the development of Monard as a further satellite town of Cork, rather than developing and rejuvenating the City itself, would encourage greater dependency on fossil fuels for commuter journeys and concluded that the Monard SDZ Planning Scheme would conflict with the key principles of the Government's Planning Policy Statement, 2015.

10.7 Hearing Day 2:

10.7.1 Monard Concerned Residents Group (continued) (3):

10.7.1.1 The MCRG resumed its submission with **Mr. Tim Butter** raising several concerns as regards the wider ecological and environmental implications of the Planning Scheme and the overall adequacy of the site investigations undertaken to date. In this regard he included reference to the presence of various protected species / species of interest on site, the need for a bat survey, the failure to identify certain aquatic species (including the European Eel in the Blarney River Catchment), the misidentification of certain plant species, and concerns regarding the eradication of invasive alien species such as Japanese Knotweed.

10.7.1.2 In relation to the Habitats Screening Report it was noted that this document contained various typographical errors and particular concerns were raised as regards the potential for increased nutrient loadings to detrimentally impact on Cork Harbour and associated Natura 2000 sites due to the proposal to dispose of effluent from Monard via the Carrigrennan Wastewater Treatment Plant.

10.7.1.3 Mr. Butter proceeded to refer to the flooding implications associated with the development of a 'greenfield' site and the need for the suitable construction and subsequent maintenance of the SUDS network. In particular, it was questioned how a 'downstream' developer installing a SUDS scheme could be expected to anticipate the levels of surface water runoff associated with any 'upstream' / uphill development.

10.7.1.4 It was further questioned why there had been no Environmental Impact Assessment of the Monard project and no consideration given to alternative locations including 'brownfield' sites closer to public transport links and centres of employment. It was similarly considered that the Strategic Environmental Assessment undertaken by the Development Agency could not be described as impartial and that it had failed to give due consideration to alternative sites and issues such as renewable energy. Mr. Butter concluded this segment of the MCRG submission by referring to unsustainable transport patterns and by asserting that there had been inadequate consideration of the carbon emissions associated with the development of this new 'satellite' town.

10.7.1.5 **Mr. Michael Cronin** then commented on the presence of a high pressure gas pipeline within the SDZ which would pass through the town centre and the risks associated with same.

10.7.1.6 The submission continued with **Ms. Mairead Rowley** making a critical comparison between the reasons for the designation of Monard as an SDZ as outlined in the Government Memorandum dated 24th May, 2010 and the practical realities of the situation *'on the ground'* with particular reference to infrastructural considerations. The overall quality of the Monard SDZ Planning Scheme was questioned further and reference was made to items including the absence of certain community facilities in breach of the relevant planning legislation (i.e. the Third Schedule of the Planning and Development Act, 2000, as amended), the requirement for universal access, and uncertainties as regards key infrastructure provision etc.

10.7.1.7 Ms. Rowley then referenced a series of specific concerns relevant to John & Mairead Rowley including the unsuitability of Sheehan's Lane for the proposed South-West Link and the narrow rail bridge at the northern end of same, the inadequacy of the surrounding road network, and the loss of part of the curtilage of their family home.

10.7.1.8 Issues specific to Michael and Margaret Cronin & Finbarr and Rosari O'Sullivan were then detailed by **Mr. Michael Cronin** and included concerns pertaining to building heights, separation distances, the potential for overlooking of existing dwelling houses, and the proposed traffic control / management along Monard Boreen.

10.7.1.9 Mr. Cronin also submitted that Monard was an unsustainable long-term project which would not ease the current housing crisis.

10.7.1.10 **Mr. Butter** subsequently concluded the submission of the MCRG by summarising the issues raised and asserting that the Monard SDZ Planning Scheme, 2015 fails to accord with the key principles set out in the DoECLG's Planning Policy Statement, 2015.

10.7.2 O'Flynn Construction:

10.7.2.1 In this submission **Ms. Màiri Henderson** indicated that whilst O'Flynn Construction was supportive of the Monard SDZ and welcomed the general proposals contained in the 2015 Planning Scheme, from a marketing perspective it was considered that the site location, notwithstanding its proximity to Cork City, was neutral in that it did not have any spatial characteristics that would enhance its value and hence assist in the viability of the development of same. Accordingly, it was submitted that for any development to occur, it would be vital for the Planning Scheme to take cognisance of the requirements of the market in

terms of certainty as regards the provision of key infrastructure and the need to develop a settlement with densities appropriate to a suburban Cork housing market. The strategic importance of Monard with regard to the county's spatial strategy was then acknowledged and it was suggested that a failure to approve a Planning Scheme for the SDZ would fundamentally undermine the Core Strategy for Cork thereby resulting in unsustainable development pressure being exerted on other towns and rural areas of the county.

10.7.2.2 With regard to density, it was submitted that the higher densities proposed within the town centre were not commercially viable in the context of a new suburban settlement given that experience had previously shown that even high quality apartment schemes were market-resistant outside of the City Centre. In this respect whilst it was acknowledged that the 2012 Planning Scheme had been refused on the basis that it had adopted an unacceptably low density approach to urban development in the context of the public infrastructure required and that this may necessitate some increase in the range of densities within the overall settlement, it was considered that the imposition of a further density increase in the town centre would not be appropriate given that any such densities could not be achieved in the context of the Cork housing market. Instead, it was suggested that adjustments could be made elsewhere within the Scheme area to achieve the desired higher density of urban design. In effect, it was stated that there were concerns the revised density levels for the overall Scheme could burden the town centre with an unachievably high density range which would render development non-viable. It was also indicated that the appellant concurred with the position of the Development Agency as regards the Government's decision to designate the SDZ for an identified number of dwellings (i.e. 5,000 No. units). Therefore, it was the opinion of the appellants that the Scheme should provide for a greater degree of flexibility as regards density within the town centre.

10.7.2.3 In relation to the offices proposed at the south-eastern edge of the town centre, it was considered that there had been no assessment of the commercial viability of same and no consideration of the economic sustainability argument of the need to encourage the clustering of established office locations as the optimum strategy for enhancing employment opportunities within Metropolitan Cork.

10.7.2.4 The submission proceeded to emphasise the importance of the early provision of the rail station in establishing the credibility of Monard as a rail-based settlement. It further stated that there were serious concerns that the

Development Agency would not commence the necessary infrastructure works or grant permission for any planning applications until a business case / feasibility study had been conducted which supported the implementation of the CASP's proposals for a rail station and rail services for Monard. In this respect the appellant found it unsettling that at this point in the planning process, a stronger commitment towards the provision of the rail station was not already in place. Therefore, it was suggested that given the critical importance of the rail station, the provision of same should be fast-tracked with options explored for the opening of an interim service within the very first phase of development.

10.7.2.5 Ms. Henderson proceeded to state that whilst the new General Development Contribution Scheme for the Monard SDZ included for an equalisation provision and was based on the premise that due to the high cost of infrastructure provision in Monard the Contribution Scheme should allow for a higher rate to be charged than elsewhere in the county, it was considered that such an approach did not take account of the fact that Monard should be promoted / facilitated through positive incentives to the market. In this regard it asserted that the benefits of Monard would be countywide and that the additional infrastructure costs should be accounted for and equalised at a county level. Accordingly, it was suggested that there is a need to provide for a more balanced and equitable approach to development contributions in Monard in order to provide for parity with development elsewhere in the county.

10.7.2.6 Finally, with regard to the provision of key infrastructure, it was submitted to be essential that the relevant stakeholders commit to same at this stage in order to allow for a fast-tracking of delivery which could be targeted in order to allow development to commence at the earliest possible stage. It was further considered that without such a commitment in the Scheme and subsequent effective land management by the Development Agency, there would likely be a 'roadblock' to development within the SDZ with the result that development pressure would be placed on other parts of the county.

10.7.3 Tim and Dan Quill:

10.7.3.1 The submission made by **Mr. Brian McCutcheon** on behalf of the appellants primarily focused on the need for the Planning Scheme to consider the cumulative impacts associated with the nearby 'Stoneview' development in Blarney and the possibility of synergy between the two schemes. In particular, concerns were raised that Monard would confine the 'Stoneview' development to a first phase of only 825 No. units which would have the effect of rendering the wider development unviable. Specific reference was made to the report by

Nicholas O'Dwyer (Consulting Engineers) on the Monard sewerage scheme which considered the capacity of the Blarney wastewater treatment plant and that there appeared to be no evidence that the conclusions of that report had been accepted by Irish Water. It was further noted that said report would not appear to have considered the relevant objectives of the Blarney Local Area Plan which included a provision that whilst the Blarney WWTP could accommodate Phase 1 of 'Stoneview', in the longer term, wastewater from the Blarney area should be connected to a wider system serving both Monard and Cork City North and directed to the Carrigrennan wastewater treatment plant. The situation was further complicated by a meeting with Cork County Council on 31st January, 2012 wherein it was seemingly determined by the Local Authority that the future development of 'Stoneview' could be accommodated at Blarney subject to the upgrading of the wastewater treatment plant despite the provisions of the Local Area Plan etc. to the contrary and a submission by IFI on the 2012 Planning Scheme that there was no assimilative capacity for the disposal of treated sewerage to the Blarney River.

10.7.3.2 This submission proceeded to emphasise the need for greater linkages between Monard and 'Stoneview' and for clarity on how they would ultimately link to the N20 National Road both at present and in the longer term. It was also suggested that more consideration needed to be given to the existing links to the N20 National Route and the likely interaction of the local road network with any upgrade of the N20 (in the event of the M20 motorway scheme progressing) which seemed more likely to proceed than the Northern Ring Road.

10.7.3.3 With regard to the Systra report on transport in the Cork Northern Environs, at the outset it was queried what legal status would be apportioned to same given its inclusion in the appendices of the Planning Scheme (a similar point was made with regard to the Nicholas O'Dwyer report on sewerage). In essence, concerns were raised that the adoption of the Planning Scheme would also result in the adoption of the conclusions of these reports and their incorporation into the objectives of the County Development Plan which would have significant ramifications for developments located outside of the boundary of the SDZ. The submission continued by questioning the approach to the integrated assessment of transport for both the Monard and Stoneview proposals and noted that the consideration of the interchange configuration with the Northern Ring Road was limited to Monard and the surrounding network to the exclusion of Stoneview. It was also asserted that there had been a failure to consider the overall masterplan for Stoneview whilst the Local Area Plan continued to support the development of same. Accordingly, it was submitted that

the Systra report was not plan-led and had taken no account of existing committed development and other credible proposals at Stoneview.

10.7.3.4 In relation to the Development Contribution Scheme for Monard it was suggested that this would result in the SDZ having a competitive advantage over the Stoneview development. Whilst it was acknowledged that the Development Contribution Scheme in question is not the subject of appeal and that the provisions of the same are generally to be welcomed, it was suggested that the Scheme should not be limited to Monard and should also be applied to other masterplan areas such as Stoneview. In this regard reference was made to the differing approaches adopted by the Planning Authority in relation to the development of the SDZ and Stoneview, particularly as there has been a considerable financial burden placed on Stoneview, which included the direct provision and 'front-loading' of key infrastructure (e.g. the railway station was required to be provided before the first occupation of 100 No. housing units), that made the approved element of the scheme unviable within the 5-year timeframe permitted.

10.7.4 Observers:

10.7.4.1 Tom O'Byrne:

10.7.4.1.1 A verbal submission was made by **Mr. Tom O'Byrne** which focused on the potential impact of the proposal on the environment with particular reference to Clogheenmilcon Fen and the Monard Glen wildlife sanctuary. In this respect he referred to Ireland's obligations as regards the protection of watercourses and wetlands etc. and further noted that whilst the Planning Scheme did not appear to include for any constructed wetlands etc. there should be no direct discharge of waters to a river system without first having availed of a botanical filter. Mr. O'Byrne further expressed concerns with regard to the overall suitability of the new town envisaged, the scale of development proposed, and the likely traffic congestion given the surrounding road network. Reference was also made to the omission or misidentification of certain species of wildlife.

10.7.4.1.2 A clear objection was noted to any proposal to provide public access through the existing wildlife sanctuary and further concerns were raised with regard to the potential disturbance of wildlife and habitats arising from the proposed 'kick-about area'.

10.7.4.1.3 In relation to flooding it was submitted that Clogheenmilcon Fen acts as a natural 'sponge' which gradually releases runoff to the Blarney River system and thus consideration should be given to the flood impact of any development.

10.7.4.1.4 Mr. O'Byrne subsequently clarified the extent of the Monard Glen wildlife sanctuary and confirmed that it was of his own personal creation and was not itself subject to any statutory designation.

10.7.5 Development Agency (Continued) (2):

10.7.5.1 At this point in the hearing the Development Agency proceeded to present its brief of evidence with regard to certain aspects of the Planning Scheme and in response to various grounds of appeal / matters arising. These submissions typically took the format of a written statement / visual presentation and, therefore, in the interest of conciseness, I propose to summarise the pertinent issues raised in same whilst referring the Board to the hard copies of the submissions as appended to the file.

10.7.5.2 Mr. Andrew Archer:

- The Cork Northern Environs Transport Assessment was undertaken in response to the Board's previous decision to refuse the 2012 Monard Planning Scheme and the findings of the earlier ARUP report that the surrounding road network, subject to a number of local improvements, could only accommodate the traffic generated by up to 3,800 No. units in the absence of the Northern Ring Road (NRR).
- Transport Infrastructure Ireland has accepted the inclusion of a single junction on the Northern Ring Road between the N8 and the N20 National Routes and thus the purpose of the assessment was to identify the most suitable location and configuration of an interchange onto the NRR with respect to development at Monard.
- Whilst the NRR is a committed project, the timeframe for the delivery of same has not been determined. Therefore, an analysis was undertaken of the impact of development at Monard, Ballyvolane and Stoneview on the northern environs transport network in the absence of the NRR.
- The Cork Northern Environs Transport Assessment includes an analysis of the impact of the Stoneview development on the road network.
- The assessment includes a strategic traffic model which was specifically developed to assess the phasing of land use at Monard and surrounding areas with and without the NRR.
- A total of 7 No. road network configurations were developed for the Northern Ring Road and these were considered in combination with the local infrastructure changes proposed in line with the Monard SDZ, the Stoneview Masterplan and the Ballyvolane Draft Masterplan. A total of 16

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- No. land use and transportation scenarios were thus examined (Please refer to Table 1 of the submission).
- The interchange configurations for the NRR that the road network will cope best with as regards the transport demands arising from Monard are referenced as Scenario Nos. S1, S2, S3, S4 & S13.
 - Analysis has shown that up to 3,800 No. units can be accommodated on the upgraded local network in Monard, however, in the absence of the NRR this will result in increased traffic volumes on approach to the city centre with a further deterioration in performance arising as traffic volumes increase over time.
 - In all forecast year scenarios with or without further development to the north of Cork, and with or without the NRR, further mitigation measures are required to improve the performance of the road network to the north of Cork City, within the Blackpool area.
 - Based on the results of the modelling, a further 'Scenario No. 17' was developed which combined the intermediate junction option (north of Kilcully) with a potential link road from the Ballyhooly Road to Mayfield. This has been selected as the preferred junction strategy for the proposed NRR as it would serve the dual function of linking the proposed future developments at Monard and Stoneview as well as Kilbarry and Ballyvolane to the NRR.
 - Whilst the delivery the NRR provides varying levels of relief to the local road network in the forecast year scenarios, no single option results in a congestion-free environment on the northern fringe of the City. Further infrastructure and policy measures would need to be implemented in order to sustain the full planned developments to the north of the city.
 - Sheehan's Lane will be upgraded to provide for the South West Link Road prior to the completion of 3,000 No. housing units. In both the following forecast year scenarios the SW Link Road has been calculated to have sufficient reserve capacity to accommodate the forecast traffic flows:
 - 3,800 No. units at Monard, 2,500 No. units at Stoneview and NRR not constructed (S10).
 - 5,000 No. units at Monard, 2,500 No. units at Stoneview and the NRR constructed (S17).
 - Given the prevailing width of Ross's Lane and the presence of roadside residential properties, it would be advisable to implement traffic management measures on the road to discourage its use by through traffic and to reinforce use of the link to the N20 interchange at Killeens.

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- The construction of the Services Corridor Road and the South-East Link Road will provide an effective bypass of the Old Mallow Road in the vicinity of Rathpeacon School.
 - Whilst the proposed NRR will primarily perform the strategic function of accommodating movements from west of Cork to the M8 motorway, as a secondary function it will also facilitate a proportion of future residents on the northern fringe of the city thereby negating the need to traverse the city centre. On the basis that the NRR will be constructed to normal motorway standard, it will have more than adequate capacity to accommodate 5,000 No. units at Monard, 2,500 No. units at Stoneview and 2,337 No. units at Ballyvolane.
 - An analysis of trip distribution from Monard suggests that the majority of residents living in Monard will have a destination north of the city or within the city centre.
 - With regard to the cumulative impact on the local road network around Lower Monard in the event Monard and Stoneview are developed, the results of modelling of the SW Link Road's southern junction shows that it will operate satisfactorily during both the AM and PM peaks.
 - In response to a query concerning the potential traffic safety issues which may arise from an increase in traffic at the underbridges at Kilnap (Carhoo Road) and on the Old Mallow Road, modelling shows that in a scenario where 3,800 No. units are developed at Monard with 2,500 No. units at Stoneview, traffic volumes under the bridge at Kilnapp will reduce due to the availability of the proposed South East Link Road. Whilst traffic volumes will increase on the Old Mallow Road, it is considered that the current road network at the bridge location has the capacity to facilitate these volumes.
 - The proposed South East Link Road provides an access route between Monard and the N20 / Cork City without having to pass under the bridge on the Old Mallow Road.
 - With regard to the safety of the N20 / R617 junction east of Blarney Business Park, in addition to the traffic management measures intended to discourage through trips westwards via Ross's Lane, the provision of a direct access onto the N20 is a prerequisite of securing planning permission for substantial development at Stoneview. The construction of the new interchange will result in the closure of the existing interchange with the R617.
 - It is anticipated that prior to the upgrade of Sheehan's Lane, traffic travelling west from Monard will either use the South East Link Road and

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- the N20 interchange at the Northpoint Business Park or the Old Mallow Road via Kilcronan and Local Road No. L2784 to Blarney (Figure 6).
- Analysis has shown that most traffic from Monard will have dissipated on the network by the time the N20 terminates at the Opera House.
 - Monard will seek to achieve its modal share targets through investment in public transport infrastructure and supporting demand management measures.
 - Access to the NRR will be via a single intersection designed to accommodate the forecast traffic flows and in accordance with TII's safety design standards.

10.7.5.3 Mr. Diarmuid Cahalane:

- The Preliminary Report of the Sustainable Urban Drainage Scheme for the Monard SDZ was prepared in support of the original SDZ Planning Scheme and sets out the strategy for the delivery of a SUDS for Monard.
- Following considerable surveying and investigation of the area, including the hydrological regimes of the Blarney River, Kilcronan Stream and Rathpeacon Stream, a hydraulic model of the Blarney River and its tributaries was developed.
- A post-development scenario was modelled with inputs from the hydraulic model of the SUDS network replacing flow contributions from the greenfield development. Both 30-year and 100-year return period flood flows were considered.
- Any surface water runoff from the proposed development will be restricted to the greenfield discharge rate by a combination of extensive use of SUDS and installing surface water attenuation systems.
- It is acknowledged that it is not possible to design for all events and there will always be instances where the design criteria are exceeded.
- The basic principle for the design of the Monard SUDS scheme is that the rate at which runoff enters local watercourses does not exceed the corresponding rate prior to the commencement of the new development for a 1 year storm event up to 1 in 100 year frequency.
- There is a need to maintain the habitat quality and the conservation status of Blarney Bog (and Clogheenmilicon Fen) by preventing pollution of the area. Therefore, it is imperative that the quality of the Blarney River is maintained and that all future developments consider surface water issues, applying the principles of SUDS as part of the development strategy of the lands.
- The recommended SUDS components include permeable paving, rainwater harvesting / green roofs, open channels (swales etc.) detention

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- basins, filter trenches, bio-retention, filter strips, wetland channels, ponds / wetlands and retention ponds.
- Individual neighbourhood plots will have to incorporate SUDS solutions within their detailed drainage design schemes and cannot rely on the SUDS elements provided in conjunction with the primary infrastructure.
 - From the neighbourhood plots, surface water will be discharged either directly to a SUDS feature or, where feasible, to a network of above ground conveyance SUDS devices known as swales. Along the conveyance route there will be attenuation features such as dry (detention) basins, wetlands or ponds.
 - A two-tier approach to attenuation is proposed. The first tier is local attenuation; ideally as close to the proposed discharge from the neighbourhood as possible. Within the lower reaches of the two primary SUDS networks, serving catchments 'A' (Monard Lower) and 'B' (Kilcronan), larger second tier attenuation features will be provided. This will be large basins with a body of permanent water which will aim to attenuate flows up to the 1 in 100 year event (including an allowance of 10% to account for climate change).
 - A sustainable urban drainage system is designed for the critical 30 year event for the site without causing any significant upland flooding. This standard is employed in the Greater Dublin Strategic Drainage Study and the updated SUDS Manual (Nov. 2015). In addition, it is necessary to ensure that building floor levels have an appropriate freeboard above the 100 year predicted flood level for areas of temporary flood ponding and on site designated storage provision.
 - By way of testing the performance of the drainage system, a short duration 100 year design storm (of less than 1 hour) was applied to the system to ensure that any impacts were fully accounted for and managed. In this respect Flood Risk Management within the proposed development has been addressed.
 - If surface water runoff from the Monard SDZ were allowed to discharge to the Blarney River system without attenuation it would result in extensive flooding of the floodplains adjacent to the river in both 30 and 100 year return period events. Therefore, runoff will be limited to greenfield rates thereby avoiding any increase in flood risk. While the catchment area discharging to the Blarney River will increase through the approach adopted in the SUDS strategy, the discharge rate will not increase as all flows from the SDZ lands will be attenuated with large regional retention ponds proposed in the Country Park and to the east of Kilcronan Bridge.

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- The rate of flow to the Glenamought will not be increased as a result of the development of the south-eastern access road or the SDZ. The catchment area flowing to the stream will be modified by the diversion of some of the residential development in the eastern part of the SDZ to the Blarney River catchment. Furthermore, the provision of a SUDS scheme for the South-Eastern access road will attenuate runoff to greenfield rates and provide the opportunity for infiltration to ground where appropriate (*N.B.* It was further stated upon questioning by Mr. Holland that the additional runoff arising from the SE Link Road would essentially be counter-balanced by the diversion of some of the Glenamought catchment area to the Blarney River and away from Blackpool).
 - The normal standard for drainage systems as set out in the GSDSDS is no flooding in a 30 year return period event whilst there is also a requirement to retain flood water up to the 100 year return event within the development site (including that of the access road). Therefore, due to the undertaking to set the discharge limit from the attenuation provision on the south-eastern access road to existing 1 year greenfield runoff rates and compliance with GSDSDS principles, development at Monard will not result in any increase in flow rates downstream at Blackpool.
 - In order to ensure that the aquifer and groundwater quality are not detrimentally affected by the development of the SDZ, it is recommended that a minimum depth of 2m of overburden be maintained beneath SUDS features which could contribute to infiltration to groundwater. Where this depth cannot be achieved the swales or detention basins will be lined.
 - Adequate factors of safety will need to be applied where infiltration is being relied upon. A minimum depth of 1m to the water table is achievable throughout the site. Swales and ponds will be required to be lined in areas with a shallow depth of overburden.
 - Source protection zones will be maintained around private boreholes.
 - SUDS are not a new phenomenon and are included as objectives / requirements in both the Cork County Development Plan, 2014 and *'The Planning System and Flood Risk Management, Guidelines for Planning Authorities'*.
 - The majority of the SUDS elements associated with the road network will be located in road verges and adjacent public open space. Accordingly, the SUDS features in these areas can be integrated into the landscaping of the new town thereby allowing them to be maintained in conjunction with landscape maintenance activities such as grass cutting.
 - Most maintenance of SUDS features will comprise routine work and inspections with vegetation management, sweeping of surfaces, and litter /

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- debris removal. Less frequent maintenance will consist of occasional sediment removal or filter replacement which will only be required at long intervals of a number of years.
- All drainage systems and their components will require maintenance and this will be undertaken on an on-going basis by the Local Authority where the services and estates are taken in charge.
 - In the event of excess rainfall overwhelming the SUDS system and the capacity of ponds and swales being exceeded overland flood flow routes have been identified and incorporated into the scheme layout in order to ensure that individual properties will not lie within the flood flow routes.
 - The proposed SUDS strategy provides a robust yet flexible approach to the provision of a surface water drainage scheme. It is prescriptive for the primary infrastructure, associated with Type 1 & 2 roads, but retains flexibility for the individual housing areas within neighbourhoods. An overly prescriptive approach to SUDS features etc. at estate / street level would be overly restrictive.
 - Developers will be required to demonstrate that their designs conform to the SUDS strategy and comply with the requirement that 60% of the surface attenuation provision / volume reduction for the developed site should be provided within or adjacent to the residential neighbourhoods. The balance of the surface attenuation provision / volume reduction must be accommodated within the SUDS scheme accompanying the distributor roads network and associated services provision. This represents a degree of burden sharing and also a distribution of the SUDS storage elements throughout the network.
 - With regard to concerns regarding infiltration on site, an extensive series of infiltration tests have been carried out and areas with sufficient infiltration rates have been identified. However, the SUDS scheme does not rely on infiltration and any such phenomenon which does occur (such as at unlined swales etc.) will serve as an additional benefit.
 - Provision will be made for 'first flush' interception storage of rainfall up to 5mm. This does not refer to the entire depth of rainfall in a design storm and instead relates to the 'first flush' of a storm event whereby possible pollutants washed from paved surfaces etc. can be intercepted in order to protect the receiving waters downstream.
 - In relation to longer return period rainfall events, long-term storage will be provided alongside the banks of the Blarney River above the level of the predicted flooding by creating berms to hold back excess overland flows. These berms will take the form of footpaths through the Country Park.

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- An allowance of 10% is normal for any increase in rainfall attributable to climate change.
 - With regard to construction, the specification of the works will identify any specific constraints with respect to the construction of SUDS and the construction method statement will ensure that these measures are adequately addressed and communicated to all responsible parties.
 - In respect of the drainage of the southernmost extent of the SDZ, the constraints imposed by the topography alongside the Old Mallow Road in the vicinity of Monard Crossroads and the presence of other existing and proposed services in the area, means that the continuation of swales in this area is not feasible. Therefore, c. 320m of 1,200mm diameter sewer is required in this area and modelling has shown that this sewer will perform satisfactorily in events up to a 1 in 100 year return period. The construction of the pond in the Country Park will have a plan area of 6,000m² and a maximum depth of 2.5m.
 - The SUDS scheme has been coordinated with the proposed phasing of development. The requirement for new development to occur contiguous with previously developed sites has been factored into the design of the layout.

10.7.5.4 Cross-Questioning:

10.7.5.4.1 Upon the completion of Mr. Cahalane's submission, **Mr. Jer Buckley** was permitted by the inspector to engage in cross-questioning of the witness given his apparent unavailability later in the hearing (*N.B.* A written synopsis of Mr. Buckley's questions was submitted to the hearing). In this respect particular concerns were raised as regards the potential impact of the additional runoff generated by the SDZ (and the access roads) on Blackpool and implications of same for the flood relief works presently proposed in the village which had been designed to cater for a 1 in 100 year flood event. In response to this questioning the Development Agency stated that the impact of the development on Blackpool would be 'neutral' and that a Strategic Flood Risk Assessment of the Planning Scheme, including the access roads, was included in an appendix to the Environmental Report. In addition, an undertaking was given by the Development Agency as regards the future maintenance of the proposed SUDS scheme.

10.8 Hearing Day 3:

10.8.1 Development Agency (Continued) (3):

10.8.1.1 Mr. Donald Cronin:

- The main internal road network is based on distributor and local roads. The services corridor road is the most important roadway as it opens up

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- the site and provides access to the town centre from the Old Mallow Road. There are also external roadways (SE and SW links) running south from each end of the services corridor road which link Monard to other points on the existing road network.
- All landholdings have access to the main road network.
 - While a small portion of access roads within the neighbourhoods and town & village centres will have steeper gradients, the road network generally facilitates access between centres at gradients of 5% or less.
 - The horizontal road network (and other measures) has been used as a means of controlling road design speed and the Council's *'Making Places: Design Guide for Residential Estate Development'* has informed the road design of the Planning Scheme.
 - Generally, all roads will have footpaths for pedestrian access.
 - Provision has been made for dedicated pedestrian and cyclist access to Lower Monard and the railway station. The cycleway has also been extended along the Old Mallow Road.
 - The housing areas in Monard will be based on designing roads to keep vehicle speeds low enough to allow the safe movement of different road users resulting in a road system which is also attractive for pedestrians and cyclists.
 - On the basis that the existing local roads south of the SDZ could only cope for a minority of the development proposed, additional link roads are planned south of the services corridor i.e. the SE and SW Link Roads.
 - Sheehan's Lane will be upgraded and this two-lane South West Link Road has been designed primarily as a local road. The preliminary road layout significantly improves the alignment of the approach roads to the existing railway bridge close to Monard Cross.
 - The South East Link Road is designed as a main distributor road and will cross the rail line via an over-bridge at a point where the railway is in a cutting. It will ease capacity constraints at the junction of Old Mallow Road / Carhoo Road and will also improve the environment for existing residents along the Old Mallow Road.
 - In relation to the water supply, a connection to the Cork City Water Supply Scheme at Churchfield Reservoir has been recommended in addition to the laying of a 400mm diameter trunk main to Monard and the construction of two reservoirs serving high and low pressure zones. The reservoirs have been sized to cater for an estimated average peak day demand of 4,280m³.
 - The foul drainage catchments of the Scheme broadly correspond with the natural surface water catchments.

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- The foul drainage network consists mostly of a gravity-fed system which discharges to the main pumping station (and onwards for treatment at Carrigrennan WWTP).
 - The existing undeveloped area which will become the Services Corridor and the South East Link Road is within the Glenamought River catchment and its plan area equates to c. 0.16% of the total Glenamought River catchment area. Whilst it is acknowledged that this area presently contributes during a river catchment storm event to the downstream flow in the Bride River culvert at Blackpool, a SUDS scheme is proposed along the proposed link roads which will discharge downstream to detention basins with the flow from same limited to the estimated 'greenfield' runoff for a predicted 1 year flood event for all design flood events up to a 100 year return period. This will ensure no adverse impact on the current peak river flows downstream of the SDZ in Blackpool due to the SE Link Road.
 - While the Development Agency is clear that there will be no adverse impact on flooding in Blackpool, as a reassurance to the Blackpool community it will undertake a flood risk assessment as part of the detailed design and development consent process.

10.8.1.2 Mr. Grellan McGrath:

- Based on a design population of 13,500 No. persons, the average day peak demand for water from the SDZ in 2055 was calculated as 4,283m³/d.
- A review of undeveloped surface and ground water sources within a 10km radius of the SDZ concluded that they were limited and unlikely to yield sufficient water to meet the projected design demand.
- Two existing surface water sources / supply schemes (both from the River Lee) were assessed to ascertain whether or not they had sufficient capacity to supply the SDZ. Both these sources were assessed as having sufficient surplus raw water capacity, although only the Cork Harbour & City Scheme at Inniscarra presently has sufficient treatment capacity to meet the projected demand. Subject to increased network connectivity (included in Irish Water's Capital Investment Programme), including the laying of a new 600mm strategic trunk main linking the Harbour and City's Chetwynd reservoir directly to the Lee Road Water Treatment Plant, it will be possible to transfer sufficient water between the two aforementioned schemes to enable the design demand of the SDZ to be supplied from either scheme.

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- The SDZ will be divided into two separate pressure zones each with its own reservoir i.e. a high level reservoir at Rahanisky and a low level reservoir in the south-eastern corner of the SDZ.
 - The recommended water supply option consists of 5.9km of 400mm trunk main from Churchfield Reservoir, north through fields as far as the Lower Killeens Road, east along the Lower Killeens Road, crossing under the N20 and running along roads to the proposed service corridor within the SDZ boundary from where it will turn north through fields to the location of the proposed low level reservoir.
 - With regard to concerns that the screening for appropriate assessment in accordance with the requirements of the Habitats Directive did not take into account the impact of Monard in conjunction with other developments such as at Stoneview and Ballyvolane on water levels in The Gearagh SPA and SAC, it is submitted that the screening did include an assessment of possible in-combination effects of the recommended water supply. In particular, consideration was given to the River Lee CFRAMS Habitats Directive Assessment Screening which examined the potential for in-combination effects of the preferred flood prevention measures included in that project. That document concluded that the lowering of levels in the water bodies might adversely affect the conservation objectives of both the Gearagh SPA and SAC and thus a Stage 2 Habitats Directive Assessment was required.

The Stage 2 River Lee CFRAMS Habitats Directive Assessment concluded that there is the potential for adverse in-combination effects as a result of actions implemented through a series of identified plans (including the County Development Plan), however, it also considered that project specific Appropriate Assessment, Environmental Impact Assessment and the six-year review of the Catchment Flood Risk Management Plan, would ensure that adverse effects do not occur at the sites. While not specifically mentioned in the assessment, it is considered reasonable to conclude that all developments, whether in Monard, Stoneview, Ballyvolane or elsewhere, were captured within the Cork County Development Plan and the Cork Area Strategic Plan which were the subject of the assessment of the in-combination effects completed under the aforementioned Stage 2 Habitats Directive Assessment.

- The Habitats Directive Screening for the Monard SDZ water supply concludes that, while the proposed abstraction for Monard in combination with other plans and projects will affect water levels in the Inniscarra

Reservoir / Carrigadrohid Reservoir / Gearagh water bodies, it is not considered that this will have any negative effect on any qualifying features or on the overall conservation objectives of either The Gearagh SAC or The Gearagh SPA.

10.8.1.3 Mr. Nicholas de Jong:

- In terms of landscape and visual considerations, the 2012 Landscape Report describes the general landform in the vicinity of the Monard SDZ.
- Whilst the topography and landownership of Monard has not changed since the Board's refusal of the 2012 Planning Scheme, factors such as undulating and hilly landforms affect a lot of other development land in the Cork area in this regard it is submitted that land supply would become very restricted if these considerations were to be adopted as overriding criteria for the suitability of development.
- The Monard SDZ Planning Scheme, 2015 further addresses the findings of the 2012 Landscape Report as follows:
 - The network of green spaces has been increased. In particular, the design and layout of neighbourhoods in Upper Monard has taken increased account of the likely visual impact on development.
 - The promotion of extensive screen planting in advance of development to help establish a landscape framework that mitigates the visual impact of the development.
 - The introduction of financial incentives for advance tree / woodland planting.
 - The monitoring of the quantity of screen woodland and mixed tree planting in place at 1,000 No. unit intervals or every five years, whichever threshold is reached first.
- Due to the prevailing topography and the limited screening available, the Landscape Report assessed the overall significance of visual impact as 'high' for much of the development.
- The landscape and visual assessments informed the initial site planning process. This ensured that a high degree of mitigation was built into the Scheme as primary measures that intrinsically comprise part of the development design through an iterative process.
- Secondary mitigation measures to address residual adverse effects largely concern structural planting to help integrate the development into the surrounding landscape.

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- The 2015 Planning Scheme incorporates screen woodland planting as the main mitigation measure, wherever practicable. This planting should occur well in advance of construction and should be required by condition if an interval between permission and development is likely. In this regard, the Scheme includes a financial incentive for advance planting. In addition, Cork County Council will provide tree planting grants at a similar level to those offered by the Dept. of Agriculture.
 - Mitigation is also proposed through the replacement of any trees that die / fail in the next season's planting.
 - Other measures incorporated into the 2012 Planning Scheme to reduce the visual / landscape impact included:
 - The layout of the 4 No. villages relative to their topography, landscape features and potential visibility and sensitivity.
 - The provision of a Country Park along the Blarney River Valley.
 - Green linkages and extensive open space provision with 'green corridors'.
 - The siting of sports pitches along the Whitechurch Road.
 - The use of SUDS features – swales / attenuation basins.
 - Further detailed mitigation measures will need to be identified as development progresses. These could include the appropriate form, materials and design of built structures to fit comfortably into their surroundings; localised ground modelling to ensure an optimum screening effect; or the use of camouflage to change the perceived appearance of a development / structure.
 - In relation to Blarney Castle, the Landscape Report identified partial long-distance views of Monard from the top of the castle, however, it concluded that the visual impact would be 'Moderate' due to the separation distance between the viewpoint and the development.
 - When account is taken of further developments in the northern environs of Cork City, it is inevitable that the character of the landscape will change with a greater concentration of urban features within a setting that is essentially rural. However, the proper planning of the area can ensure that these developments are accommodated in as sensitive a manner as possible while respecting the separate identities of nearby settlements and their visual relationship with the existing built-up area of Cork City.
 - The Landscape Report has concluded that the resultant cumulative impact of development at Monard on landscape resources is expected to be major with a 'High' visual impact, which is considered to be inevitable

given the landscape context and the Government's designation of Monard as an SDZ.

10.8.1.4 Mr. Andrew Hind:

- Cork County Council is extremely concerned at the capacity of the Cork region to provide an appropriate supply of new housing to meet the immediate requirements (as set out in the South West Regional Planning Guidelines, 2010) of the State's second largest metropolitan area at this critical period of economic recovery.
- The South West Regional Planning Guidelines set a population target of 381,500 No. persons for 'Metropolitan Cork' (which includes the SDZ at Monard) and it has been calculated that the element of the Cork Gateway target within the County area of Metropolitan Cork (excluding the City) is 231,500 No. persons.
- The County Development Plan, 2014 sets out the housing requirement / supply and infrastructure information in relation to the delivery of the identified population targets and includes provision for 5,000 No. housing units and a population equivalent of 3,619 No. for Monard up to 2022.
- It will be necessary to construct 31,038 No. dwelling units to accommodate the population targets for the County Metropolitan Area and whilst the current availability of zoned land (including Monard) would be sufficient to accommodate the construction of 36,620 No. dwellings, there are concerns that the aforementioned land supply represents a strategic reserve of only c. 14% in excess of the net requirement for new housing to accommodate the population target. This level of strategic reserve or 'headroom' is considered to be far too small to provide adequate market choice and flexibility given that ministerial guidance recommends 'headroom' of 33-50%.
- There has been substantial state investment in Metropolitan Cork in recent decades and further investment is at an advanced stage. This investment has facilitated significant jobs and population growth and is a solid foundation for Cork to play its full role in the national economic recovery.
- Achieving the population targets for the 'Cork Gateway' will require Cork City Council to fully deliver its own population target of 150,000 No. persons. Any shortfall in achieving the City target will require additional provision to be made within the County Metropolitan Area.
- The City alone does not have the capacity to deliver the growth that Cork can potentially deliver and there are significant risks that it may prove difficult to deliver the 150,000 No. population target that has been set for the City.

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- The County Development Plan, 2014 and the county's Local Area Plans identify a land supply in Metropolitan Cork sufficient for the construction of 36,000 No. units providing a 'headroom' of c. 14%, although more recent estimates have suggested that the current strategic reserve or 'headroom' may be closer to 10%. Approximately 61% of the land required for the target development is comprised in 9 No. relatively large sites including the Monard SDZ. The challenge now facing the Council is to deliver the necessary infrastructure so that development can commence delivering new housing units in parallel with the re-activation of the housing market.
 - It has been calculated that if new housing units cannot commence delivery by 2017 / 2018 on land either '*awaiting planned critical infrastructure*' or where the '*planning of critical infrastructure is not yet complete*' (which would include Monard), then a shortage of housing land is likely to impede the delivery of new units in Metropolitan Cork.
 - In Metropolitan Cork, land '*awaiting planned critical infrastructure*' or land where the '*planning of critical infrastructure is not yet complete*' consists mainly of 9 No. large scale development sites, including Monard. Taken together these sites have the potential to deliver in excess of 22,000 No. units and by the end of the present decade could be delivering over 2,000 No. units per annum. Six of these sites are served by the Cork Suburban Rail Network and the site specific planning process for the remaining 3 No. locations will identify high quality bus-based public transport solutions. The successful completion of the procedures pertaining to the Monard SDZ is a critical part of the suite of measures that the County Council has put in place in order to progress the development of the aforementioned 9 No. sites.
 - In setting out the planning strategy for the County, the Council has given full consideration to the Ministerial Guidelines relating to sustainable urban development and the overall approach to the implementation of these guidelines is detailed in Chapter 4: '*Housing*' of the County Development Plan, 2014.
 - The County Development Plan recognises that the general thrust of recent Government policy has been towards higher densities in order to encourage more efficient land use and infrastructure investment patterns. It also acknowledges that there has been significant investment in transport infrastructure in Co. Cork, particularly through the delivery of the Cork Suburban Rail Network, and that the Government seeks a sound return on that investment.

The Development Plan indicates that there a number of locations that have the potential to accommodate the higher densities envisaged by the Guidelines and that these are primarily within those parts of the Cork City South Environs where bus services achieve a 15 minute peak hour service frequency. The Plan also specifically addresses whether or not the service pattern on the Cork Suburban Rail Network is sufficient to justify the higher densities suggested in the Guidelines. The conclusion reached is that the half-hourly peak and hourly off-peak services on this network are not sufficient to justify the widespread application of the higher densities envisaged for public transport corridors in the Guidelines.

Therefore, the approach to Monard has been to make provision for higher densities in and near to the town centre, but in line with the general approach in the County Development Plan, elsewhere to provide for a wider range of net densities appropriate to the location of Monard on the transportation network for Metropolitan Cork.

- The quality of 'brownfield' land available for development in both the City and County is not sufficient (by a significant margin) to accommodate all the housing and other development required in order to implement the targets set out in the South West Regional Planning Guidelines.
- With regard to the delivery of specific road infrastructure, it has been indicated that appropriate improvement will be made to the existing road network earlier rather than later in the development process, however, in order to provide for greater certainty, the Planning Scheme includes 'back-stop' arrangements by which stage there is a guarantee that the particular road improvements will have been provided. If the Board were to direct that any specific road improvement measure should be provided at an earlier stage in the development process, then those arrangements would be agreeable to the County Council.
- The Development Agency has indicated that it proposes to take steps to acquire the school site at an early stage in the development and has set out a suggested 'back-stop' stage by which the school must be provided. If the Board were to direct that any of the schools should be provided at an earlier stage in the development process, then those arrangements would be agreeable to the County Council.
- The proposals for the development of Stoneview remain a fundamental component of the Core Strategy as expressed in the County Development Plan, 2014 and are an important part of the housing land supply for Metropolitan Cork.

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- The issues raised by the appellants in relation to the implementation of the Stoneview proposals are matters which should be raised with the Council during the public consultation to be undertaken as part of the review of the current local area plans so that any necessary revisions to the Stoneview proposals can be included in the new Local Area Plan for the area.
 - The location of major new development at locations along the existing rail network represents the best option to develop the satellite town concept in a sustainable way, using existing public transport infrastructure to offer citizens a realistic choice of modes for their transport needs in the future.
 - With the exception of Monard, all of the population growth in towns along the rail corridor which CASP and Faber Maunsell considered necessary to the viability of the suburban rail services is now provided for in local area plans.
 - Monard is an important element in delivering the rebalancing of growth patterns around the City as envisaged by the CASP and in providing a strong, robust land supply for the County Metropolitan Area. The process of site selection was carried out as part of the process of making a statutory local area plan and has been the subject of a robust public consultation process with the decision to select this site having been confirmed by the elected members and by Government through designation of the site as an SDZ.

10.8.1.5 Mr. Declan O'Sullivan:

- Following consideration of 6 No. options for the disposal of wastewater from Monard, the preliminary review for the Monard Sewerage Scheme determined that connection to the Carrigrennan WWTP was the preferred option from an economic and environmental perspective. Therefore, a new pumping station will be provided at Monard to pump flows via a rising main to the Carrigrennan WWTP.
- During the initial phases of development within Monard there will be insufficient flows generated to enable the efficient operation of the rising main and the transfer of flow. Therefore, as an interim option it is proposed for Monard to discharge to the Killeens WWTP in order to avail of the remaining available capacity there, however, once the Killeens WWTP reaches capacity it is intended to reverse the flow with the combined effluent of Killeens and Monard being pumped back to Monard and onwards to Carrigrennan. Such as proposal would achieve the desired objective of centralising wastewater treatment at Carrigrennan with the added benefit of no longer requiring wastewater treatment at Killeens.

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- The decision of the Board to refuse the development at Stoneview was based on the fact that the following was not provided with the planning application:
 - Basic information with regard to the proposals to improve the foul drainage system, the actual upgrade works required, and the impact on the quality of the effluent from the works at Tower and thus on water quality in the area was not provided.
 - The EIS provided failed to adequately assess the impact of foul effluent and the demand for potable water that would be generated or to adequately describe the infrastructural works proposed to mitigate those impacts. The EIS did not comply with Article 94 and Schedule 6 of the Planning and Development Regulations, 2001.

 - The development of Monard will not increase the nutrient loading at Carrigrennan WWTP beyond that licensed for discharge.
 - Irish Water is presently progressing with the development of nutrient reduction facilities at Carrigrennan WWTP which are being designed to alleviate the increasing loads associated with a future maximum design scenario for the plant.
 - With respect to Stoneview, that development was not considered to form part of the assessment as it was proposed to discharge to an alternative treatment facility and a separate water body (i.e. the River Shournagh).
 - With regard to the proposed Glashaboy Estuary crossing, an addendum report was prepared in order to evaluate and categorise, to the maximum extent practicable, the nature and extent of the ground conditions which exist beneath the estuary and to determine the risk of environmental damage to the SPA and the mitigation measures which would be required to reduce any such risk (*N.B.* The authors of this report noted that the lack of physical site investigation data for the region in question made the assessment of the underlying ground conditions and the determination of optimum tunnelling solutions more difficult).

The addendum report considered both horizontal directional drilling and micro-tunnelling in order to cross the estuary and states that where further site investigation works were carried out which allowed the categorisation of the underlying ground conditions, it was possible to design out, with a high degree of confidence, the majority of unknown risk.

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- It is considered that the Glashaboy Estuary Crossing Addendum Report has identified engineering solutions to the requirement to cross beneath the Glashaboy. Furthermore, similar to any other concept proposal, it will be developed and designed following completion of comprehensive site investigation and ground profiling studies which will give a better understanding of the optimum construction corridor and technique to be progressed.
 - With respect of Monard, the merits of adopting a centralised approach to wastewater treatment would have to be presented to Irish Water. These would include efficiencies and synergies in terms of reduced per capita treatment costs, sufficiency in terms of energy consumption through greater utilisation of CHP, and harmonisation of sludge management through selection of the most suitable treatment technology.
 - Monard represents the first real opportunity to transition away from decentralised wastewater treatment centres for suburban developments and to establish a long term policy objective for the ultimate treatment and disposal of municipal wastewaters.
 - The scope of the appointment of Nicholas O'Dwyer as Consulting Engineers was to identify the optimum solution for the treatment of foul sewage at Monard.
 - The Blarney Local Area Plan and the CASP Study all point towards the long term objective for the treatment of flows from suburban centres of Cork City at Carrigrennan and therefore the proposal for the transfer of flows from Monard to Carrigrennan is in keeping with that commitment.
 - The assessment of the Blarney WWTP with respect to Monard assumed that the existing plant had reached its design capacity and that any contributions from Monard would have to be catered for with new infrastructure. It was never envisaged that the flows from Monard would utilise any available headroom which may have existed at the plant. At the time of writing the report it was determined that the loading to Blarney WWTP was c. 6,500 PE and, therefore, there was a 6,500 PE allocation for future development aside from Monard (in reference to Stoneview).
 - The solution for Monard was never going to be a scenario whereby wastewater would be treated in both Blarney and Carrigrennan as it had to assume the maximum development potential of the Scheme and thus Blarney would not be suitable. Given that there was already a commitment from Stoneview to Blarney it made sense to develop that fully even if it meant upgrading the treatment plant.

10.8.1.6 Ms. Sharon Casey:

- It is acknowledged that there are some minor clerical errors in the Habitats Directive Screening Assessment, however, these are considered to have no bearing on the conclusions of the report or on the capacity of the Board to make its own screening conclusion.
- The Cork County Development Plan, 2014 provides for an increased population of 43,000 No. persons within the catchment of Cork Harbour up until 2022 and this includes all the developments referenced by the MCRG. An 'in-combination' assessment of the potential effects of this population target on the Great Island Channel SAC and the Cork Harbour SPA was completed as part of the Habitats Directive Assessment for the County Development Plan and a specialist report was commissioned in relation to same looking in particular at the potential for the targets to give rise to negative impacts on the Great Island Channel SAC as there was uncertainty about possible outcomes for this site (The same concerns did not arise with regard to the Cork Harbour SPA). This specialist assessment concluded that while the current status of those habitats for which the SAC is designated are in an unfavourable conservation condition, this was likely to improve provided:
 - The wastewater treatment plants discharging to the harbour are upgraded to meet the requirements of the Urban Wastewater Treatment Regulations and the Habitats Directive;
 - The Cork Great Island Channel Pollution Reduction Programme is implemented;
 - The Water Services Amendment Act, which requires the registration and inspection of domestic septic tanks etc., is continued to be implemented; and
 - The Nitrates Directive is continued to be implemented and enforced.
- The WWTP at Carrigtwohill is currently being upgraded whilst an upgrade is also planned for the Midleton WWTP (these plants are of principal concern in relation to the Great Island Channel SAC).
- The Carrigrennan Wastewater Treatment Plant has sufficient capacity to accept wastewater from Monard and while it is currently organically overloaded, upgrades to provide for nutrient removal are to be implemented in the near future and prior to the linking of Monard to the plant. Therefore, the contribution of Monard to nutrient issues at Carrigrennan and any consequential effects on Natura 2000 sites will not

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- be significant when considered alone or as a contributor to the cumulative effect of nutrient issues from all sources.
- Section 11.2.17 of the Cork County Development Plan provides for the preparation and implementation of a Wastewater Management Strategy for the harbour.
 - The Planning Scheme requires any additional design measures required for the Carrigrennan WWTP to ensure the protection of Natura 2000 sites within Cork Harbour identified during the preparation of the Wastewater Management Strategy to be put in place prior to or in tandem with the linking of the Monard SDZ to Carrigrennan.
 - The potential for the connection of Monard to the Carrigrennan WWTP to give rise to or contribute to significant negative impacts on the Great Island Channel SAC has been screened out as the plant has the capacity to treat waste from Monard and as further improvements will be in place before the SDZ connects to the plant.
 - The Development Agency would not object to the amendment of the Planning Scheme as follows:

'Measures which have so been identified by the strategy should be put in place or commenced (in the case of measures intended to be continuing measures) prior to or in tandem with the linking of Monard SDZ to Carrigrennan – subject to the criterion that the linking of Monard SDZ to Carrigrennan shall not precede the implementation of measures necessary to ensure that the linking of Monard SDZ to Carrigrennan shall not in any event cause significant incremental effect on a European Site'.

10.8.1.7 Ms. Rosie O'Donnell:

- A Strategic Environmental Assessment of the Planning Scheme was carried out pursuant to the requirements of the SEA Regulations. The findings of this process are expressed in the Environmental Report which accompanies the Scheme. An SEA Statement had also been produced which details how environmental considerations have been integrated into the Planning Scheme.
- An ecological survey and assessment was carried out for the Blarney River Corridor and the riparian corridors of the Kilcronan and Rathpeacon Streams. This (Ecofact) report is the main source for ecological information and species identification.
- On the basis of the Ecofact report, Section 6.5.18 of the Planning Scheme contains recommended mitigation measures with regard to bats. The use of detailed surveys (such as a bat survey) to identify if a proposed

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- development could adversely affect a habitat is more appropriate at the planning application stage. This applies to all other species referenced including badgers and otters.
- The ecological report included a survey for mammals such as otters and badgers. No mammals protected under the Wildlife Act, 1976 (and the Wildlife (Amendment) Act, 2000) were identified within the scope of the ecological assessment in the study area i.e. otters, badgers and bats.
 - The Blarney River is part of the extensive River Lee catchment which is a designated salmonid water under the Freshwater Fish Directive. The Ecofact report concluded that the Blarney River was of high value and locally important due to the presence of extensive salmonid habitat and populations of brown trout. It did not mention the presence of eels, minnows or three-spined stickleback.
 - The provision of dedicated water services infrastructure will ensure the protection of existing hydrological and ecological baseline conditions.
 - No development is proposed within the riparian corridor of the Blarney River and a 10m buffer will be maintained alongside same as detailed in Section 8.2.2 of the Planning Scheme.
 - Whilst some pedestrian paths within the Country Park may encroach into the proposed 10m buffer zone alongside the Blarney River, this could be amended to exclude any pathways within same so as to minimise disturbance of wildlife along the river bank.
 - The ecological survey focused on wetland habitats that were identified to be of the highest ecological significance.
 - The Planning Scheme has been designed to avoid sensitive receptors by avoiding development within the riparian zone, retaining the existing hedgerow network and making provision for extensive tree planting.
 - The possible misidentification of certain 'invasive' species (as referenced by the MCRG) is acknowledged.
 - Section 8.2.2 of the Planning Scheme should be amended to state the following:

'Promote and implement measures to control and manage invasive alien species in consultation with the National Parks and Wildlife Service'.

- The management of any invasive alien species will be the responsibility of the relevant developer and measures for the eradication of such species will be required as part of any construction management plan.
- Opportunities to create new ecological habitats and to enhance biological diversity have been incorporated through the use of green infrastructure

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- which will have a positive long term impact on the ecological diversity of the area.
- The principles of the All Ireland Pollinator Plan referenced by the MCRG can be encouraged at development management level.
 - The SW Link Road is located outside of the SDZ and will be subject to a separate consent process. An ecological assessment should be required as part of that consent process and appropriate eradication measures identified for any invasive species. This can be inserted as an amendment of the Planning Scheme.
 - Construction Management Plans will be used as the primary measure to minimise the impacts of construction on local residents and the future population.
 - The environmental principles set out in Section 8.2.3 of the Planning Scheme provide guidance for future planning applications specifically in relation to design and construction.
 - It will be the responsibility of Cork County Council to monitor the significant environmental effects arising from the implementation of the Planning Scheme.
 - A multi-disciplinary team will be established to interact with the local community in Monard as per Section 4.1.18 of the SEA through a liaison group which will be set up before the commencement of development.
 - The SEA process has taken place in tandem with the formulation of the Planning Scheme and comprises a systematic evaluation of the likely significant environmental effects of implementing the Planning Scheme.
 - The process of Environmental Impact Assessment provides for a greater level of detail and is commonly used for planning applications. In this regard reference is made to Article 179C(2)(d) of the Planning and Development Regulations, 2001, as amended, which states that an Environmental Report prepared for the purposes of SEA should include *'the extent to which certain matters are more appropriately assessed at different levels in the decision making process in order to avoid duplication of environmental assessment'*.
 - Chapter 7 of the Environmental Report examined alternatives as required by the SEA Directive. Furthermore, the alternatives considered were directly related to the parameters of the revised Planning Scheme developed in response to the Board's previous refusal of the 2012 Planning Scheme.
 - It is the practise of Cork County Council to carry out the SEA process itself with input from internal and external consultants.

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- Section 8.2.4 of the Planning Scheme outlines a requirement in relation to the use of renewable energy sources.
 - Sections 6.6.8 & 6.6.9 of the Planning Scheme include reference to energy efficiency as per the requirements of the Environmental Protection Agency.
 - Monard was designated as an SDZ for a new rail-based town by Government in the context of higher order policy / plans and, therefore, it would be unreasonable to include alternative sites outside of the designated boundary.
 - With regard to climate change and air pollution considerations, the provision of a rail-based settlement at Monard will provide for more sustainable levels of mobility, noise, air emissions and energy consumption.
 - The concept of sustainability has been integrated in a hierarchical manner into the Planning Scheme. A brief summary of the sustainable development proposals is set out in Section 8.3.6 of the Environmental Report.
 - There are a number of ways to assess sustainability and it is understood that BREEAM is simply one of many forms of environmental assessment for buildings in particular and improving the environmental performance of same.
 - Section 5.8.3 of the Environmental Report refers to climate change.
 - Section 5.8.2 of the Environmental Report refers to microclimate considerations.
 - Transport carbon emissions have been considered in the Environmental Report and, in summary, it is submitted that the promotion of the rail line will most likely have a positive impact on air quality in the Cork area.
 - The menu of SUDS measures proposed is a form of flood risk management and is designed to manage any potential surface water flood risk.
 - A Strategic Flood Risk Assessment was carried out for the Planning Scheme and no development is proposed in Flood Zones 'A' or 'B'.
 - An ecological network will be created by linking green areas to allow for the movement of wildlife.
 - All planning applications will be accompanied by a sustainability statement which will identify the extent of recycled or reused materials to be used in the development.
 - A detailed landscape and visual impact assessment was prepared for the 2012 Planning Scheme and this should be read in conjunction with the 2015 Planning Scheme.

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- Section 6.3 of the Planning Scheme relates to waste facilities and construction management plans. In this respect it is accepted that the wording of the Planning Scheme could be amended to include soil management and waste minimisation plans within Construction Management Plans as recommended in the mitigation measures table in Chapter 8 of the Scheme.

10.8.1.8 Dr. Nicholas Mansergh:

10.8.1.8.1 Response to Submission of Monard Community Association:

- Since the first introduction of Strategic Development Zones in Ireland, the perception has grown that the primary role of same is to provide certainty for prospective residents. In this respect it is submitted that when the 2012 Monard Planning Scheme came to be appealed, the quest for certainty had expanded from certainty that development would not be allowed to run ahead of facilities - which it was in a position to provide – to certainty on almost everything, including certainty that all parts of the development and all supporting infrastructure would be realised in full, which it was not.

The original purpose of SDZs as set out in the relevant legislation was to ensure that development of *‘economic and social importance to the State’* actually happened reasonably quickly and was not delayed etc. in lengthy planning processes. This is of particular relevance at present as the main urban areas face potentially destabilising housing supply problems and in that respect the context is similar to that at the time of the Bacon Reports. Therefore, it will not be possible to achieve this purpose, or that of S.I. No. 540 of 2010, if it is not asked what would this mean for a new town, at a greater distance from most existing services, with more need for completely new infrastructure and for more wide ranging agreements with the agencies responsible for its provision, at a time when those agencies are naturally more cautious because of very limited resources. Previous SDZ Planning Schemes elsewhere in the State were prepared under radically different conditions.

10.8.1.8.2 Response to Submission of Rathpeacon National School:

- A series of draft amendments were submitted to the Board earlier in the hearing for consideration and the wording of same which has

been accepted by the Dept. of Education and Skills provides for an agreement between it and the Council on transfer, access to and timing of the new school before significant housing development occurs (Please refer to the accompanying copy of correspondence received from the Dept. of Education and Skills on 23rd November 2015).

10.8.1.8.3 Response to Submission of B. McCutcheon (T. & D. Quill):

- In relation to the proposed development of Stoneview, a combined solution to the disposal of wastewater from Monard and Stoneview was considered, however, this performed less well as the preferred option. In this respect the Council was advised that notwithstanding the Board's decision in 2008, it had become clear by 2011 that disposal of treated effluent from Stoneview to the Shournagh was a practical option at any rate in terms of assimilative capacity.
- The case put forward by the appellants for a more integrated approach to strategic transport matters would seem to involve the creation of a major junction which would connect the M/N20 (north and south), the proposed Northern Ring Road (east and west), and links to Monard, Blarney and Stoneview. However, the cost and physical scale of such a junction could be such as to create rather than remove obstacles to the realisation of both Stoneview and Monard.
- The forthcoming Local Area Plan will need to review the Stoneview project with a view to reducing the practical obstacles to its implementation.
- With regard to concerns as to how far the content of the Planning Scheme might constrain infrastructure options in areas outside the SDZ, Section 169(9) of the Act treats an SDZ Planning Scheme as '*part of any development plan in force in the area of the scheme*' as Section 170(2) makes any grant or refusal of permission in an SDZ dependent on consistency with the provisions of the Scheme. In practice, the decisive factor may be the desire of a local authority to avoid serious inconsistency between different plans within its functional area.

10.8.1.8.4 Response to Submission of O'Flynn Construction:

- Whilst the Development Agency would not necessarily disagree with the position adopted by DTZ Sherry Fitzgerald on behalf of O'Flynn Construction with regard to the marketability of higher

density residential development or offices in the southern part of the town centre, if its comments are seen as relating to current conditions or those which might be expected in the short term. However, in the medium to long term, market demand varies substantially.

- The office construction proposed in the south-eastern concern of the town centre will perform a dual function in that it will introduce a limited amount of non-local service employment into Monard and will also serve as an effective physical barrier protecting housing north of it from noise likely to be generated by the Northern Ring Road.
- The Council is in favour of a rail station opening at Monard in parallel with the occupation of the first substantial residential development on the basis of an agreement which ideally would involve those carrying out such developments as well as Iarnrod Eireann and the County Council.
- The benefits / savings involved in providing a smaller railway station given the need for 2 No. platforms are not obvious. Iarnrod Eireann is understood to see operational value in platforms longer than normally needed for suburban trains on main lines in case there is a need for regional or intercity services to make a stop, and may also be concerned to avoid the additional disruption involved in a two stage construction project.

10.8.1.8.5 Response to Submission of the MCRG:

- The 2012 Planning Scheme was submitted within the appropriate time period as the Planning and Development Act, 2000, as amended, does not include the 9 No. day period between 24th December and 1st January.
- The Planning Scheme relies heavily on the Council's Residential Estates Design Guide which uses road layouts to control speeds in residential areas.
- Para. 6.6.3 of the Scheme states that the most effective way of managing the construction process is through the submission of management plans with planning applications.
- The SE Link Road will pass over the railway line and thus buses using this route will not have to pass under any railway bridges.
- Table 5.2 of the Planning Scheme summarises what measures are needed to avoid congestion.

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- Table 10.3 of the Planning Scheme prevents permissions from being granted in the northern part of Lower Monard until the rail station is in place. Developers are also likely to make planning applications well in advance of the build-out of the southern part of Lower Monard.
 - There was a large increase in city centre employment in the late 1990s and 2,000 No. additional jobs were provided in Blackpool between 2002 and 2011 (along the rail line) despite the economic cycle.
 - There is inadequate brownfield land available to meet more than a minority of Cork's housing needs.
 - With regard to the use of public transport and modal splits, the development of rail towns such as Monard should promote recentralisation in Cork City and gradually contribute to an increase in the use of public transport.
 - There has been a positive reaction by the Dept. of Education and Skills to school provision within the SDZ.
 - The layout of the scheme has been influenced by the need to reduce the effect of transport noise, however, additional noise assessment close to the rail line and Ring Road may necessitate the use of double glazing etc. in some instances.
 - Kent Station is located in the centre of the docklands and close to city centre employment.
 - Suburban rail services require a number of stations to support an adequate frequency of services.
 - Public transport operators will require a minimum number of households to be in place in advance of any service provision.
 - The Scheme states that compulsory purchase could be utilised to ensure the provision of the sports pitches.
 - Whilst there are several commercial parks located on the northern side of the City, these can be distinguished from the retail and office proposals intended for Monard.
 - The First Schedule of Part III of the Planning and Development Act, 2000, as amended, list community facilities which 'may' be indicated in a County Development Plan and S.I. No. 540 of 2010 should be interpreted in the same manner otherwise there would be a requirement to provide a hospital in Monard.
 - The Scheme allows for variations in roof design on larger buildings provided they do not appear unduly bulky and in order to allow for such variation eaves heights were used in preference to ridge

heights, although the Council would have no objection if the Board thought it more appropriate to use the height to the top of ridge.

- Overlooking typically refers to positioning of windows relative to each other and not to the height of a building.
- Buildings located to the south of housing will not have any impact on sunlight / daylight due to the separation distances concerned.
- New housing areas have lead-in time and the blocking of progress to the development of same could result in future crises.
- The partnership group met a number of times during the preparation of the 2012 Planning Scheme.
- The Planning Scheme conforms to the provisions of the Dept.'s Policy Statement, 2015.

10.8.1.8.6 Response to the Submission of An Taisce:

- Alternative options for the location of the new town were considered in the period 2003-2005, immediately prior to the 2005 Special Local Area Plans.
- The submission does not refer to the Faber Maunsell projection of 25.7% of vehicular movement on the northern rail corridor being by rail.
- It is accepted that the overall proportion using public transport in the area is low, partly because of the relatively decentralised pattern of employment and the distances involved, however, there is a long term strategy in place for increasing the role of public transport in Cork.
- Accommodating as much new housing as possible within the existing City boundary or on brownfield sites is already accepted policy, however, this will only meet a minority of Cork's housing needs.

10.8.1.8.7 Response to the Submission of The Sheehan Family:

- With regard to the ringfort on Sheehan's Lane, this will be considered during the detailed design of the South West Link Road in perhaps 12-15 No. years.

10.8.1.8.8 Response to the Submission of Tom O'Byrne:

- It is accepted the country park could perhaps be stopped c. 150m north of the railway line with no encroachment into Monard Glen.

10.8.1.8.9 *Response to the Submission of Patrick O’Sullivan:*

- The appellants’ lands are situated between the railway line and the route of the Northern Ring Road and thus there would be concerns with regard to noise on both sides of same.
- There are benefits to strong barriers that define Monard thereby avoiding any threat to the greenbelt of Cork City.

10.9 Hearing Day 4:

10.9.1 Development Agency (Continued) (4):

10.9.1.1 Mr. David Holland S.C.

- The designation of Monard as an SDZ is a *‘fait accompli’* – the legal power to designate an SDZ is vested in Government and its decision binds all concerned.
- The question is not whether there is to be a town at Monard, but how the designation is to be carried into effect.
- The development of the Monard SDZ has been deemed to be of *‘economic or social importance to the State’*.
- All parties are obliged to accept the legal consequences arising from the designation of the Monard SDZ.
- The refusal of the 2012 Planning Scheme cited *‘a low density approach to urban development on a site that requires significant public capital investment’*, however, this failed to accept the densities necessarily implied by the designation as flowing from the size of the SDZ and the number of units to be built i.e. approximately 5,000 No. dwellings.
- The assertions that *‘the essential purpose of the SDZ planning process is to provide certainty’* and *‘there should be no uncertainty in a Planning Scheme’* are in fundamental legal error.
- There is no legal basis for the suggestion that the achievement of a level of certainty, which particular circumstances rendered possible in some other SDZ planning schemes in a completely different market, implies a legal obligation to achieve the same level of certainty in all Planning Schemes (no matter their different circumstances).
- It is not possible to achieve certainty with regard to the actions of other state agencies over approximately two decades at this point and any such expectation is unreasonable.
- The notion of certainty can only be understood as a spectrum of degrees of certainty and uncertainty and is an entirely unsatisfactory basis on which to make a decision on whether or not to approve a Planning Scheme.

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- Far more useful than 'certainty' is the concept of 'State policy' as expressed in the designation of the SDZ wherein the Council has been informed by Government in a binding decision that Monard town is to be built and thus the Council is statutorily obliged to make a Scheme to that end.
 - The SDZ designation makes it clear to other public bodies (at least on a policy basis) that their co-operation in effecting the Scheme is expected.
 - It is agreed that the Northern Ring Road is to be assumed by the designation and for so long as the designation remains valid the Board must assume also this. Whether the assumption of the Northern Ring Road remains a safe basis for the designation is a matter for Government – not for the Board. If the assumption of the Northern Ring Road is no longer a safe basis for the designation the remedy is the de-designation by Government – not ultra vires de-designation by the Board.
 - The Development Agency has set out an entirely reasonable justification as to the timing of the provision of certain services and facilities.
 - No reference is made in the Planning and Development Act, 2000, as amended, to uncertainty / uncertainty or any like criterion as applicable to SDZs. It is clear from the legislative provisions that certainty is not the criterion. What is required is an '*indication*' of '*intention*' and '*proposals relating to*' the various matters identified.
 - The assertion that the Council was in breach of its statutory duty as the first planning scheme was advanced late is flawed as, for the purpose of calculation of time limits, the Planning Act effectively requires that the Christmas period be ignored. Notwithstanding, even had the statute been breached in this regard it does not simply follow that the designation of the SDZ or the duty to make a planning scheme is thereby ended.
 - The Board does not have – not did it purport to exercise – any jurisdiction to invalidate the first draft scheme. Only the High Court on judicial review could have done so and it did not. Therefore, the first draft scheme remains valid.
 - The suggestion that there may be no entitlement in the Planning Acts to submit a subsequent Planning Scheme is incorrect. For example, it is not accepted that the mere rejection of the first scheme would serve to frustrate the Government's designation as to development of economic and social importance to the State. Similarly, the statute explicitly refers to the 'first' draft planning scheme and thus seemingly contemplates later schemes.
 - With regard to the assertion of a failing to provide for the various community facilities listed in Part III of the First Schedule of the Planning

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- Act, it is submitted that this list is clearly enabling and not prescriptive. For example, the suggestion that every residential SDZ must provide for a hospital or camping ground is rejected.
- It is not accepted that off-site infrastructure is outside the purview of the Planning Scheme. The proposition that the SDZ should be sealed from its surroundings is bad planning and bad law. For example, access to and egress from an SDZ will generally require off-site works. The implication that every SDZ should have its own on-site wastewater treatment plant and even discharge to receiving waters is not merely contrary to the principle of *'proper planning and sustainable development'*, it is a criterion applied to no other form of zoning or development consent.
 - Section 169(8) of the Act expressly contemplates that SDZ Schemes are likely to have an effect on neighbouring land and will also affect places outside the area of the planning authority.
 - The Planning Scheme is by statute and once adopted, part of the Development Plan and so, as a matter of law, it is to be interpreted with it as a consistent whole.

10.9.2 Upon the conclusion of this submission, Mr. Holland proceeded to submit a copy of correspondence from Mr. Donncha O'Sullivan of Gas Networks Ireland (which was accompanied by a copy of the 'Code of Practice for Working in the Vicinity of the Transmission Network, 2015') in response to concerns raised previously in relation to the proximity of the proposed works to the existing gas pipeline on site. It was further confirmed that a wayleave of 7m would be provided on either side of the centreline of the pipe.

10.9.3 At this point the Development Agency concluded its submission to the oral hearing and thus the cross-questioning of parties recommenced.

10.9.4 Cross-Questioning (1):

10.9.4.1 At the outset, **Mr. Jer Buckley** was permitted to continue his questioning of the Development Agency with regard to the potential impact of storm water runoff from the approach roads (including the South East Link Road) on flooding in Blackpool, the future maintenance of the SUDS / drainage system, and the need for a detailed flood risk assessment of the approach roads to be undertaken.

10.9.4.2 **Ms. Susanna O'Neill**, on behalf of the Rathpeacon National School Board of Management, then proceeded to direct questions to the Development Agency generally in relation to the acquisition of lands for the provision of the first

proposed primary school and the commitment to the timing and construction of same. Upon the conclusion of this questioning, Ms. O'Neill opted to give her closing statement to the hearing thereby concluding the involvement of the Rathpeacon National School Board of Management in same.

10.9.4.3 Questions were then taken by the Development Agency from **Ms. M. Henderson, Mr. M. O'Flynn & Mr. T. O'Driscoll** on behalf of O'Flynn Construction which primarily focussed on the marketability of the higher density element of residential development required in parts of the SDZ (with particular reference to the Town Centre) and the economic viability of the offices proposed in the south-eastern extent of the town having regard to market advice. Further queries were raised in relation to the phasing of the development, including the provision of the railway station and the initial primary school, and the implementation strategy to be applied for the development of the Monard SDZ.

10.9.4.4 **Mr. T. Butter, Ms. M. Rowley & Mr. M. Cronin** proceeded to question the Development Agency on behalf of the Monard Concerned Residents Group on matters pertaining to traffic and transportation including the provision of the Northern Ring Road and the junction onto same, the 'Systra' transport assessment, the adequacy of the surrounding road network, road safety and design, and the need to consider the potential impact of construction traffic.

10.10 Hearing Day 5:

10.10.1 Cross-Questioning (2):

10.10.1.1 The Monard Concerned Residents Group (**Mr. M. Cronin, Mr. T. Butter, Ms. N. Hurley, Ms. M. Rowley & Cllr. K. Conway**) continued its questioning with regard to transport considerations with particular reference to the traffic modelling undertaken, the impact of the proposed development on the local road network, and what further road improvement / rationalisation works may be required in the future in the event the Northern Ring Road were not to proceed.

10.10.1.2 The questioning subsequently proceeded to focus on the construction, operation and maintenance of the proposed SUDS strategy and the potential impact of the development on the underlying aquifer and private wells.

10.10.1.3 In relation to wastewater considerations, queries were raised as regards the position of Irish Water, the capacity of the Killeens and Carrigrennan wastewater treatment plants, and the phasing of development.

10.10.1.4 The remainder of this segment of questioning raised a variety of other issues including the peripheral siting of the railway, the development of cycleways / bicycle facilities, the need for safeguards against abandonment of the development, the demand for and marketability of the higher density elements within the Scheme, construction management, and the overall phasing provisions / thresholds for the development.

10.10.1.5 After lunch the MCRG continued its questioning and expressed concerns relating to the adequacy of the public consultation / participation process, the legality of the resolution passed by Cork County Council, the legal status of the amendments arising from the Manager's Report which detailed the submissions received on the Draft Planning Scheme, the level of detail & certainty within the Scheme, the use of construction management plans, concerns over alleged errors / omissions in the Government Memorandum relating to the designation of the Monard SDZ dated 24th May, 2010 (*N.B.* A redacted copy of this memo was submitted to the hearing), and the interpretation of Part III of the First Schedule of the Act. Additional issues raised included the legality of the current Planning Scheme and the potential impact of proposed development on the residential amenity of existing properties within the SDZ. This concluded questioning by the MCRG.

10.10.1.6 Questions were then directed to the Development Agency by **Brendan, Pdraig & Colette Sheehan** which initially related to the inadequacy of the surrounding road network, the impact of construction traffic, the location of the proposed sewage pumping station, the arrangements for the crossing of existing utilities, and the need for up-to-date surveys etc. (with particular reference to the capacity of the Killeens WWTP and the feasibility study for the railway station). Concerns were also raised in respect of a number of other matters primarily pertaining to the protection and monitoring of groundwater quality, the impact of the development works on flow rates in local watercourses, the potential impact of the proposal on the Blarney Bog pNHA, the archaeological implications arising due to the proximity of a ringfort to the route of the proposed South West Link Road, and the potential impact on the views available from Blarney Castle. This concluded the questioning on behalf of the Sheehan family.

10.10.1.7 The **Monard Community Association** did not engage in cross-questioning.

10.10.1.8 **Mr. B. McCutcheon** on behalf of Tim & Dan Quill questioned the Development Agency in relation to the capacity of the Blarney WWTP and

alleged disparities in documentation held by the Local Authority concerning the future arrangements for the disposal of effluent arising from development at Stoneview either at Blarney / Killeens or via an integrated system with Monard and onwards to the Carrigrennan WWTP. The position of Irish Water in relation to the foregoing was also queried. Mr. McCutcheon subsequently posed further questions in respect of the future junction arrangements intended to serve development at Stoneview, the need for consideration of the relationship with the M20 Road Scheme and the spacing of junctions, and the potential for an integrated solution to be developed to supply water to both Monard and Stoneview. Concerns were also raised as regards the implications of the Monard Planning Scheme for development located outside the boundary of the SDZ, particularly as the Scheme (if adopted) would form part of the County Development Plan and would thereby supersede the provisions of the relevant local area plans. Further reference was then made to the potential impact of the Monard Development Contribution Scheme. Additional issues raised included the legal status of the amendments arising from the Manager's Report which detailed the submissions received on the Draft Planning Scheme i.e. if the Planning Scheme deemed to have been made pursuant to the legislation and as before the Board for consideration should properly be considered to comprise the draft version dated April, 2015 or the 'amended' version compiled in July, 2015. This concluded the questioning by Mr. McCutcheon.

10.11 Hearing Day 6:

10.11.1 Cross-Questioning (3):

10.11.1.1 The final day of the oral hearing commenced with a continuation of the questioning of **Mr. D. Cahalane** (and Mr. D. Cronin) on behalf the Development Agency by those remaining appellants who had not previously had the opportunity to do so due to the unavailability of Mr. Cahalane. In this respect it should be noted that the representatives of Tim & Dan Quill, O'Flynn Construction & Monard Community Association had no questions for this particular witness.

10.11.1.2 **Mr. Pdraig Sheehan** proceeded to question Mr. Cahalane with regard to matters primarily relating to the protection of groundwater (such as the lining of ponds and swales), the monitoring of groundwater quality, the development of an emergency response plan in the event of water contamination, and the maintenance of a base flow to local watercourses.

10.11.1.3 Questioning on behalf of the Monard Concerned Residents Group was undertaken by **Mr. M. Cronin, Ms. M. Rowley & Ms. N. Hurley** and generally

focused on the design, scale, operation and maintenance of the SUDS network, the management and monitoring measures to be undertaken during construction activities, and the potential for heightened downstream flood risks.

10.11.1.4 At this point **Mr. Jer Buckley** was permitted to make his closing statement to the hearing.

10.11.2 Development Agency (Continued) (5):

10.11.2.1 Mr. Melville Dunbar:

- Details his experience, including his co-authorship of the Essex County Council publication ‘*A Design Guide for Residential Areas*’ (commonly referenced as the ‘*Essex Design Guide*’) and its wider influence in terms of establishing the principles of ‘place-making’ and urban design for new housing development.
- States that he assisted Cork County Council in the preparation of its Design Guide for Residential Estate Development (*‘Making Places’*) and subsequently prepared a sample housing layout for a selected area of the Monard SDZ.
- References examples of his experience including the new town of South Woodham Ferrers and the new neighbourhood of Kilminchy in Portlaoise.
- Details the wider design approach adopted for Monard and the use of the urban design principles set out in *‘Making Places: A Design Guide for Residential Estate Development’*.
- Refers to the sample housing layout prepared for a selected area of the Monard SDZ as detailed in the Planning Scheme and outlines the design approach adopted for same.

10.11.3 Cross-Questioning (4):

10.11.3.1 The following parties (or their representatives) had no questions with regard to the evidence of Mr. Dunbar:

- Scoil Náisiúnta Mhuire Ráthpéacáin (Rathpeacon NS) Board of Management
- Tadhg O’Leary & Jer Buckley
- Patrick J., Anne, Pdraig, Colm, Colette & Brendan Sheehan
- Monard Community Association
- Tim and Dan Quill

10.11.3.2 Accordingly, **Ms. M. Henderson** on behalf of O’Flynn Construction queried whether there had been any consultation as regards the marketability of

the detailed sample scheme prepared by Mr. Dunbar (and the higher density elements of the wider Planning Scheme). It was also questioned as to why potential future residents would choose to 'downsize' to Monard as opposed to units elsewhere in Cork.

10.11.3.3 The questioning posed by **Mr. M. Cronin, Mr. T. Butter & Ms. N. Hurley** on behalf of the Monard Concerned Residents Group primarily focused on the loss of rural character, the impact of the higher density elements on the residential amenity of existing dwelling houses in the locality with particular reference to the separation distances proposed, the suggested limitations of Mr. Dunbar's brief from the Development Agency with regard to the finer details of the design / layout of the Planning Scheme itself, concerns relating to the peripheral siting of the railway station and the provision of bus services, and the sustainability of building materials.

10.11.4 Further Submissions:-

10.11.4.1 At this point in the hearing each of the parties was afforded the opportunity to make a submission with regard to the adoption of the Planning and Development (Amendment) Act, 2015 which had been signed into law on 29th December, 2015 several days prior to the reconvening of the hearing, however, only the Development Agency and the Monard Concerned Residents Group made a submission in this regard.

10.11.4.2 Development Agency:- Mr. D. Holland:

- One of the main purposes of the Act was to expand the powers of the Board as to the making of modifications to SDZ Planning Schemes.
- The Act contains no transitional provisions and thus came into force on the date of its passing.
- If the Board is of the view that the Planning Scheme could be approved subject to amendment then it follows, having regard to the imperative of the designation, that the Board must make the amendment(s) in question.
- The Board may consider the amendments proposed by the participants and may also make amendments of its own initiative.
- The Board's power to amend a Planning Scheme is, under the 2015 Act, no longer limited to minor amendment.
- Section 7(c)(ii) of the Act states that where an amendment to a Planning Scheme would constitute the making of a material change, but would not constitute a change in the overall objectives of the planning scheme concerned, then, subject to subsection (7A), the Board 'shall' approve the planning scheme with such modification.

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- The 2015 Act applies to the current process.
 - All of the amendments suggested by the Council are, if not minor, manifestly within the powers of the Board to make modifications derived from the 2015 Act.
 - In the event that the proposed modifications are not held to be of a minor nature, no unfairness can arise in the Board's putting into action the extensive procedures set out in the 2015 Act which are explicitly designed to avoid unfairness by ensuring a process of publication and public response to the proposed modifications.

10.11.4.3 Monard Concerned Residents Group:

- It was disputed whether the 2015 Act could affect a process which was already underway pursuant to earlier legislative provisions and the Board was requested to seek legal advice on the matter.

10.11.4.4 The Development Agency proceeded to submit a *'Table of Proposed Modifications'* which was accompanied by an amended version of *'Table 10.3'* of the Planning Scheme and it was asserted that these documents simply comprised a consolidated schedule of all those amendments previously presented to the hearing which the exception of the following aspects:

- The insertion of new text in Section 6.4.9 of the Scheme in response to an issue raised by Mr. McCutcheon on behalf of Tim & Dan Quill with regard to the possible provision of water supply and sewerage arrangements to serve the development of both Monard and 'Stoneview'.
- The insertion of further revisions to Sections 10.0.7 and 10.0.7A of the Scheme.

10.11.4.5 In the interests of procedural equity, Mr. McCutcheon was then permitted to question the Development Agency in relation to the proposed insertion of the new text in Section 6.4.9 of the Scheme. No other appellants chose to comment on the inclusion of the aforementioned additional text (Section 6.4.9).

10.11.4.6 The hearing then heard closing statements on behalf of the Development Agency, Tim & Dan Quill, O'Flynn Construction, the Sheehan family, the Monard Concerned Residents Group and Mr. Tom O'Byrne (observer).

10.11.4.7 The hearing was thus closed.

11.0 ASSESSMENT:

11.1 In preparing this report, I have had due regard to the provisions of the Act and Regulations, to all relevant local, regional and national policies, strategies and guidelines, and I have carefully considered all of the written submissions, the proceedings of the Oral Hearing, and all of the documentation supplied by the Development Agency. Accordingly, it is my opinion that the key issues requiring consideration are as follows:

- Part 'A': Procedural and Legal Issues
- Part 'B': Consideration of the Board's Previous Determination of ABP Ref. No. PL04G.ZD2008
- Part 'C': Other Issues

11.2 Part 'A': Procedural and Legal Issues:

11.2.1 The Validity of the Monard SDZ Planning Scheme, 2015:

11.2.1.1 During the course of the oral hearing concerns were raised by a number of appellants with regard to the legal basis for the advancement of the Monard SDZ Planning Scheme, 2015 given that the previous 2012 Planning Scheme had seemingly not been submitted to the elected members of Cork County Council within two years of the original SDZ designation under S.I. No. 540 of 2010. Further reservations were expressed as regards the lack of clarity in whether or not there was any legislative basis for the submission of a subsequent Planning Scheme given the previous refusal of ABP Ref. No. PL04G.ZD2008.

11.2.1.2 Having considered the foregoing, in my opinion, it is of relevance in the first instance to consider the specifics of the legislation pertaining to the preparation of planning schemes for strategic development zones and in this respect I would refer the Board to Sections 168(1) and (1A) of the Planning and Development Act, 2000, as amended, in particular, which state the following:

- (1) *Subject to subsection (1A), as soon as may be after the making of an order designating a site under section 166 -*
 - a) *the relevant development agency (other than a local authority) or, where an agreement referred to in section 167 has been made, the relevant development agency (other than a local authority) and any person who is a party to the agreement shall*

prepare a draft planning scheme in respect of all or any part of the site and submit it to the relevant planning authority,

b) the local authority, where it is the development agency, or where an agreement referred to in section 167 has been made, the local authority and any person who is a party to the agreement shall prepare a draft planning scheme in respect of all or any part of the site.

(1A) The first draft planning scheme under subsection (1) in respect of all or any part of a site designated under section 166, shall be prepared not later than 2 years after the making of the order so designating the site.

11.2.1.3 Whilst Section 168(1) of the Act requires 'a draft planning scheme' to be prepared 'as soon as may be after the making of an order designating a site section 166' (i.e. as a Strategic Development Zone), it is clear that this provision is subject to the subsequent requirements of Section 168(1A) which necessitate the preparation of 'the first draft planning scheme' no later than 2 years after the making of the order designating the site in question as a strategic development zone. In this regard I would advise the Board that the Monard Strategic Development Zone was established on 25th May, 2010 pursuant to the Planning and Development Act, 2000 (Designation of Strategic Development Zone: Monard, Cork County) Order, 2010 (S.I. No. 540 of 2010) and that whilst the 2012 Draft Planning Scheme was placed on public display on 11th June, 2012, the document itself would seem to have been 'prepared' in advance of this date with a presentation on same having been recorded in the minutes of a meeting of the Development Committee of Cork County Council held on 18th May, 2012 (*N.B.* The minutes of a meeting of the Development Committee of Cork County Council held on 11th June, 2012 also reference a resolution having been passed approving the Draft Planning Scheme for public consultation).

11.2.1.4 From a review of the aforementioned legislative provisions, it would appear that the first draft planning scheme for the Monard SDZ would have been required to have been prepared by 24th May, 2012 i.e. two years after the coming into effect of S.I. No. 540 of 2010 on 25th May, 2010. In this regard it is notable that there would not appear to be any requirement on the local authority / development agency to place the draft planning scheme on public display within the two-year period nor is it expressly stated that any such draft scheme must be submitted to the elected members of the local authority for their consideration

prior to the placement of same on public display. In my opinion, this provision most likely derives from the fact that the development agency responsible for the preparation of the draft scheme need not be the local authority (and although the draft scheme is required to be submitted to the planning authority under Section 168(1)(a) in the event the development agency is not the local authority, no specific reference is contained in this section of the Act to the submission of the draft scheme for the consideration of the elected members). Accordingly, I am inclined to suggest that the Act could perhaps be interpreted as not expressly necessitating the presentation of a draft planning scheme to the elected members prior to its placement on public display. Nevertheless, it is evident from the available information that the Draft Monard SDZ Planning Scheme, 2012 was presented to the Development Committee of Cork County Council prior to the 24th May, 2012.

11.2.1.5 At this point it is of further relevance to note that there is no clear definition in the Act as to what constitutes the 'preparation' of a Planning Scheme by the development agency pursuant to Section 168(1). In this regard I would further suggest that the omission of any express requirement to submit the draft planning scheme to elected members or to place it on public display within the two-year period lends credence to the proposition that the simple preparation of the draft scheme within the two-year time limit would be sufficient to comply with the relevant legislative requirements.

11.2.1.6 Notwithstanding the foregoing, the Development Agency has submitted that even if the Draft Planning Scheme were deemed to have been prepared on 11th June, 2012 (noting that a resolution was passed by the Development Committee of Cork County Council on 11th June, 2012 approving the Draft Planning Scheme for public consultation) the calculation of the appropriate time period should take into account the exclusion of those periods between 24th December and the 1st January inclusive in accordance with Section 251 of the Act. Therefore, if the cumulative 18-day period arising between 24th December, 2010 - 1st January, 2011 and 24th December, 2011 - 1st January, 2012 is disregarded for the purposes of the calculation of the appropriate time period, the first Draft Planning Scheme, 2012 was prepared within two years of the designation of the SDZ.

11.2.1.7 In any event, I would concur with the Development Agency that any questioning of the validity of the initial Draft Planning Scheme, 2012 is beyond the jurisdiction of the Board and would have been a matter that should have been

directed for judicial review through the appropriate legal avenues and within the timeframe permitted.

11.2.1.8 In relation to the concerns raised as regards the entitlement of the Development Agency to prepare a subsequent Planning Scheme (i.e. the 2015 Scheme) given the decision of the Board to refuse to approve the previous (and first) Planning Scheme, 2012 under ABP Ref. No. PL04G.ZD2008, it is my opinion that there is no legislative basis which would preclude such a scenario. In this respect I would concur with the Development Agency that Section 168 of the Act would seem to imply the preparation of more than one draft planning scheme for an SDZ through its reference to a 'first draft'. Indeed, it is notable that prior to the commencement of the Planning and Development (Amendment) Act, 2015 the only mechanism open to a development agency to amend / alter an existing planning scheme was to undertake the process for the making of a planning scheme in its entirety again which would include the preparation of a new draft scheme. Such a scenario has previously arisen with regard to the amendment of the Adamstown SDZ. Therefore, I am satisfied that the Development Agency is entitled to prepare a new planning scheme for the Monard SDZ and that it is within the jurisdiction of the Board to consider same.

11.2.2 The Planning and Development (Amendment) Act, 2015:

11.2.2.1 During the intervening period between the adjournment of the oral hearing on 2nd December, 2015 and the reconvening of same on 14th January, 2016, the Planning and Development (Amendment) Act, 2015 was signed into law on 29th December, 2015 and in the absence of any transitional provisions pertaining to same it can be deemed to have taken effect from that date. This Act makes a series of changes which seek to streamline the arrangements in relation to the making of modifications and amendments of SDZ Planning Schemes. Of particular relevance in the context of the subject appeal are the new provisions set out in Section 5 of the Act (which amend Section 169 of the Principal Act) with regard to the circumstances in which the Board may approve a Planning Scheme subject to modifications. In summary, the new provisions expressly prohibit the Board from approving a planning scheme subject to a modification where the making of that modification would constitute the making of a material change in the overall objectives of the planning scheme concerned. They also permit the Board to approve a planning scheme subject to a modification where it has been determined that the making of said modification only involves a change of a minor nature which would not be likely to have significant effects on the environment (within the meaning of Annex II of Directive 2001/42/EC1 on the assessment of the effects of certain plans and programmes on the environment)

or on a European site. However, perhaps the most significant change is the inclusion of a provision whereby the Board may approve a planning scheme subject to a modification which would involve the making of a material change (but would not constitute a change in the overall objectives of the planning scheme concerned) to the scheme itself. In these circumstances there is a requirement for the Planning Authority to publish notice of the proposed modification and to invite submissions / observations on same with a report on same to be submitted to the Board. In addition, a determination must be made as to whether the extent and character of the modification, if it were to be made, would be likely to have a significant effect on the environment (within the meaning of Annex II of Directive 2001/42/EC) or on a European site, and if were thus determined that the making of the modification would be likely to have significant effects on the foregoing, then the relevant planning authority would be required to undertake a strategic environmental assessment or an appropriate assessment or both such assessments, as the case may be, in relation to the making of the proposed modification.

11.2.2.2 Therefore, in light of the foregoing, both the Development Agency and the appellants were provided with the opportunity to make a submission on the implications of the Planning and Development (Amendment) Act, 2015 with regard to the subject appeal. In this respect the Development Agency asserted that the new legislation applied to the Planning Scheme under consideration whereas the appellants questioned whether the 2015 Act could affect a process which was already underway pursuant to earlier legislative provisions.

11.2.2.3 Having considered the available information, it is my opinion that, in the absence of any transitional provisions within the Planning and Development (Amendment) Act, 2015 and as the effective date of same is thus the 29th day of December, 2015, the legislation in question must be held to apply to the Board's consideration of the subject appeal, although the Board may wish to seek further advice in this regard.

11.2.3 The Specifics of the Planning Scheme under Appeal:

11.2.3.1 By way of clarity, I would reiterate to the Board that although a Draft Planning Scheme for the Monard Strategic Development Zone was published by the Development Agency in April, 2015, Cork County Council decided by resolution on 27th July, 2015 not to make a formal decision on the Draft Planning Scheme under the provisions of Section 169(4) of the Act and, therefore, the Scheme itself was deemed to have been made by way of a legislative 'default mechanism'. This has given rise to concerns as regards the specifics of the

Planning Scheme which has been deemed 'made' with specific reference to the status of those amendments proposed by the Local Authority / Development Agency on foot of the Manager's Report on the submissions received during the public consultation process (entitled '*Chief Executive's Reports to Members on Submissions Received*' and dated 30th June, 2015) as well as those further changes to the Draft Planning Scheme recommended in a subsequent report entitled '*Recommended Changes arising from Chief Executive's Reports to Members on Submissions Received*' dated 17th July, 2015.

11.2.3.2 In effect, it has been suggested that as the elected members of Cork County Council did not approve the Draft Planning Scheme or any of the proposed amendments to same, then the Planning Scheme presently under consideration by the Board must be held to be that which was previously on public display (dated April, 2015) in the absence of the Chief Executive Officer's suggested schedule of amendments. The implication would seem to be that there would be a '*democratic deficit*' if the Board were to determine the subject appeal on the basis that it related to the 'amended' draft planning scheme which incorporated those changes proposed by the 'Executive' / Development Agency in the absence of any public consultation. Therefore, the pertinent question is whether the Board should be assessing that version of the Planning Scheme dated July (and August), 2015 which includes the aforementioned amendments or if it should limit its assessment to the Planning Scheme dated April, 2015 as was placed on public display.

11.2.3.3 In consideration of the foregoing, I would suggest at the outset that cognisance should be had to the fact that there is no right of appeal in respect of any planning application subsequently lodged within a Strategic Development Zone given that development proposals are simply determined on the basis of whether or not they are consistent with the adopted Planning Scheme. Therefore, this absence of any appeal mechanism pertaining to individual planning applications could perhaps be construed as placing a greater emphasis on the need for public accountability during the process of making a Planning Scheme. Accordingly, I propose to briefly review the process which has culminated in the subject 2015 Planning Scheme having been deemed to be made.

11.2.3.4 From a review of the information provided to the Board, it would appear that the elected members of Cork County Council were informed at a meeting held on 13th April, 2015 that the Draft Monard SDZ Planning Scheme (April, 2015) would be advertised on 17th April, 2015, however, it is unclear from the certified extract of the minutes of that meeting as supplied by the Development

Agency whether or not the Draft Planning Scheme was actually approved by the elected members for public consultation by way of resolution. Subsequently, upon the completion of the specified period for the public display of the Draft Scheme during which written submissions or observations on same were made to the Planning Authority, a report on those submissions / observations was compiled and submitted to the elected members of Cork County Council for their consideration. This report comprised the '*Chief Executive's Reports to Members on Submissions Received*' dated 30th June, 2015 and was further supplemented by a subsequent report entitled '*Recommended Changes arising from Chief Executive's Reports to Members on Submissions Received*' dated 17th July, 2015. Following consideration of both the Draft Planning Scheme and the aforementioned reports at a meeting of Cork County Council on 27th July, 2015, the elected members passed a resolution whereby the Council opted not make a formal decision on the Draft Monard SDZ Planning Scheme so as to '*allow the Scheme to be considered in greater detail and with greater rigour by An Bord Pleanala*'. This failure to either 'make' or 'not to make' the Draft Planning Scheme consequently culminated in the Scheme being deemed to have been made by way of default pursuant to the provisions of Section 169(4)(b) of the Planning and Development Act, 2000, as amended.

11.2.3.5 Therefore, on the basis of the foregoing, it would appear that the elected members of Cork County Council failed to make a formal decision by way of resolution on any aspect of the Draft Planning Scheme or its amendments. Whilst this situation is perhaps regrettable and could be construed as indicative of a procedural 'democratic deficit', it should be noted that the Act does not seem to expressly require the Draft Planning Scheme to be approved for public display by the elected members. Similarly, the legislature has deemed it appropriate for a Draft Planning Scheme to be adopted by default in the event of the elected members failing to make a decision as to the making (or not) of same. Accordingly, the Act would seem to provide for a Planning Scheme to potentially be made with somewhat reduced input from the general public and / or its elected representatives. Nevertheless, it is at this point that I would suggest that some degree of difficulty arises in relation to any amendments to the Draft Planning Scheme proposed in the Manager's Report. Given that no resolution was passed by the Council pursuant to Section 169(4)(b)(i) of the Act to make the Draft Planning Scheme (with or without any variations or modifications) and that equally no resolution was passed under Section 169(4)(b)(ii) not to make the Draft Scheme, I am inclined to suggest that given the specifics of the legislation, including the sequencing of same, the Scheme that can be deemed to have been made in accordance with Section 169(4)(b) is that which was on public display in

the absence of any amendments proposed in the Manager's Report (i.e. the April, 2015 version of the Draft Planning Scheme). This is because the provision relating to the variation or modification of the Draft Scheme as referenced in the Section 169(4)(b)(i) of the Act requires the passing of a resolution by the planning authority which did not happen in this instance. Therefore, I am inclined to suggest to the Board that the subject appeal relates to the April, 2015 version of the Draft Planning Scheme as placed on public display, although it may wish to seek further advice in this regard.

11.2.3.6 Notwithstanding my reservations as regards the specifics of the Planning Scheme presently under consideration, having reviewed the amendments proposed in the Manager's Reports dated 30th June, 2015 & 17th July, 2015, the contents of the letter to the S/Chief Executive which refers to a determination made under Section 169(4)(ba) of the Act that the amendments in question did not require either Strategic Environmental Assessment or Appropriate Assessment (as supplemented by an Addendum to the Environmental Report and a Habitats Directive Screening Statement), and the Chief Executive's Order dated 11th August, 2015 that determined that the aforementioned *'changes to the Draft Planning Scheme incorporated in the Monard Planning Scheme deemed to be made on 11th August, 2015 do not constitute material alterations to the Draft Planning Scheme, and that Strategic Environmental Assessment or Appropriate Assessment of those changes is therefore not required'*, I would accept that the amendments proposed in the Manager's Reports are of a minor nature and are not likely to have any significant effects on the environment (within the meaning of Annex II of Directive 2001/42/EC) or on a European site. Accordingly, if the Board were to form the opinion that the amendments detailed in the Manager's Reports do not form part of the Draft Planning Scheme as 'made', and in the event that it was inclined to approve the Scheme, the Board could opt to incorporate these minor changes into the final Planning Scheme by way of Section 169(7)(c)(i) of the Act (as inserted by the Planning and Development (Amendment) Act, 2015. Alternatively, if the Board were to rule that the amendments set out in the Manager's Report do form part of the Planning Scheme as 'made' the foregoing issues do not arise and thus consideration of the subject appeal can proceed as normal.

<p>M01: Except where further altered by modifications in this order, the Scheme dated April 2015 shall be modified by the inclusion of the drawings, plans and details contained in the 'Chief Executive's Reports to Members on Submissions Received' dated the 30th day June, 2015 and the report entitled 'Recommended Changes arising from Chief Executive's Reports to Members on Submissions</p>
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Received' dated the 17th day July, 2015, as modified further by the details submitted by the Development Agency to the Board on the 16th day of January, 2016.

11.2.4 The Provision of Community Facilities (Part III of the First Schedule to the Act):

11.2.4.1 The Monard Strategic Development Zone was established by the Planning and Development Act, 2000 (Designation of Strategic Development Zone: Monard, Cork County) Order, 2010 (S.I. No. 540 of 2010) on the basis that the following development was of economic and social importance to the State:

' . . . residential development and the provision of schools and other educational facilities, commercial activities, including office, hotel, leisure and retail facilities, rail infrastructure, emergency services, and the provision of community facilities as referred to in Part III of the First Schedule to the Act, including health and childcare services'.

11.2.4.2 In this regard concerns have been raised that the Planning Scheme, 2015 fails to adhere to the legislative requirements of the Statutory Instrument on the basis that it does not include for the full provision of all those community facilities listed in Part III of the First Schedule of the Planning and Development Act, 2000, as amended. Particular reference was made in the submission of the Monard Concerned Residents Group presented to the oral hearing to the absence of any provision in the Scheme for the following items:

- A caravan park;
- A camping ground;
- A burial ground;
- Facilities for the elderly;
- Facilities for person with disabilities;
- Baking facilities; and
- Centres for the cultural development of the community

11.2.4.3 For the purposes of clarity, Part III of the First Schedule states the following:

1. *Facilitating the provision and siting of services and facilities necessary for the community, including the following:*

a) hospitals and other healthcare facilities;

-
- b) centres for the social, economic, recreational, cultural, environmental, or general development of the community;
 - c) facilities for the elderly and for persons with disabilities;
 - d) places of public worship and meeting halls;
 - e) recreational facilities and open spaces, including caravan and camping parks, sports grounds and playgrounds;
 - f) shopping and banking facilities.

- 2. Ensuring the provision and siting of sanitary services.
- 3. Reserving of land for burial grounds.

11.2.4.4 In response to the foregoing, the Development Agency has submitted that the list of community facilities contained in Part III of the First Schedule is clearly enabling and not intended to be prescriptive otherwise there would be a requirement for every residential SDZ to include provision for the development of facilities such as a hospital etc.

11.2.4.5 Having considered the available information, whilst I would acknowledge the appellant's concerns, it is perhaps of relevance to clarify the intent of the First Schedule to the Planning and Development Act, 2000, as amended. In this respect I would refer the Board in the first instance to the Schedule itself which is entitled '*Purposes for which objectives may be indicated in development plans*' and secondly to Section 10(3) of the Act which states that '*. . . a development plan may indicate objectives for any of the purposes referred to in the First Schedule*'. Accordingly, it is my opinion that the intention of Part III of the First Schedule is essentially to act as a guide with regard to the inclusion of objectives pertaining to the provision of certain community facilities within a development plan. In this respect I would concur with the Development Agency that the listing of community facilities set out in Part III of the First Schedule is not intended to be interpreted to the extent that it imposes a mandatory obligation on a planning authority / development agency to expressly provide for each and every item contained in the Schedule to be included in a development plan / SDZ. Such a scenario would be impractical with the likelihood that certain objectives included in a development plan / planning scheme would simply prove to be unachievable or unworkable. Therefore, having reviewed the Planning Scheme, I am satisfied that the provision made for objectives relating to community facilities pursuant to Part III of the First Schedule of the Act accords with the requirements of S.I. No. 540 of 2010.

11.2.5 The Principle of the Monard Strategic Development Zone Planning Scheme:

11.2.5.1 The Monard SDZ was established on 25th May, 2010 pursuant to S.I. No. 540 of 2010 with the designation by Government having been made in response to a proposal by the Minister for the Environment, Heritage and Local Government upon which the opinion was formed that the specified development was of economic and social importance to the State. By way of background, it is further evident that the proposals for the development of Monard are derived from the wider strategic policy objectives and considerations set out in the original Cork Area Strategic Plan, 2001 and that there has been a gradual progression of same in subsequent policy documents since that date which led to the concept of developing a 'new town' at Monard thereby culminating in its designation as a Strategic Development Zone.

11.2.5.2 Therefore, having regard to the established policy context, it is clear that the principle of developing a new town at Monard has already been determined by statute and that the Board's jurisdiction on the matter is limited to consideration of the Planning Scheme and the manner in which the specified development will be carried into effect as set out in same. It is not a function of the Board to review the merits or otherwise of the designation of the area in question as an SDZ. Indeed, whilst the Planning and Development Act, 2000, as amended, contains a provision whereby a planning authority may revoke a Planning Scheme by way of resolution with the consent of the relevant development agency, the status of the SDZ designation is a matter for Government (Section 166(6) of the Act refers to the revocation or amendment of an order pertaining to the designation of an SDZ). Therefore, it is my opinion that those aspects of the grounds of appeal, including any relevant submissions made to the oral hearing, which pertain to the wider suitability of Monard for designation as an SDZ (such as its location, topography, and any perceived advantages / disadvantages over other areas, in addition to the actual need for the designation), and the process by which said designation came into being, are not matters to be considered in the assessment of the subject Planning Scheme.

11.2.6 The Extent of the Monard Strategic Development Zone:

11.2.6.1 In reference to a landbank situated outside of the SDZ and to the immediate south of the Cork-Mallow rail line and the Old Mallow Road, it has been submitted that the actual physical extent of the Monard SDZ (as identified in the Ministerial Order and the Planning Scheme) does not represent the optimal area for the development of a new town at Monard, particularly given the peripheral location of the rail line (and the proposed new railway station) and the

Board's previous concerns as regards the efficient use of public investment in infrastructural facilities. In this respect it has been suggested that the inclusion of additional lands within the SDZ by way of an amendment of Ministerial Order S.I. No. 540/2010 pursuant to Section 166(6) of the Act would serve to address some of the issues raised in the Board's previous refusal of ABP Ref. No. PL04G.ZD2008, including the need to achieve an efficient use of land given the scale of public investment required, by allowing development to occur on both sides of the railway line. Alternatively, in the event that the Ministerial Order and the SDZ area were not to be modified, the case has been put forward that consideration should be given to the zoning of those lands to the south of the rail line (e.g. as part of the Local Area Plan review process).

11.2.6.2 Whilst I would acknowledge the observer's desire (Mr. P. O'Sullivan) to improve the development prospects of those lands located to the south of the railway line and thus outside the boundary of the Monard SDZ, I would reiterate that the Board has no function in relation to the designation, amendment or revocation of SDZs and that the subject appeal does not involve consideration of the merits or otherwise of the existing designation already in place. Similarly, I would emphasise that the zoning of land for any particular purpose is the sole responsibility of the Local Authority and thus I am inclined to suggest that it would be inappropriate for the Board to comment further on this matter.

11.2.6.3 Although Section 169(8)(a) of the Act states that when considering a draft planning scheme, the Board should consider *'the effect the scheme would have on any neighbouring land to the land concerned'*, I am inclined to suggest that in this instance the Planning Scheme cannot be considered to have any detrimental impact on the observer's lands given the physical barrier between same (i.e. the railway line) and as the lands in question are not presently zoned for development purposes. Furthermore, I would suggest that the approval (or otherwise) of the 2015 Planning Scheme would not necessarily prejudice any future decision as regards any future land use zoning of the observer's landholding.

11.2.7 Strategic Environmental Assessment:

11.2.7.1 Pursuant to the requirements of Section 168(3) of the Planning and Development Act, 2000, as amended, and Article 179A of the Planning and Development Regulations, 2001, as amended, the Draft Planning Scheme has been accompanied by an Environmental Report on the likely significant effects on the environment of implementing the scheme. A Strategic Environment Assessment (SEA) Statement dated August, 2015 was also prepared following

the making of the Planning Scheme in accordance with the provisions of Section 169(4)(b) of the Act. Article 179C of the Regulations sets out those matters to be included in an Environmental Report prepared in respect of a Planning Scheme for an SDZ whilst Article 179H requires the Board to take account of the Environmental Report in its consideration of the Scheme.

11.2.7.2 Having reviewed the Environmental Report prepared with regard to the Monard SDZ Planning Scheme, as supplemented by the 'Addendum' to same dated August, 2015 which was prepared in order to consider the implications of those amendments proposed in the Manager's Reports that arose from the public consultation process (i.e. *'Chief Executive's Reports to Members on Submissions Received'* dated 30th June, 2015 and *'Recommended Changes arising from Chief Executive's Reports to Members on Submissions Received'* dated 17th July, 2015), in my opinion, it satisfactorily outlines the methodology involved in carrying out the SEA, establishes the characteristics of an environmental baseline, and provides for a systematic evaluation of the likely significant environmental effects of implementing the Planning Scheme. It includes a series of 18 No. *'Environmental Protection Objectives and Targets'* and has also considered alternative development scenarios whilst measures to mitigate potentially significant adverse environmental effects are identified and a monitoring programme to determine whether the environmental targets and objectives are being achieved is also set out.

11.2.7.3 Therefore, it is my opinion that the Environmental Report and the addendum to same satisfy the requirements of Article 179C and Schedule 2B of the Regulations and also accord with the guidance set out in the *'Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment, Guidelines for Regional Authorities and Planning Authorities'* as published by the Department of the Environment, Heritage and Local Government in November, 2004.

11.2.8 Appropriate Assessment:

11.2.8.1 In accordance with the requirements of Section 168(3A) of the Planning and Development Act, 2000, as amended, it is necessary to undertake an appropriate assessment of the Draft Planning Scheme pursuant to Part XAB of the Act and in this regard I would refer the Board in the first instance to the Habitats Directive Screening Statement which was prepared by Cork County Council in respect of the Planning Scheme. From a review of this screening exercise, and having further considered the data maps available from the website of the National Parks and Wildlife Service, it is apparent that whilst there are no

Natura 2000 sites located within, or in the immediate vicinity of, the SDZ, consideration should be given to the potential indirect impacts on such sites given the hydrological connection between the watercourses that drain the subject lands via the Blarney River and Cork harbour which supports the Cork Harbour Special Protection Area (Site Code: 004030) and the Great Island Channel Special Area of Conservation (Site Code: 001058). In addition, the submitted Screening Statement has also considered the potential for the Planning Scheme to give rise to impacts on The Gearagh Special Area of Conservation (Site Code: 000108) and The Gearagh Special Protection Area (Site Code: 004109) on the basis that the drinking water supply for Monard will come from the water catchment in which these sites are located.

11.2.8.2 In summary, the Screening Statement identifies the following potential impacts:

- The increased level of water abstraction required to supply Monard via the Inniscarra Reservoir which lies within the same catchment as The Gearagh Special Area of Conservation and The Gearagh Special Protection Area could contribute to a change in the relative proportions of deep and shallow water in the SAC and the SPA.
- Construction activities at Monard could affect water quality in the adjacent watercourse (the Blarney River) which could in turn potentially impact on water quality in Cork Harbour.
- The construction activities related to the development of water and wastewater infrastructure could affect water quality within the Cork Harbour Catchment, in particular at the Glashaboy River within the SPA (in reference to the proposed trenchless crossing of the Glashaboy Estuary in order to connect the Monard SDZ to the Carrigrennan Wastewater Treatment Plant).
- The increased level of treated effluent being discharged from the Carrigrennan Wastewater Treatment Plant could impact on water quality by increasing the level of nutrients in Cork Harbour generally.

11.2.8.3 Following an analysis of these potential impacts, the Screening Statement ultimately concluded that the Planning Scheme, both individually and in combination with other plans or projects, would not be likely to have any significant effects on the habitats or species for which the aforementioned Natura 2000 sites have been designated and thus Stage II Appropriate Assessment was not necessary. In this respect I would advise the Board that the screening of the Draft Planning Scheme would seem to have been iterative in that it has informed

the inclusion of certain provisions within the Scheme itself in order to ensure the protection of European Sites, most notably, with regard to the requirement set out in Section 6.1.10 of the Scheme that any additional design measures required for the Carrigrennan WWTP arising from the implementation of the Wastewater Management Strategy for Cork Harbour (an objective of the County Development Plan, 2014) in order to ensure the protection of Natura 2000 Sites within Cork Harbour, must be in place prior to the linking of the Monard development to the Carrigrennan WWTP.

11.2.8.4 In addition to the aforementioned Screening Statement which was compiled as part of the Draft Planning Scheme, a further screening exercise (entitled *'Proposed Changes to Planning Scheme for Monard SDZ Habitats Directive Screening Statement'*) was undertaken by the Development Agency with regard to the consideration of any potential impacts on Natura 2000 sites attributable to those amendments proposed in response to the public consultation process as set out in the Manager's Reports (i.e. *'Chief Executive's Reports to Members on Submissions Received'* dated 30th June, 2015 and *'Recommended Changes arising from Chief Executive's Reports to Members on Submissions Received'* dated 17th July, 2015). Whilst this document primarily focuses on the implications of the proposed amendments on Natura 2000 sites, it also provides a useful update as regards certain issues which arose during the compilation of the original (and primary) screening statement, with particular reference to the crossing of the Glashaboy Estuary which will be required to accommodate the provision of a rising main between Monard and Carrigrennan.

11.2.8.5 In relation to the proposed amendments, the 'supplementary' Habitats Directive Screening Statement states that as the changes (which relate to clarifications of text and mapping, proposed treatments for certain sections of the site, approaches to contributions, and phasing) do not propose to increase the scale of development or the population targets for the site, there will be no increased requirement in terms of water supply and no projected increase in wastewater generation beyond those set out in the draft scheme. It subsequently suggests that some of the changes proposed will actually serve to strengthen environmental protection for the site. The report then concludes that the proposed amendments will not give rise to any direct or indirect impacts on Natura 2000 sites and thus there is no potential for in-combination impacts.

11.2.8.6 With regard to the crossing of the Glashaboy Estuary, the aforementioned supplementary screening statement states that following the completion of additional survey work after the drafting of the initial screening

report (please refer to the 'Monard Sewerage Scheme – Addendum Report – Glashaboy Crossing' (June, 2015) prepared by Nicholas O'Dwyer), it has been ascertained that the geology at the location of the proposed crossing may be suitable to pursue the use of Horizontal Directional Drilling (HDD), subject to further examination, and that micro-tunnelling would be used to cross the estuary in the event that final investigations established that HDD would not be an environmentally safe option. This screening exercise further states that on the basis of the additional survey works carried to date, it will be possible to design out, with a high degree of confidence, any risk to Natura 2000 sites which could be associated with the proposed trenchless crossing works.

11.2.8.7 Having reviewed the available information, including the 'Habitats Directive Screening Statement' prepared by the Development Agency in respect of the subject proposal (as supplemented by *the 'Proposed Changes to Planning Scheme for Monard SDZ Habitats Directive Screening Statement'* and the submissions made during the course of the oral hearing), and following consideration of the 'source-pathway-receptor' model, I am inclined to broadly concur with the findings of the Development Agency's screening exercise that the proposal is unlikely to have any significant effect, in terms of the disturbance, displacement or loss of habitats or species, on the ecology on the identified Natura 2000 sites. Therefore, it is my opinion that the proposed development would not be likely to significantly affect the integrity of the Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

11.2.8.8 Accordingly, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and, in particular, specific Site Codes: 004030, 001058, 000108 & 004109, in view of the relevant conservation objectives, and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

11.2.9 The Content of the Monard SDZ Planning Scheme, 2015:

11.2.9.1 Having reviewed the specifics of S.I. No. 540 of 2010 with regard to the nature of the development specified and the wider rationale for the designation of Monard as a Strategic Development Zone, I am satisfied that the 2015 Planning Scheme (as outlined earlier in this report) adheres to the terms of the Ministerial Order and provides for the type of development envisaged.

11.2.9.2 In addition, Section 168(2) of the Act sets out those matters to be included in a Planning Scheme and, in my opinion, the subject scheme complies with these requirements. Furthermore, Section 168(4) of the Act requires a draft planning scheme for residential development to be consistent with the housing strategy prepared by the planning authority in accordance with Part V and that the implementation of the strategy should be included in the scheme. In this regard, I would refer the Board to Section 4.10.5 of the Scheme which serves to satisfy the aforementioned requirements of the Act.

11.3 Part 'B': Consideration of the Board's Previous Determination of ABP Ref. No. PL04G.ZD2008:

11.3.1 The Provision of Critical Transportation Infrastructure:

11.3.1.1 The Northern Ring Road:

11.3.1.1.1 In its decision to refuse to approve the making of the previous "Monard Strategic Development Zone, Draft Planning Scheme, 2012" under ABP Ref. No. PL04G.ZD2008 the Board referenced *'the lack of certainty in relation to essential elements underpinning the proposed planning scheme which are not within the control of the applicant, in particular the delivery of future national road infrastructure and operational railway links'* before subsequently concluding that *'in the absence of these critical transportation elements, the development of the strategic development zone would be reliant on limited improvement of the local road network only, which would give rise to serious traffic congestion in the surrounding area'* and *'would endanger public safety by reason of traffic hazard and obstruction of road users'*. Therefore, it is of the utmost importance in the assessment of the subject appeal to consider whether or not the Development Agency has satisfactorily addressed the foregoing concerns in its preparation of the current Planning Scheme, 2015.

11.3.1.1.2 By way of background, I would advise the Board that the existing road network serving the Monard area is not of a sufficient standard to accommodate the scale of development proposed in the Planning Scheme and thus during the preparation of the previous 2012 Planning Scheme a transport assessment was undertaken by ARUP on behalf of the Development Agency in order to determine the scale of development possible without resulting in unacceptable levels of traffic congestion on the local roads in the southern environs of Monard connecting the SDZ to the wider Cork area road network. This transport assessment concluded that, in the absence of the Northern Ring Road, the local road network would be capable of accommodating the traffic volumes associated

with the development of up to 3,800 No. housing units within Monard, subject to the completion of the following infrastructural improvements:

- The construction of a footpath / cycle way linking Monard to Blackpool
- The construction of a new internal access road within the Monard development, bypassing the village of Rathpeacon.
- The construction of a new train station at Monard
- The construction of the Southern Link Road connecting Monard with the North Point Business Park Roundabout
- Upgrading the existing North Point Business Park Roundabout to include two approach lanes from Carhoo Road.
- The erection of traffic signals at the junction of Commons Road and the N20 Underbridge.
- The construction of the Western Link Road.

(*N.B.* For clarity purposes, the 'Southern Link Road' and the 'Western Link Road' as referenced in the ARUP Transport Assessment, 2012 broadly correspond with the provision of the 'South East Link Road' and the 'South West Link Road' respectively as shown in the current 2015 Planning Scheme).

11.3.1.1.3 Subsequently, in his assessment of ABP Ref. No. PL04G.ZD2008 the reporting inspector recorded that Mr. Jerry Barnes of McCabe Durney Barnes (the services of whom had been engaged by the Board to advise specifically on matters of transportation and traffic) had concluded that the methodology, assumptions and modelling employed in the preparation of the ARUP Transport Assessment were adequate and that he agreed with the conclusions reached in respect of the initial phases of development i.e. that the identified network improvements would be adequate to accommodate development up to a level of approximately 3,800 No. units (although it was also noted that there would be issues arising for junctions in Blackpool before that stage).

11.3.1.1.4 At this point it is of relevance to note that whilst the reporting inspector recommended that the Development Agency be required by way of a request for further information to submit a more complete transportation assessment which would have considered the future year 2022, with the Northern Ring Road and an interchange at the N20 in-situ, along with the local road network improvements identified in the Transport Assessment (it was further stated that the assessment should also consider development at the second threshold identified in Section 5.2.20 of the Planning Scheme as well as the full extent of the development proposed), the Board rejected that recommendation and also did not consider it

appropriate to limit the extent of development proposed in the Planning Scheme to 3,800 No. residential units in the absence of the provision of the Northern Ring Road. The rationale for this decision is detailed further in the Board's decision on ABP Ref. No. PL04G.ZD2008 wherein it is stated that:

' . . . one of the purposes of the designation of a Strategic Development Zone is to give certainty that infrastructure will be provided, to enable the rational development of land. It would appear to the Board that the delivery of the Northern Ring Road is crucial to ensure that 5,000 residential units can be provided at Monard, to give effect to the policies in the South West Regional Planning Guidelines for the Southwest Area 2010-2022, the Cork Area Strategic Plan and the Cork County Development Plan, 2009. In the absence of certainty regarding future access to the Northern Ring Road if delivered, the Board did not consider that additional information on transportation patterns would be necessary for decision making purposes. Furthermore, given the scale of public investment required to implement the Strategic Development Zone, the Board did not consider it appropriate to limit development to 3,800 residential units'.

11.3.1.1.5 Therefore, it is clear from the foregoing that the level of certainty with regard to the provision of the Northern Ring Road is a critical consideration in the assessment of the revised 2015 Monard SDZ Planning Scheme.

11.3.1.1.6 By way of clarity, the Board is advised that the Cork Northern Ring Road Project is proposed to complete the ring of Cork City linking the N22 Ballincollig Bypass to the N8 Glanmire Bypass. The scheme will also connect the N20 Mallow / Limerick Road to the ring road system. A preferred route corridor has been established for the entire Cork Northern Ring Road between the N8 and the N22 whilst the design and preparation of statutory orders has progressed for the Northern / Eastern Section of the route which deals with the proposed road from the N20 to the N8. It is proposed that the scheme will be advanced as a dual carriageway / motorway with a number of grade separated junctions at key locations.

11.3.1.1.7 In response to the Board's decision not to approve the 2012 Planning Scheme, the Development Agency commissioned Systra Transport Consultants to carry out a Transport Assessment of the area immediately north of Cork City to include:

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- The effect of either 3,800 or 5,000 No. dwelling units at Monard on a future Northern Ring Road; and
 - The possible interaction between the alternative ring road junctions, and major development areas north of the City, including Ballyvolane, Stoneview and Kilbarry as well as Monard.

11.3.1.1.8 In summary, this *'Cork Northern Environs Transport Assessment'* involved the development (and subsequent validation and calibration) of a strategic traffic model for the area which was then used to analyse a total of 16 No. different land use and transportation scenarios in a forecast year of 2030 in order to allow for a comparison between the impact of the traffic volumes associated with varying scales of development at Monard, Stoneview and Ballyvolane in the context of differing network configurations providing access onto the Northern Ring Road in addition to scenarios whereby the NRR was either not developed or no provision was made for a junction onto same to serve the developments in question. The conclusions drawn from this assessment were that in terms of a junction configuration onto the Northern Ring Road, Scenario No. 2 (Junction at Killeendaniel) & Scenario No. 13 (Intermediate Junction north of Kilcully) would perform best in terms of journey times to key employment locations for residents of Monard (*N.B.* These scenarios provided for the development of 5,000 No. units in Monard in addition to 2,337 No. units at Ballyvolane and a further 2,500 No. units in Stoneview). However, in view of the need to provide a connection to the IDA development lands at Kilbarry, and following consultations with Cork County Council and the IDA, it was determined that a potential link road from Ballyhooly Road to Mayfield would provide transportation benefits to the northeast of the city, particularly around the proposed development at Ballyvolane. Accordingly, a further test scenario was developed (Scenario No. 17) which combined the intermediate junction option (Scenario No. 13) with a potential link road from Ballyhooly Road to Mayfield and the modelling results for same indicated that it performed in a comparable manner to Scenario Nos. 2 & 13 in terms of journey times for residents of Monard to key employment areas in Cork City and junction performance at key locations on routes to the city centre. Whilst the Transport Assessment ultimately concluded that Scenario Nos. 13 & 17 provided the best junction location options, following further consultations with the National Roads Authority (since amalgamated into Transport Infrastructure Ireland), the junction arrangement proposed under Scenario No. 17 was incorporated into Section 5 of the Planning Scheme, 2015. In this respect I would draw the Board's attention to the submissions received from TII with regard to the Planning Scheme which confirm that its position remains as outlined in previous correspondence issued by the

National Roads Authority dated 16th June, 2015 which indicated that the junction strategy involving a single junction situated in the Killeendaniel townland area was acceptable (subject to the inclusion of certain provisions in the Scheme relating to the indicative and schematic nature of same and the costs of any such junctions and associated road links / infrastructure).

11.3.1.1.9 Therefore, since the refusal of the 2012 Planning Scheme, the Development Agency has effectively undertaken a transport assessment for the northern environs of Cork City which has served to identify a preferred and indicative schematic for a junction arrangement onto the proposed Northern Ring Road which would be capable of accommodating the additional traffic volumes associated with the development of 5,000 No. units in Monard, 2,337 No. units at Ballyvolane and 2,500 No. units in Stoneview in a forecast design year of 2030. However, it should be noted that this report also states that in all development scenarios, with or without the delivery of the NRR, key junctions on the approach to the city centre in the Blackpool area would experience a further deterioration in performance as traffic volumes increased and, therefore, further infrastructure and policy measures would need to be implemented in order to sustain the full planned development to the north of the city.

11.3.1.1.10 Whilst the conclusions of the foregoing assessment are to be acknowledged, the case remains that the 'N22 Cork Northern Ring Road East' is still a suspended project and that the progression of the scheme through the planning phases has similarly been suspended. Notably, whilst the scheme was to have been funded under the National Development Plan, it has not been listed in the Roads Programme set out in the new *'Building on Recovery: Infrastructure and Capital Investment, 2016-2021'* or that contained in the supplementary document entitled *'Building on Recovery: Investing in Cork and Kerry'*, although I would concede that these listings should perhaps not be considered exhaustive. By way of further information, it is also notable that the funding submission made by the Dept. of Transport, Tourism and Sport in relation to the Capital Investment Plan, 2016-2021, which details that *'Targets measures to address bottlenecks and urban congestion'* are a key priority for capital investment with the D/TTAS sectors, does not include the 'N22 Cork Northern Ring Road East' in the indicative list of major road schemes for 2018 onwards as set out in Appendix 1 of that document. Similarly, whilst *'Investing in our Transport Future – Strategic Investment Framework for Land Transport'* as issued by the Dept. of Transport, Tourism and Sport estimates the appropriate level of investment for the land transport system and also forms a set of priorities to guide the allocation of that investment to best develop and manage Ireland's land transport network over the

coming decades, it makes no definitive commitment to individual projects beyond those set out in the Capital Investment Plan. Therefore, whilst I would accept that there is a broader commitment from Government and Transport Infrastructure Ireland with regard to the construction of the Northern Ring Road, and that there would be an expectation at the very least (if not an obligation) for all agencies of the State to co-operate in such a manner so as to fulfil the Government's objectives arising from its designation of Monard as a Strategic Development Zones, it would seem that at present there is no clear date (either indicative or definitive) as to the progression or completion of the Cork Northern Ring Road.

11.3.1.1.11 Given the aforementioned uncertainty as regards the construction of the Northern Ring Road, the 2015 Planning Scheme includes a provision whereby a further transport assessment will be required to be undertaken in advance of any permission being granted for development on those lands north of Monard hilltop should the Northern Ring Road not be in place or not be imminent at that stage of the overall development of Monard. In this respect the Scheme refers to a traffic assessment threshold, which purportedly corresponds to the development of 3,800 No. dwelling units in line with the findings of the earlier ARUP transport assessment (i.e. that level of development which will not result in unacceptable levels of traffic congestion on the local roads in the southern environs of Monard subject to the completion of the certain infrastructural improvements), and this is detailed in Figure 10.6 *'Natural Threshold Suitable for Traffic Assessment'* (mistakenly identified as Figure 10.7 in Footnote No. 5 of Chapter 5 of the Scheme). In effect, the intention is that no development beyond the threshold line (i.e. 3,800 No. units) will be permissible unless the aforementioned further transport assessment has previously indicated that additional development is possible without undue congestion. It is further stated that the findings of the future traffic assessment will be incorporated into the Planning Scheme by way of a formal amendment to same and that one advantage of this approach will be that if the assessment concludes that further development should be conditional on additional transport measures, these can be incorporated into the amended Scheme. It is also suggested that such an approach will allow for various other possibilities such as future changes in transportation patterns or the imposition of a moratorium on further permissions north of the relevant line, if transport conditions warrant, or a programme of measures designed to improve them. Notably, the previous 2012 Planning Scheme included similar provisions with regard to "other possible thresholds" related to the absence of the NRR or a junction thereto, although the Development Agency then asserted that a limit on development pending completion of the NRR was not considered appropriate given the likely long-term

timeframe for the achievement of this level of development in Monard and the uncertainty arising in that period.

11.3.1.1.12 Having considered the foregoing, I would advise the Board that, in my opinion, the principle change in circumstances related to the delivery of the Cork Northern Ring Road since the refusal of the 2012 Planning Scheme is that the NRA / TII has seemingly acceded to a request by the Development Agency to permit the provision of a single junction onto the new roadway in order to serve both Monard and the surrounding area (based on the findings of the Cork Northern Environs Transport Assessment'), which has culminated in the inclusion of a preferred and indicative schematic for a junction arrangement onto the proposed Northern Ring Road in the Planning Scheme, subject to certain conditions, including a requirement that the costs of any such junction and associated works will not be covered by the NRA / TII and are instead to be addressed by way of an appropriate development contribution mechanism.

11.3.1.1.13 Therefore, it is necessary for the Board to consider whether or not the aforementioned additional details regarding a possible and indicative junction arrangement onto a proposed Northern Ring Road, which in itself remains a suspended project, provides a sufficient degree of certainty so as to address its previous concerns. In this respect I would refer the Board, in particular, to Appendix 1 of the Planning Scheme, 2015 which sets out a synopsis of the Development Agency's response to the previous decision of the Board to refuse to approve the 2012 Planning Scheme and to submissions made during the course of the oral hearing. In effect, the case has been put forward that the concept of certainty / uncertainty must be considered as a matter of degrees across a wider spectrum. The Development Agency has sought to emphasise the difficulties in providing 'absolute' certainty with regard to specific items (including infrastructural provision) intended to facilitate the development of the SDZ due to the timescales involved. For example, whilst the delivery of projects such as the Northern Ring Road are reliant on other State agencies and are subject to other influencing factors such as the availability of funding, regard must be had to the fact that the designation of the SDZ in the first instance places a considerable expectation on the co-operation of such bodies in order to fulfil Government policy. Accordingly, it has been submitted that in order to address the difficulty of providing certainty as regards infrastructure provision etc. a series of 'brakes' or 'back-stops' have been incorporated into the Scheme to ensure that development of the SDZ does not progress in advance of the critical infrastructure necessary to support / sustain same.

11.3.1.1.14 Following consideration of the available information, it is clear that whilst the Northern Ring Road remains a suspended project and there is no clear timeframe in place as regards the delivery of same, the principle of developing a dedicated junction onto same which will serve both Monard and the wider area has been accepted by Transport Infrastructure Ireland whilst some degree of certainty has also been provided with regard to the general location and configuration of such a junction arrangement (*N.B.* These specific details had not been confirmed at the time of the Board's determination of the 2012 Planning Scheme). In addition, it is evident that the NRR was intended as a candidate project to form part of the 'Atlantic Corridor' proposed in 'Transport 21' (2005) and thus pre-dated the designation of Monard as an SDZ i.e. there was a prior commitment to the road project notwithstanding the subsequent SDZ designation. Furthermore, it is clear that whilst the NRR will have sufficient reserve capacity to accommodate the full scope of development envisaged in Monard (and to some extent beyond), the final build-out of 5,000 No. housing units in Monard will be reliant on the ultimate delivery of the NRR and thus provision has been made in the Planning Scheme to limit the progress of development to such an extent as to avoid unacceptable levels of congestion on the surrounding road network pending the delivery of the NRR. Accordingly, the implication is that there will be a greater degree of certainty as regards the provision of the NRR as the development of Monard proceeds over the longer term thereby giving an added impetus to the delivery of this critical infrastructure in line with previous strategic commitments.

11.3.1.1.15 On balance, it is clear that there are difficulties in providing certainty as regards a definitive timeframe for the ultimate delivery of the Cork Northern Ring Road and thus, by extension, the completion of the full extent of the development envisaged for the Monard SDZ. Nevertheless, there is a long-standing commitment to the NRR project which was seemingly a contributory factor in the Government's decision to designate Monard as an SDZ given the identification of the route for same in the mapping which forms part of the order issued under S.I. No. 540 of 2010. In addition, it is of relevance to note that progress has been made in relation to the provision of a future access onto the NRR given the agreement in principle of Transport Infrastructure Ireland to the construction of a junction onto same in order to serve Monard etc. Indeed, the acceptance of the aforementioned junction has culminated in the inclusion of a preferred location and an indicative schematic for the future junction configuration with the agreement of TII in the Planning Scheme, although the cost of its construction and any associated works is required to be met by other parties. Therefore, I am inclined to recommend the approval of the subject

Planning Scheme, particularly in light of the inclusion of a traffic assessment threshold for any development in excess of 3,800 No. housing units, the wider strategic purpose of the SDZ, and the potential difficulties in achieving the population targets for the Cork Gateway in the event that development of Monard were to be delayed indefinitely pending the receipt of further commitments pertaining to the delivery of the NRR. In the event that the Board does not concur with such a finding it would be within its remit to refuse to approve the Planning Scheme in line with its previous decision on ABP Ref. No. PL04G.ZD2008.

11.3.1.2 The Railway Station:

11.3.1.2.1 Concerns were also raised by the Board in its decision to refuse to approve the making of the previous “Monard Strategic Development Zone, Draft Planning Scheme, 2012” under ABP Ref. No. PL04G.ZD2008 with regard to the lack of certainty regarding the delivery of operational rail links. In this respect it should be noted at the outset that one of the intended purposes of the SDZ as per S.I. No. 540 of 2010 is to provide for the provision of ‘rail infrastructure’ and that the designation of Monard as a Strategic Development Zone is derived from the Cork Area Strategic Plan (CASP) and the Faber Maunsell Cork Suburban Rail Feasibility Study (2002) which established the case for the suburban rail project that aims to provide for major increases in population in areas adjoining the Cork, Cobh, Midleton and Mallow lines as well as an increase in employment in the City Docklands. Monard is the largest of the new development areas envisaged along the Cork-Mallow section of the rail system.

11.3.1.2.2 The opening of the new railway station proposed at Monard as set out in the Planning Scheme is required to coincide with the first substantial block of development and in this regard I would refer the Board to Table 10.3 which provides a summary of the preconditions for development north of identified threshold lines and the facilities to be provided in association with the wider development. From a review of this table it would seem that within the southern part of Lower Monard a maximum of 950 No. dwellings will be permissible in advance of the railway station and that permission for any subsequent development within the northern part of Lower Monard as shown in Figure 10.1 of the Scheme will be reliant on the advance provision of the railway station and the associated park and ride car park. However, Sections 5.1.8 – 5.1.9 of the Scheme provide a slightly differing account as to the provision of the rail station in that the granting of permissions within the northern part of Lower Monard will be contingent on an agreement being in place between the County Council, Iarnrod Eireann, and probably also one or more developers, with regard to the timing of the station to the effect that the construction of any houses permitted

under any such permissions will not be allowed to proceed until the construction of the station is also underway. This wording would seem to suggest that a scenario could potentially arise whereby up to 1,835 No. units could be constructed and ready for occupation in tandem with the construction of the railway station. However, during the course of the oral hearing it was clarified by the Development Agency that the 950 No. unit threshold is derived from the ARUP transport assessment and that Table 10.3 is to be interpreted in such a manner that the railway station is to be provided in advance of any housing being permitted within the northern part of Lower Monard. It was also suggested that the station could be constructed in tandem with the first blocks of development in Lower Monard (South) given that the gradual build-out of this area will result in developers seeking to develop in Lower Monard (North) thereby placing an added impetus on the completion of the railway station. Accordingly, I would suggest that Sections 5.1.8 – 5.1.9 of the Scheme be amended to clarify the actual proposals with regard to the provision of the station.

M02: Delete the following text from Para. 5.1.8, Page 104:

‘ . . . such an agreement being in place, with construction of houses under such permissions not to proceed until construction of a station is also underway’.

Insert the following text into Para. 5.1.8, Page 104:

‘ . . . the railway station having been completed’.

11.3.1.2.3 With regard to the design of the proposed station, the preliminary layout for same has been developed in consultation with Iarnrod Eireann and is therefore satisfactory.

11.3.1.2.4 Clearly, there is a commitment to the principle for developing a rail station to serve Monard, however, it is of relevance to note that whilst the Faber Maunsell Cork Suburban Rail Feasibility Study (2002) provided a strong business case for developing suburban services on the Cork-Mallow line and for stations at Monard and Blarney, given the lapse of time in the interim and the requirement for public projects to be subjected to capital appraisal, there is a need for a more up to date business case / feasibility assessment for the station. This is acknowledged in the Planning Scheme and it is expressly stated in Para. 5.1.16 of the Planning Scheme that the County Council will not start implementing the infrastructure works envisaged in the Scheme or grant any planning applications within it until the aforementioned business case / feasibility assessment has been

undertaken and supports the implementation of the CASP proposals for a rail station and rail services at Monard.

11.3.1.2.5 Therefore, the development of the SDZ is seemingly fundamentally reliant on the completion of a business case / feasibility study for the development of a rail station and associated rail services at Monard which establishes the viability of same. In this regard, whilst I would acknowledge that the original Faber Maunsell Study ultimately supported such a proposal, there is a need for an up to date review of the situation and it would appear that the Development Agency is not in a position to undertake same until the completion of a multi-modal regional transport model presently being developed by the National Transport Authority which will subsequently form the basis of any future demand projections. This is complicated further by the requirement contained in *'Investing in our Transport Future – Strategic Investment Framework for Land Transport'* for the Dept. of Transport, Tourism & Sport to develop a new national rail policy that will address the future role of rail transport in Ireland and which will entail a 'wide-ranging public consultation' that will address key questions including how to focus investment in the rail network. Accordingly, a scenario has arisen whereby the Government has designated an SDZ by Ministerial Order, the purpose of which expressly includes for the provision of 'rail infrastructure', thereby establishing the principle of developing rail services at Monard, yet the viability of such services (e.g. operational capacity, train frequency etc.) has yet to be determined in the current economic context given the need for same to be appraised in line with present guidance set out by the Department of Public Expenditure & Reform.

11.3.1.2.6 Whilst I would concede that there is some degree of uncertainty as to ultimate outcome of the feasibility study required for the proposed Monard rail station, the fact remains that the SDZ was designated by Government having regard to the findings of the earlier Faber Maunsell Study, the proximity of the lands in question to the existing Cork-Mallow railway line, and the potential to develop good public transport connectivity with Cork City. In addition, it is notable that the Cork Area Transit System Study (2009) indicated that Iarnród Éireann had confirmed that there is sufficient capacity at Kent Station to cater for the planned Suburban Rail services without impacting on Inter-City services whilst the Cork Commuter Rail Project remains part of the Iarnród Éireann 2030 Rail Network Strategic Plan. Furthermore, it should be noted that in the event the 2015 Planning Scheme were to be approved in its current format, the next step in the implementation of same would include for the completion of an up-to-date business case / feasibility study for the Monard rail station and if this report were

to conclude that the development of rail services at Monard would not be viable, then the Scheme as a whole effectively fails in accordance with Para. 5.1.16 of same. Therefore, on balance, it is my opinion that there is a sufficient basis on which to draw the conclusion that rail services will be developed to serve Monard within the first phase of development and that adequate protocols have been included in the Scheme to avoid any development from being undertaken within the SDZ in the absence of a clear business case having established the viability of any such rail service.

11.3.2 Public Investment, Residential Density & Land Use Efficiency:

11.3.2.1 In its refusal of ABP Ref. No. PL04G.ZD2008 the Board stated that the 2012 Planning Scheme had adopted a low density approach to urban development which would not achieve the efficient use of land given the significant level of public capital investment required. In this respect it should be noted that the 2012 Planning Scheme proposed the development of 4,535 – 5,314 No. dwelling units, which would equate to an average (centre of range) density across the entire SDZ of 28.1 No. dwelling units per hectare, and that this quantum of development was considered to accord with the strategic plans for the Cork Metropolitan Area which set the overall objective as the provision of c. 5,000 No. dwelling units / 13,500 No. population.

11.3.2.2 The 2015 Planning Scheme has sought to address the Board’s concerns by increasing the overall number of dwelling units to be provided within the SDZ and the aggregate amount of development in the neighbourhoods and the Village and Town Centres in the Scheme is identified as follows (Table 4.2):

Village	Dwellings		Floorspace ('00m ²)	
	Minimum	Maximum	Minimum	Maximum
Lower Monard	1490	1835	1747	2228
Upper Monard	1250	1525	1440	1785
West Village	740	925	839	1064
Kilcronan	1270	1565	1402	1787
Total	4750	5850	5428	6864

11.3.2.3 Table 4.3 of the Scheme also purportedly identifies the proposed densities across the lands and the overall average residential densities, excluding the village centres and town centre (north), as follows:

Village	Net Area (hectares)	Dwellings		Density (dwellings per hectare)		
		Min.	Max.	Min.	Centre of Range	Max.

Lower Monard	47.62	1450	1785	30.5	34.0	37.6
Upper Monard	46.67	1250	1525	26.8	29.7	32.7
West Village	25.38	725	885	28.6	31.7	34.9
Kilcronan	49.92	1270	1565	25.4	28.4	31.4
TOTAL	169.49	4695	5760	27.7	30.8	34.0

11.3.2.4 Similarly, a breakdown of the density ranges within the individual neighbourhoods for each of the 4 No. villages proposed within the SDZ is included in Sections 4.6 – 4.9 of the Planning Scheme.

11.3.2.5 At this point I would advise the Board that there are a number of discrepancies in the figures provided throughout the aforementioned sections / tables of the Planning Scheme with regard to the minimum and maximum number of dwellings permissible in the various neighbourhoods etc. For example, from a review of Table 4.3, it is apparent that despite the stated exclusion of those residential units within the village centres, the minimum and maximum number of dwelling units indicated for Upper Monard correspond with the total amount of development proposed when account is taken of the village centres. Similarly, the minimum and maximum number of housing units to be provided in the town centre of Lower Monard differs between Table 4.3 and Panel 'R' of Section 4.6. There are further minor discrepancies in the subsequent synopsis of these figures to provide the aggregate totals detailed in Table 4.2.

M03: The figures detailing the minimum and maximum number of dwellings permissible in the neighbourhoods contained in Sections 4.6 – 4.9 of the Planning Scheme shall be amended as necessary to correspond with the minimum and maximum number of dwellings set out in Table 4.2, Page 101 of the Scheme

11.3.2.6 Notwithstanding the aforementioned discrepancies, it is apparent that the 2015 Planning Scheme has increased the total number and density of dwelling units proposed within the SDZ in response to the Board's previous concerns and in this respect I propose to base the remainder of my assessment on the density range of 4,750 – 5,850 No. units as detailed in Table 4.2 of the Scheme as these figures are also referenced in Appendix 1 of that document and were reiterated by the Development Agency in its submissions to the oral hearing. Accordingly, the 2015 Planning Scheme has increased the total number of housing units proposed across the range by between 215 No. and 536 No. which would equate to an approximate increase of 5-10%. This also equates to a

higher average (centre of range) density across the entire SDZ of 30.8 No. units per hectare.

11.3.2.7 With regard to the overall increase in density and unit numbers within the SDZ, the 2015 Planning Scheme has primarily achieved this by moderately increasing the density ranges permissible within the villages of Upper Monard, West Village and Kilcronan whereas the density range in Lower Monard (closest to the rail station) has only been increased marginally. Nevertheless, the wider approach to density within the SDZ remains unchanged from the 2012 Planning Scheme in that higher residential densities are proposed close to the town centre and railway station with a gradual decline in density as distance from the town centre and rail station increases which reflects the topography and ease of access to the rail station etc. as well as other constraints on development, including the provision of low-density buffers in proximity to existing housing.

11.3.2.8 The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2008'* generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and through the promotion of higher densities in appropriate locations. Chapter 5 of the Guidelines recommends that planning authorities should promote increased residential densities in appropriate locations, including cities and larger towns (defined for the purposes of the guidelines as towns with 5,000 or more people). Other appropriate locations for such increased densities include city and town centres, 'brownfield' sites (within city or town centres), sites within public transport corridors (with particular reference to those identified in the Transport 21 programme), inner suburban / infill sites, institutional lands and outer suburban / 'greenfield' sites.

11.3.2.9 The subject lands are located outside of Cork City in a rural area and can be categorised as 'greenfield'. However, whilst the Guidelines define 'Outer Suburban' and 'Greenfield' sites as comprising open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers, and ancillary social and commercial facilities such as schools, shops, employment and community facilities, it must be emphasised that the particular circumstances pertaining to the development of Monard are unique in that the designation of the SDZ essentially envisages the creation of a 'new town' as distinct from a further suburb of Cork City, and, therefore, it would not be appropriate to simply apply the recommendations of the Guidelines with regard to densities for 'Outer Suburban' and 'Greenfield' sites. Instead, cognisance must be taken of the objective to develop a 'town' and consideration

given to the strategic siting of the SDZ alongside a key 'public transport corridor' in the form of the existing Cork-Mallow rail line. In this respect it should be noted that the Guidelines state that given the very substantial investment in public transport which has been committed under the Transport 21 capital programme and in order to maximise return on this investment, it is important that land use planning should underpin the efficiency of public transport services by sustainable settlement patterns, including higher densities, on lands within existing or planned transport corridors. The Guidelines further recommend that increased densities should be promoted within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station. Similarly, consideration is required to be given to the capacity of public transport when considering appropriate densities along such routes. In general, it is recommended that minimum net densities of 50 No. dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors with the highest densities being located at rail stations / bus stops and decreasing with distance away from such nodes.

11.3.2.10 From a review of the 2015 Planning Scheme, it is clear that whilst a density range of 44.6 - 55.8 No. units per hectare is proposed within Lower Monard Town Centre (and Lower Monard South) and that this would broadly correspond with those lands within 500m of the railway station, in those neighbourhoods that make up Lower Monard (North) and the immediately contiguous neighbourhoods of Upper Monard and West Village which are within 1km of the rail station, the density ranges are considerably below those recommended in the Sustainable Urban Housing Guidelines with the maximums permitted in the relevant neighbourhoods typically ranging between 25 - 43 No. units / hectare. Accordingly, the wider densities proposed within the 2015 Planning Scheme do not adhere to the recommendations set out in national planning guidance.

11.3.2.11 At this point, it is necessary to consider the rationale for the density approach adopted by the Development Agency in its compilation of the 2015 Planning Scheme. Most notably, I would refer the Board to the case presented in Appendix 1 of the Scheme as was elaborated during the course of the oral hearing which can be summarised as follows:

- Proposed densities of 50-55 No. units / hectare in most of the residential areas within 0.5km of the railway station on the basis that these are the areas where 'self-selection' by residents of apartments / duplex / terrace

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- units willing to travel to work in the city centre or docklands by rail is most likely to occur.
- An overall increase of 5-10% in densities within the SDZ as a whole (i.e. 4,750 – 5,850 No. units). Furthermore, to make it more likely that any substantial increase in apartment or duplex content will add to demand for higher density development, an exemption will apply to 40m² of new duplex and apartment units which are part of a complex restricted by agreement and planning condition to owner-occupation and / or part of complexes intended for older households.
 - The creation of ‘independent living’ complexes for retired people. Retired or ‘empty nest’ households who move to smaller dwellings typically free up a larger, underused house in an existing built up area, which is then available for a larger household. Journeys to work are less relevant for retired people, so the adverse effects of decentralising smaller dwellings should not arise in their case. A new town like Monard can be planned to make their journeys to services as sustainable as possible, by locating independent living complexes beside village centres to their mutual benefit.
 - Utilising the gradual decline in household size in detached and semi-detached houses towards average size more typical of terrace housing to encourage a shift in demand from the former to the latter.
 - The revision of layouts to use the relatively generous open space proposed to allow more opportunities for higher density dwelling types overlooking amenity areas, including greater use of 2.5 / 3- storey terrace houses overlooking squares.

11.3.2.12 In addition to the foregoing, it is of relevance to note that the Cork County Development Plan, 2014 specifically addressed the issue of whether or not the services pattern on the Cork Suburban Rail Network would be sufficient to justify the higher densities suggested in the Guidelines and the conclusion was reached that the half-hourly peak and hourly off-peak services on the network would not be sufficient to justify the widespread application of the higher densities envisaged for public transport corridors in the Guidelines.

11.3.2.13 In further support of the revised density range set out in 2015 Planning Scheme, the Development Agency has asserted that the provision of 4,750 - 5,850 No. units is the maximum which would be consistent with the adopted policy documents that ultimately led to the designation of Monard as an SDZ, with particular reference to the Blarney-Kilbarry Special Local Area Plan, 2005 and the Blarney Electoral Area Local Area Plan, 2011. It has also been submitted

that the maximum limit of 5,850 No. units (17% above 5,000 No. units) involves a similar permissible variation in numbers to that approved in the Planning Scheme for the Cherrywood SDZ (also 17%) and would be compatible with an upper limit of 13,000 No. in terms of population as the average size of household is inversely related to density, and the average size of household is also gradually declining for all types of housing (*N.B.* On the basis that denser dwelling types have lower floor areas, as well as lower household size, the maximum aggregate residential floor areas for neighbourhoods - and the SDZ as a whole - have been used in the Scheme as a way of ensuring that the total population does not exceed 13,000 No.).

11.3.2.14 Whilst the aforementioned details aim to legitimise the wider ‘planning’ merits of the approach to density adopted by the Development Agency in the 2015 Planning Scheme, I would also advise the Board that following its decision to refuse to approve the 2012 Planning Scheme it would appear that Cork County Council sought legal advice from Senior Counsel with a view to potentially challenging that decision by way of judicial review. The pertinent points of this legal opinion are appended to the initial submission made by Mr. David Holland S.C. to the oral hearing and serve to suggest that the Board, in its decision to refuse to approve the 2012 Planning Scheme, exceeded its jurisdiction by failing to accept the constraints imposed by the designation of the SDZ i.e. that the density / infrastructure ratio and land use efficiency based on 5,000 No. dwellings was sufficient. In this regard reference is made to the fact that the ‘*Memorandum for Government*’ dated 29th April, 2010 upon which the decision was made to designate Monard as an SDZ, and the subsequent press release dated 27th May, 2010 announcing said designation, both envisaged the development of approximately 5,000 No. dwelling units within the SDZ (which extended to 390 No. hectares in area) whilst it is also clear from said documents that the decision to designate Monard as an SDZ was taken having had regard to ‘*the efficient use of public investment in infrastructural facilities, including public transport, water, wastewater and roads*’. In effect, the case has been put forward on behalf of the Development Agency that it was not within the Board’s remit to question whether or not the proposed density (i.e. c. 5,000 No. units on 390 No. hectares) was unacceptably low and if it justified the necessary infrastructural investment as that decision had already been made by Government by way of S.I. 540 of 2010.

11.3.2.15 By way of further considerations, the submission made on behalf of O’Flynn Construction has questioned the wider suitability of locating higher density developments such as apartments in Monard, with particular reference to

the marketability of such units outside of Cork City given their relative proximity to the city centre and existing / future apartment schemes in the Docklands etc. Notably, in response to the foregoing, the Development Agency has stated that it does not necessarily disagree with the position taken by DTZ Sherry Fitzgerald as cited by O'Flynn Construction if its comments are seen as relating to current market conditions or those which might be expected in the short term, however, in its opinion, market demand over the medium to longer term varies substantially and thus an emphasis should be placed on the cyclical nature of housing market which is considered to be of particular relevance to the development of Monard given the likely timeframes involved.

11.3.2.16 Having considered the available information, in the first instance, it should be acknowledged that the overall density of residential development proposed across the entirety of the SDZ in the subject scheme has been increased over that previously proposed in the 2012 Planning Scheme to the effect that the (centre of range) density equates to a higher average of 30.8 No. units per hectare. However, it is also clear that the density ranges proposed for a significant extent of the SDZ area, with the exception of Lower Monard Town Centre (and Lower Monard South) where a density range of 44.6 - 55.8 No. units per hectare is proposed which would broadly correspond with those lands within 500m of the railway station, are considerably below the minimum net density of 50 No. dwellings per hectare as recommended for locations within public transport corridors in the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2008'*. In this respect I would therefore accept that a degree of difficulty arises in terms of resolving the apparent conflict with regard to density between the terms of the SDZ designation made pursuant to S.I. No. 540 of 2010 and national planning guidance. At this point the Board may wish to consider if there is a case that S.I. No. 540 of 2010 (as an order of the Government and part of the legislative statute) holds any degree of primacy over the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2008'* which comprises a ministerial guidance note issued under Section 28 of the Planning and Development Act, 2000, as amended, and which the Board is simply required to 'have regard to' in the performance of its functions. In effect, the case could be put forward that the Board is not 'obliged' to require or enforce the application of the densities set out in the guidelines but rather that it is simply required to give due consideration to same.

11.3.2.17 From a review of the specifics of S.I. No. 540 of 2010 it is also notable that the order itself makes no express reference to any requirement to develop approximately 5,000 No. dwelling units within the SDZ despite the inclusion of

this figure in both the ‘Memorandum for Government’ dated 29th April, 2010 upon which the decision to Monard was made and the subsequent press release dated 27th May, 2010 and it may be the case the order holds precedence over the Memorandum for Government’, however, it is nevertheless clear from the order that the specified development is intended to help *‘give effect to the policies in the Regional Planning Guidelines for the South West Area 2004-2016 and the Cork Area Strategic Plan’* which actually established the need to provide c. 5,000 No. housing units in Monard.

11.3.2.18 A further issue of relevance is the interpretation of the terminology ‘approximately 5,000 dwellings’ as stated in the ‘Memorandum for Government’. The 2015 Planning Scheme seeks to provide between 4,750 and 5,850 No. residential units and it is notable that the upper limit of this range represents an ‘over-supply’ in excess of 5,000 No. units of 17%. In my opinion, such a figure is clearly reaching the upper limits of what can reasonably be described as ‘approximately 5,000 dwellings’ and it would seem that if the Government sought to develop beyond this figure it would have made reference to an alternative figure e.g. ‘approximately 6,000 No. units’.

11.3.2.19 On balance, it is my opinion that the overall extent of development proposed in the 2015 Planning Scheme adheres to the stated requirements and intentions of S.I. No. 540 of 2010 in that it provides for approximately 5,000 No. dwelling units. In this respect the Scheme therefore complies with the legislative provisions. In terms of the specific range of densities proposed both throughout the individual neighbourhoods / villages and within the Scheme as a whole, whilst I would acknowledge that a significant proportion of same do not comply with the minimum recommended densities set out in the Guidelines for locations within public transport corridors, the Scheme as presented nevertheless complies with the relevant strategic policy documents which have established the population targets for Monard, including the Cork Area Strategic Plan, the South West Regional Planning Guidelines, 2010 – 2022 and the Blarney Electoral Area Local Area Plan, 2011. It is also of relevance to consider that whilst Monard is located alongside a public transport corridor (i.e. the railway line), its circumstances are somewhat unique in that it is the only SDZ designation in the State which envisages the development of a ‘new town’, as distinct from an extension of an existing urban area. In this respect consideration should be given to Monard as a settlement in its own right wherein provision has been made for higher density developments to be located in those areas closest to the railway line with a gradual decline in density as the separation distance from the settlement core increases (as is typical of comparable urban development nationally). I would

further suggest that should the initial phases of development in Monard prove to be successful (as could be evidenced by the marketability / 'take-up' rate of higher density schemes / units within the town centre and Lower Monard etc.), the Development Agency could potentially have the option of seeking to amend the current Planning Scheme at a later date in order to provide for increased densities (subject to the adequacy of critical infrastructure etc.) by way of the necessary procedural mechanisms as set out in the Planning and Development (Amendment) Act, 2015 (*N.B.* The terms of the SDZ designation could also be altered by Government). In addition, I am inclined to concur with both the Development Agency and the reporting inspector in their assessment of ABP Ref. No. PL04G.ZD2008 that topographical and other physical constraints serve to limit the wider development potential of the SDZ lands whilst I would also acknowledge the potential difficulties associated with the likely marketability of a higher density scheme which incorporates more apartments units etc. given the probable competitive advantage of similar units proposed as part of the redevelopment of the Cork Docklands due to the relative proximity of same to the City Centre and its associated services / amenities.

11.3.2.20 Therefore, having regard to the foregoing, with particular reference to the established policy context for the development of the SDZ lands, and noting that the 2015 Planning Scheme has sought to address the Board's previous concerns by increasing the overall density of development proposed beyond that set out in the now redundant 2012 Draft Planning Scheme, it is my opinion that the subject proposal is acceptable in terms of residential density and land use efficiency relative to the required level of public investment.

11.3.3 The Adequacy of the Proposed Implementation Mechanisms:

11.3.3.1 In its decision to refuse to approve the 2012 Planning Scheme the Board referred to the challenges posed to the development of the SDZ by the topography of Monard (i.e. physical constraints, gradient, urban design, and long term management of physical infrastructure, including the control of surface water run-off) and its fragmented pattern of landownership before ultimately concluding that it was not satisfied that the implementation mechanisms set out in the Scheme would be sufficient to ensure the timely and efficient delivery of land and infrastructure for the purposes of the Strategic Development Zone. Accordingly, it is necessary to consider whether or not the foregoing concerns have been satisfactorily addressed in the 2015 Planning Scheme.

11.3.3.2 With regard to the fragmented pattern of landownership within the SDZ, I would advise the Board at the outset that there would appear to have been no

significant change in this respect given that the Planning Scheme has referenced a total of 23 No. individual landholdings as comprising the full extent of the SDZ land area (Please refer to Figure 2.1: '*Opening up the Site: Land Ownership and the Development Sequence*' of the Scheme). Accordingly, the Scheme has acknowledged that the task of opening up of the SDZ lands to development will need to be shared between the Development Agency and the relevant landowners / developers, particularly as the Council is not in a position to acquire either most of the lands within the SDZ or the full extent of all those corridors required for the infrastructure networks within the site. Therefore, it is proposed to adopt a dual approach to the shared implementation of the planning framework for the SDZ by providing landowners with an incentive to participate (such as through the inclusion of an escalator clause in the Development Contribution Scheme) and also through the application of a flexible approach to the sequencing of development in an effort to avoid the undue delay of the overall development process for reasons such as an individual landowner not being in a position to commence the development of their particular lands.

11.3.3.3 In relation to the proposed flexible sequencing of development it is clear in the first instance that in order to open up the wider site area for development purposes it will be necessary to complete critical infrastructural works and in this respect the Development Agency has confirmed that it will play a lead role in the initial development process which will include the significant acquisition of land and the creation of the first part of the SDZ wide infrastructure networks, in association with the proposed Services Corridor Road. In this regard I would refer the Board to Section 10.1 of the Planning Scheme and, in particular, Figure 10.7: '*Schematic Allocation of Infrastructure Provision between Cork County Council and Developers, with Possible Transition Points*' which aims to illustrate the principle on which it is envisaged that the development process will get underway. This diagram identifies those critical aspects of infrastructure provision which will be provided by Cork County Council and also indicates those lands which the Council proposes to acquire before the commencement of development in the SDZ for the provision of the following:

- The services corridor road
- Spurs and access roads off the services corridor road which connect to essential infrastructural and community facilities
- Sites for essential infrastructural and community facilities (i.e. the first primary school, the initial eastern part of the proposed retail centre, the low level reservoir, the overflow car park, the country park and the sewage pumping station).

11.3.3.4 In addition to the foregoing, it is apparent from Table 10.3: *'Summary Table showing preconditions for development of threshold lines, and facilities to be provided in association with each part of each village'* of the Scheme (please refer to the updated and consolidated version of same presented by the Development Agency as part of its closing submission to the oral hearing) that any development within the SDZ will be reliant on the following initial linear infrastructure having been provided either in advance of or in parallel with any new development in Monard (as further referenced in Table 10.1 of the Scheme):

- Pipe connection(s) from any new development to new collection sump and pumping station in Country Park, with new pumped pipe connecting onwards to Killeens treatment plant.
- Watermain from Churchfield to new Low Level Reservoir, with distributor pipes to any new development.
- Lowest part of SUDS system, from point of connection with Blarney River uphill to connect via swales and pips to any new development.
- New section of Services Corridor Road (to provide a route from the existing two lane road system to any new development which will have access onto it), and improvement to northern end of road running SW from Monard Cross. Initially, the new Services Corridor route may be available for construction and other traffic on a managed basis, with final surfaces not yet laid on some sections.

11.3.3.5 By way of further explanation, Section 10.0.04 of the Scheme states that planning permission should not be granted prior to the awarding of contracts for the works necessary to connect the site applied for to the aforementioned facilities, and works on foot of such permissions should not occur in advance of works on the relevant facilities

11.3.3.6 In effect, it is envisaged that the wider SDZ lands will initially be opened up to development through the construction of a core of roads and other services, including the new section of Services Corridor Road referenced in Table 10.1 of the Scheme by the Council and also by way of access via existing public roads (i.e. the Old Mallow Road). The further development by the Council of those roads listed in Section 1.43 of Appendix 1 of the Scheme as shown in Figure 10.7 (such as the spurs and access roads off the services corridor road) is also intended to achieve the timely and efficient delivery of developable land with 12 No. landholdings (out of a total of 23 No. landholdings) thus being served by new public roads.

11.3.3.7 In a wider context, the sequencing of development within the SDZ is to be achieved through the application of a phasing scheme which will allow development to progress northwards from a starting point in the area around the train station along several different corridors, depending on the readiness and ability of individual landowners and developers to proceed. This phased approach to the development SDZ is derived from the following components set out in Section 10: *'Phasing and Thresholds'* of the Scheme:

- **The Principle of Contiguity:** This will apply throughout the SDZ, with the exception of the southern part of Lower Monard, as defined in Figure 10.1. Other than in that area, significant new development will need to adjoin land which has already been developed, or is being developed, and cannot occur in isolation, or at a distance from it. In this regard, the term 'land' is to be generally understood as referring to the adjoining neighbourhood area, unless otherwise agreed with the Development Agency.
- **The Principle of Association:** This is outlined in Chapter 7 of the Scheme and will be used to require neighbourhood crèches, neighbourhood recreational / play facilities, sports pitches, and the various other types of open space shown on Figure 7.2 and listed in Table 7.5, to be proposed in applications for new housing, and provided in association with that housing. Applied at neighbourhood level, this principle seeks to ensure that facilities are provided at the same time as the housing which will be occupied by those who will use them.
- **Thresholds within Villages:** A system of thresholds is outlined in Chapter 7 of the Scheme and will also apply in each of the four villages. These ensure that development north of the school site cannot progress ahead of development on the school itself. In other words, applications would be premature if no application had been made on the school site, and construction should not occur until work had started on the school itself. The same principle is to be applied to village centre crèches, basic village retail and consumer service provision, village level recreational / play facilities, and (in Kilcronan) a medical centre. The shaded areas in Figures 10.1 – 10.4 define the northern part of each village which are to be subject to this restriction.
- **SDZ Level Threshold which will trigger a Transport Assessment:** This limit is to be applied in the event of those circumstances outlined in Chapter 5 arising (i.e. relating to provision of, timing of, and access to the Northern Ring Road at the time the relevant threshold is reached).

Applications to the north of the threshold line will not be granted until the assessment has been undertaken.

11.3.3.8 In this respect it should also be noted that Figure 10.7 of the Scheme provides a schematic of a number of transition points on 4 No. parallel north-south corridors at which private sector developers will be responsible for extending infrastructure (roads, drainage services etc.) northwards along these corridors.

11.3.3.9 Therefore, it is my opinion that the multiple landholdings within the SDZ should not in themselves pose an insurmountable obstacle to the development of Monard given that the provision of the initial critical infrastructure by the Council will facilitate the potential development of a number of differing landholdings, subject to compliance with the thresholds / preconditions set out in Table 10.3 of the Scheme which will not permit development to outrun service provision.

11.3.3.9 With regard to the Board's concerns in relation to the topography of Monard and the challenges it presents to the development of the SDZ in terms of physical constraints, gradient, urban design, and long term management of physical infrastructure, including the control of surface water run-off, I would refer the Board to Sections 1.49-1.69 of Appendix 1 of the Planning Scheme wherein the Development Agency has sought to address same. Accordingly, I propose to comment on these issues as follows:

- *Physical Constraints:*

In response to the Board's concerns, the Development Agency has identified the primary physical constraints to the development of the SDZ as comprising the number of existing dwelling houses within the site area, the presence of the 110kV overhead power line which traverses the north-eastern extent of SDZ lands, and the siting of the preferred route of the proposed Northern Ring Road to the southeast. However, I would suggest that the Board's concerns could also be interpreted as extending to include the peripheral siting of the rail line and the wider difficulties associated with the development of the subject lands in light of the topographical considerations, although I propose to consider the latter elsewhere in this report (Please refer to the subsequent paragraph which refers to '*Gradients*').

With regard to the overhead power lines, at the outset I would suggest that cognisance should be taken of the fact that this infrastructure was already

in place at the time of the SDZ designation and thus it could be suggested that the Government did not consider it an overt obstacle to the development capacity of the lands in question. In addition, the Development Agency has submitted that given the undesirability of locating housing in the immediate vicinity of the power lines, the reservation of those lands to the east of same for use as sports fields would represent an appropriate design response to this particular constraint on development (*N.B.* The Development Agency has also estimated that €10 million would need to be made available in order to underground the 110kV line from the Kilbarry Substation). Further support is lent to the proposed layout by the assertion by the Development Agency that there are few large, readily accessible blocks of relatively level land suitable for the development of sport pitches within the wider SDZ due to the prevailing topography and thus the selected siting should be deemed acceptable.

In relation to the routing of the proposed Northern Ring Road, it should be noted that this is located alongside the south-eastern limit of the SDZ and thus the principle impact associated with same is not such as to directly impinge on the development of the SDZ, but rather concerns the indirect effects arising from the potential for noise and nuisance factors etc. which have served to influence the design response of the Planning Scheme. In this respect the Development Agency has submitted that the inclusion of a suitably designed office development will act as a noise barrier thereby protecting the amenity of those residential units sited beyond same within the SDZ. Section 1.51 of Appendix 1 of the Scheme also states that the NRR will be located well below the adjoining lands within the SDZ for the most part whilst the buildings in the south-eastern part of the town centre will be c. 10m above the NRR and the existing steep slopes to the immediate north of the Ring Road will also aid in deflecting traffic noise from buildings.

In terms of the approximately 70 No. existing dwelling houses situated within the developable area of the SDZ, it is clear that these undermine the overall development potential of same, however, in order to protect the amenities of these properties, the Planning Scheme proposes to construct one and a half storey detached ('back-to-back') housing to the rear of same at a separation distance in excess of the minimum accepted standard of 22m. The Scheme also explicitly requires any proposed new

housing to be designed to be compatible with the existing dwelling houses and to minimise the potential for overlooking of same.

Finally, with regard to the peripheral siting of the rail line within the confines of the SDZ, whilst I would acknowledge that this is perhaps not ideal in terms of maximising the extent of those lands within the SDZ which are within a reasonable walking distance of the railway station and that it would probably be preferable if the rail line bisected the SDZ into equal parts thereby allowing both sides of same to be developed (although the case could also be put forward that such a scenario would simply result in the division of the SDZ with the rail line acting as a barrier to interaction between the populace both sides of same), the fact remains that the rail line is an item of fixed infrastructure which was in place at the time the lands in question were designated as an SDZ by Government and thus there is little merit in speculating on alternative scenarios as regards same. Instead, the Planning Scheme as proposed has sought to maximise the opportunities for development within the SDZ arising as a direct result of the presence of the rail line.

- *Gradients:*

In response to the Board's wider concerns as regards the impact of local topography on the development potential of the SDZ, with particular reference to those incidences of steeper gradients such as in Lower Monard and in the vicinity of the rail line, the Development Agency has submitted that such topographical features are an inherent characteristic of this part of Co. Cork and that there are numerous examples of long established, recent, and planned urban areas in comparable locations (both close to and within Cork City) where the average gradients are much steeper than those in Monard. In addition, Section 1.55 of Appendix 1 of the Scheme makes the following points:

- The majority of the proposed distributor road system has a gradient of 5% or less and the curved alignments which are used to achieve this in some parts of the SDZ have the added benefit of controlling vehicle speeds. These curved alignments are also considered to facilitate the creation of pedestrian routes which are more direct than the distributor roads and thus improve the relative attractiveness of walking.
- The proposed cycleway follows the contours around the western flank of Monard Hill, typically at gradients of 2.5% or less. Most

cyclists are travelling 2km or more and the cycleway is designed to facilitate movements between Kilcronan and the town centre / station which are approximately 2km apart.

- The distributor road in the western corridor, which runs parallel to the cycleway for much of its distance, will have minimal gradients, and a bus route along it would be at less risk of disruption in icy conditions in winter.
- The proposals for bus services on the west and northeast corridors, in the form of two parallel radial services or a one way loop service, would allow many of those living between the two corridors to walk downhill to the service on the western corridor and downhill from the service on the (higher) northeast one. Gradients are normally seen as negative in bus route catchment areas but could become a positive one in the central part of the SDZ.

It has also been stated that the positioning of the town and village centres has taken account of the vertical as well as the horizontal distances within their respective catchments.

By way of a further examination of the design response adopted in the Planning Scheme to the developmental difficulties arising from the topography of Monard, I would also refer the Board to Chapter 3 of the Scheme and, in particular, to Section 3.4: *'Turning Slopes to Advantage'* wherein an outline is provided of a variety of adaptive designs specifically intended to address the developmental difficulties associated with the more pronounced differences in level across the SDZ lands.

- *Urban Design:*

With regard to the impact of urban design considerations on the implementation mechanisms set out in the Planning Scheme, I propose to consider the overall layout and design of the proposal in greater detail elsewhere in this report.

- *Long-Term Management of Physical Infrastructure:*

The development of Monard will progress on a 'phased' basis as set out in Table 10.3 of the Scheme with certain infrastructural works or other services to be provided before development can progress beyond an identified threshold. For example, Table 10.2 of the Scheme details that the following infrastructure and facilities should be provided before or

during the development of the southern part of Lower Monard and before any development within Lower Monard (N):

- The completion of a pipe connection from the pumping station to Carrigrennan Treatment Plant. The decommissioning of Killeens Treatment Plant with the direction of flow in the pipe connecting it to be reversed so that it transfers sewage to Monard for onward pumping to Carrigrennan.
- The provision of the railway station and the associated Park and Ride car park.
- The final surfacing of the Services Corridor Road.
- Initial sections of cycle and pedestrian routes. Cycle and pedestrian routes SE towards Blackpool to be provided in conjunction with the laying of pumped sewer on same route as far as east end of Services Corridor route, and from there southwards with the laying of ducts for ESB and other services under Old Mallow Road.

Accordingly, the maintenance / management of certain elements of the wider infrastructure will be the responsibility of both the Development Agency and private developers until such time as they have been taken in charge by the Local Authority or Irish Water.

In specific reference to the long term management of surface water run-off I would advise the Board that Table 10.3 of the Planning Scheme requires a system for the regular maintenance of SUDS features by an agreed body in accordance with a published protocol to be in place prior to any development in the West Village and Upper Monard. At this point it is also of relevance to note that various concerns were expressed during the course of the oral hearing by a number of the appellants with regard to the ability of the Council to satisfactorily maintain the SUDS network and that an undertaking was given by the Development Agency in this regard.

Sections 1.57-1.63 of Appendix 1 of the Scheme respond further to the Board's concerns as regards the influence of topography on the long-term management of physical infrastructure within the SDZ and primarily focus on the control of storm water. It is stated that the drainage routes generally run parallel to the main road system, most of which purportedly have a gradient of 1 in 20 or less, which has the effect of reducing the impact of topographical considerations, whilst in those instances where swales are required to cross steeper ground, leaky dams have been proposed as a

means of avoiding erosion (*N.B.* Reference is also made to an analysis of overland flood flow under extreme conditions having been carried out as part of the SUDS study). It is also noted that development will occur sequentially uphill and northwards along each of the identified development corridors and thus the lower areas in each corridor will be developed first with the effect that downstream development areas will be required to include provision for attenuated flows from upstream development with the various components of the relevant drainage routes sized accordingly. Within the northern part of the SDZ it is stated that drainage routes will discharge to existing streams and ditches and that flows attenuated to 'greenfield' levels can be accommodated where development on higher ground precedes development lower down the drainage route. In this respect it is emphasised that in only 2 No. of the neighbourhoods in the SDZ (i.e. the northern neighbourhoods of Upper Monard and West Village) are downstream connections through lower lands in adjoining landholdings necessary to access the streams, and in both cases the lower landholding is reciprocally dependent on the higher one for road access.

In a wider context I would also advise the Board that the Planning Scheme provides for the establishment of a multi-disciplinary team that will report to a Steering Committee in order to ensure a co-ordinated and focused approach to the provision of infrastructure and facilities and that this team is also to assume responsibility for the putting in place of a system of maintenance, with particular reference to the SUDS system and the Country Park.

11.3.3.10 Having reviewed the available information, it is my opinion that sufficient controls / provisions have been incorporated into the 2015 Planning Scheme as to address the challenges posed to the development of the SDZ by the topography of Monard and its fragmented pattern of landownership. Furthermore, I am satisfied that the implementation mechanisms set out in the Scheme, with particular reference to the proposed threshold system which has taken account of the recommendations of the previous reporting inspector in their assessment of ABP Ref. No. PL04G.ZD2008, will be sufficient to ensure the timely and efficient delivery of land and infrastructure for the purposes of the Strategic Development Zone while providing reasonable certainty to landowners and third parties.

11.3.4 Overall Layout and Urban Design:

11.3.4.1 In its decision to refuse to approve the 2012 Planning Scheme under ABP Ref. No. PL04G.ZD2008 the Board determined that, in terms of urban design, the approach to residential development as set out in the Scheme had failed to have sufficient regard to the topography of area and to the provisions of the *'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)'* as it lacked sufficient coherence, definition and detail and would give rise to serious difficulties in relation to universal access. It was also considered that the siting of the offices accessed via a residential estate would seriously injure the residential amenity of future occupants.

11.3.4.2 In response to the foregoing, I would refer the Board to Sections 1.70 – 1.97 of Appendix 1 of the 2015 Planning Scheme wherein the Development Agency has sought to address the Board's previous concerns by focusing on the key issues of topography, coherence, definition, detail, universal access, and the means of access to the proposed offices. Accordingly, I propose to review these items as follows:

- *Topography:*

It has been suggested that useful opportunities which can avail of the topography of Monard to allow for more intensive development will primarily arise within that area around the railway station on the basis that this is where residents who commute to work in the City Centre or Docklands will most likely choose to reside. In this respect reference has been made to the advantages posed by the steeper slopes in the vicinity of the railway station in that they will permit the construction of a higher density of development in the form of apartment / duplex blocks. For example, it has been submitted that some of the slopes in that area are steep enough for the existing ground level on the lower side of a compact street block to be approximately two storeys lower than on the upper side. It has been further stated that whilst the 2012 Planning Scheme was primarily focused on the potential offered by this topography for the provision of duplex units stepped down the hillside, the revised 2015 Planning Scheme has incorporated the potential for apartment / duplex blocks with a level roof rising to 2-3 storeys over ground level on the upper side and 4-5 storeys on the lower side. Notably, this usage of the site topography would correspond with the wider desire to develop higher densities in close proximity to the proposed rail services. It has also been suggested that those locations with steeper slopes could allow for

developments to include basement level car parking as a by-product of the site levelling thereby reducing the costs associated with the provision of same. Indeed, in some instances the sloping topography could be utilised to permit the entrance to parking levels to be located further up the slope with the exit from same positioned downslope.

At this point it is of relevance to note that the 2015 Planning Scheme has included for the proposed development of 5 No. multi-level blocks within Lower Monard Town Centre as detailed in the layouts included in Chapter 4 (although the possibility of stepping buildings down the slopes is also left open) whilst Figure 3.23 illustrates how these blocks could be laid out.

In contrast to those areas close to the railway station, the Development Agency has submitted that the balance between the costs and benefits of more intensive development on sloping sites located further away from the station is likely to be less favourable. It has also been emphasised that higher density formats of development may not be appropriate on the more open slopes higher up the hill or on the lower west facing slopes above the Old Mallow Road due to the increased risk of undesirable visual impacts, although it is notable that the pedestrian street west of the West Village proposed in both the 2012 and 2015 Planning Schemes has employed a design whereby buildings will be stepped down the hillside thereby resulting in a relatively high density in that neighbourhood whilst 3 No. additional multi-level blocks are proposed within Kilcronan on suitably sloped sites at appropriate focal points. i.e. 2 No. blocks at the point where the north-eastern and north-western corridors merge with a further block to be provided to the immediate east of the village centre.

In addition to the foregoing aspects of the design and layout of the residential component of the Planning Scheme, the Development Agency has also referenced the difference in levels between the northern (retail) part of the town centre and the floor levels of those existing dwelling houses along the laneway to the north of same. This level difference will be used to accommodate the construction of buildings of a scale suitable for larger retail outlets with residential / commercial uses on the upper floors whilst using the difference in ground levels to ensure that proposed floor levels do not significantly exceed those in the adjacent existing houses c. 50m to the north). Notably, this utilisation of the site levels will also be of benefit in providing a strong definition to the town centre.

Further consideration is given to the issue of topography in influencing the design and layout of Monard in the submission presented by Nicholas de Jong Associates to the oral hearing wherein it is reiterated that although the topography and pattern of land ownership within the SDZ have not changed since the Board's refusal of the 2012 Planning Scheme, factors such as topography affect a lot of other development land in the Cork area and thus land supply would become very restricted if this were to be adopted as an overriding criterion determining the suitability of land for development. This submission also states that the 2015 Planning Scheme has responded to the refusal of ABP Ref. No. PL04G.ZD2008 by increasing the network of planted green space when compared to the 2012 Planning Scheme, with particular reference to the design and layout of neighbourhoods in Upper Monard which has purportedly taken increased account of the likely visual impact of development.

- *Coherence, Definition & Detail:*

In relation to the Board's wider concerns as regards the adequacy of the levels of coherence, definition and detail contained in the Planning Scheme's approach to the residential development of the SDZ and its adherence to the '*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)*', the Development Agency has responded to same in Sections 1.80 – 1.93 in Appendix 1 of the Scheme.

The Council has sought to emphasise that as a result of the peripheral location of the rail line and those routes which lead to most of the external destinations likely to be used by residents of Monard, with the consequential impacts on the siting of the railway station and the town centre, that the approach to the residential component of the Scheme has been to provide for a number of high profile and minimum gradient pedestrian and cycle routes which will serve to link the 4 No. villages with the Town Centre and the railway station (please refer to Figure 2.4 of the Scheme) thereby maximising the connectivity of the proposed housing to key services. Similarly, reference has been made to the suggested routes for bus services which will ultimately connect the wider SDZ lands to the rail station and town centre. It has also been submitted that whereas the 2012 Planning Scheme relied primarily on the location of the town / village centres within the transport network to promote viability, the revised scheme has amended its urban design and layout to reinforce the focal

role of these centres with all residents envisaged as being within walking distance of basic services.

In relation to the overall definition and detailing of the residential component of Monard, the approach set out in the Scheme is based on the concept of developing 4 No. 'villages' as envisaged in the 2005 Special Local Area Plan, partly as a way of responding appropriately to the substantial differences in their position in the landscape, and partly to create a sense of place in different areas and to avoid monotony within the new town. In this respect the 2015 Planning Scheme has expanded, and more explicitly structured, those sections dealing with urban design at village level in Chapter 4 as follows:

- i) The 4 No. villages have a clearly differentiated character and a strong focal role. This includes more use of landmark buildings and vistas centred on them. Housing has also been grouped more tightly around village centres.
- ii) There are strong pedestrian / cycle links between each centre and the rest of its village, which differ in character between villages. Tree-lined avenues radiate out from Upper Monard, paved pedestrian areas extend out from the centre of the West Village to its east and west edges, and the main north-south cycle and pedestrian routes terminate in or pass through the Town Centre and Kilcronan village centre.
- iii) Each village has well defined boundaries, reinforced by substantial tree or woodland planting.
- iv) The design language – (e.g. materials, finishes, roof forms, the circumstances in which each are used) is also described primarily at village level.

Notably, the foregoing revisions have also resulted in the relocation of the village boundaries so as to correspond more closely to topographical boundaries.

In addition, the Development Agency has particularly sought to emphasise that the layout drawings for the various villages etc. as set in Chapter 4 are purposely of a schematic nature in order to balance the need to preserve a reasonable level of flexibility in terms of building layout and design with the requirement to provide the occupants of existing properties with an approximation of the position and scale of those buildings

proposed close to them. By way of an example whereby the schematic layout set out in the Scheme is considered sufficient to inform the detailed development of a particular neighbourhood / village etc., the Board is referred to Appendix 2 of the Scheme which shows a detailed exploratory design for the 'South-Western' neighbourhood of 'Upper Monard' prepared by Melville Dunbar Associates worked out from the schematics included in Section 4.7 of the 2015 Planning Scheme (and compared against the more generalised schematic set out in the 2012 Planning Scheme). This detailed design provides for a total of 175 No. units within the neighbourhood in question, which would equate to the maximum permissible under the Scheme, although it was notable that during the course of his submission to the oral hearing Mr. Dunbar suggested that it would in fact be possible to achieve a higher density of development on this particular site through the use of an alternative design response and an increased proportion of smaller living units. The Development Agency has further stated that the purpose of this exercise was to demonstrate the relationship between schematic and detailed site layouts at densities close to the lower end of the 35-50 No. dwellings per hectare density range recommended in the *'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'* for outer suburban areas.

By way of further defining the individual villages, the Planning Scheme has avoided the use of standardised policies on materials, finishes, appearance and design which apply to the new town as a whole and has instead employed differing policy provisions for each village which seek different mixes of materials, finishes and building forms – by village and by building orientation. The main exception to this village level approach is a general prohibition on the practice of painting complete estates or large blocks of development in the same colour. This provision has been included in order to avoid large areas of housing having a standardised appearance which would serve to emphasise the scale of urban development thereby undermining efforts to lessen the visual impact on same.

Finally, in terms of the level of detailing of the various housing types proposed in the Scheme I would refer the Board to Chapter 4 which details a total of 8 No. categories of housing types for which indicative and colour-coded layouts have been identified on the neighbourhood plans. This chapter provides a description of approximate building heights (i.e. the number of storeys), roof pitches and basic roof forms of residential

buildings which will normally be associated with each type and provides further guidance on variants of the main house types proposed in order to achieve a fine 'urban grain'. The heights of non-residential buildings (which will be largely in the town and village centres) and landmark buildings are indicated in the village and neighbourhood sections in Sections 4.6-4.9 of the Scheme, as are localised variations from the normal heights of residential buildings and indications on where on unconventional roof types (e.g. mono-pitch) would be acceptable.

- *Universal Access:*

With regard to the issue of universal access, whilst I would acknowledge the contents of Sections 1.94-1.95 of Appendix 1 of the Planning Scheme and the statement contained in Panels 'E' and 'F' of Section 4.6: '*Lower Monard*' that '*The spaces and facilities should be designed to ensure all members of society can access and use them*', in my opinion, given the absence of any clearly comparable commentary in reference to those facilities to be provided in the remaining village centres, I am inclined to concur with the recommendations of the previous reporting inspector that the aforementioned provision should be included within Section 4.4 of the Scheme in order to apply to a wider context.

M04: Insert the following as Para. 4.4.17 (Page 46).

'The spaces and facilities should be designed to ensure all members of society can access and use them'.

- *Access to the Proposed Offices:*

In common with the 2012 Planning Scheme, the amended 2015 Planning Scheme includes for the development of a series of office blocks on the south-eastern fringe of the Town Centre in order to act a noise barrier between the residential development proposed to the northwest of same and the Northern Ring Road, however, in response to the Board's concerns, the layout of this aspect of the development framework has been altered so as to provide a dedicated access route to the proposed office blocks from the Services Corridor Road which is entirely separate from that serving the adjacent housing development thereby avoiding any requirement for commercial / business traffic visiting the offices having to pass through the housing scheme. This revision would seem to address the need to protect the residential amenity of the future occupants of the

proposed housing whilst it is also of relevance to note that Section 1.97 of Appendix 1 of the Scheme states that doors, other than fire exits, will be prohibited on the side of the office buildings which face the residential streets and squares.

11.3.4.3 Having reviewed the available information, with particular reference to the Development Agency's response to the decision to refuse the 2012 Planning Scheme as set out in Appendices 1 & 2 of the current Scheme, it is my opinion that whilst the topography of the Monard SDZ poses certain challenges to the development of same, I am satisfied that the overall approach to the urban design and layout represents a reasonable response to those constraints. Whilst I would concede that the wider layout of Monard as proposed is generally comparable to that previously refused under ABP Ref. No. PL04G.ZD2008, I would suggest that adequate cognisance has been taken of the key principles set out in the '*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)*' and that sufficient revisions have been incorporated to permit the approval of the Scheme in its present format.

11.4 Part 'C': Other Issues:

11.4.1 Design and Layout:

11.4.1.1 With regard to the wider design and layout of the proposed new town of Monard as shown in the 2015 Planning Scheme, I would advise the Board that the overall approach to same is generally comparable to that set out in the 2012 Planning Scheme, save for certain revisions such as the increase in density and the changes referenced in Part 'B' of this report. Accordingly, I do not propose to replicate the detailed assessment of the wider design merits of the proposal undertaken by the reporting inspector in their consideration of ABP Ref. No. PL04G.ZD2008 other than to state that the overall approach to same would appear to be reasonable given the specific site context and also provides a sufficient level of detail as to satisfy the necessary legislative requirements.

11.4.2 Impact on Existing Residential Amenity:

11.4.2.1 There are approximately 70 No. existing residential properties within the developable area of the SDZ, which consist primarily of detached one-off dwelling houses and farmsteads, and the general approach adopted within the Scheme has been to position similar low-density development such as 'semi-rural' units adjacent to existing housing in order to act as a buffer and to protect existing residential amenity. Whilst I would accept the rationale behind such a strategy, it should be noted that the concentration of existing housing along

Monard Boreen in the southern part of the Scheme serves to constrain residential densities in proximity to the town centre and to the train station.

11.4.2.2 Section 4.5 of the Scheme envisages the retention of existing farmhouses and states that it is desirable that as many as possible of the established families will feel able to remain in the area as Monard develops. In this regard, the Scheme provides for consideration to be given to applications for houses for family members within farmhouse curtilages and it is further noted that some existing residential plots within the SDZ would be sufficient to accommodate additional housing subject to piped services being available. It is also stated that consideration will be given to the redevelopment of existing residential plots in a manner which is consistent with the pattern and form of development envisaged on adjoining lands within the Scheme.

11.4.2.3 With regard to the specific concerns raised in the grounds of appeal in relation to the potential impact of the development on the amenity of individual residences I propose to comment on same as follows:

11.4.2.4 Michael and Margaret Cronin & Finbarr and Rosarie O'Sullivan

- The Cronin property is located along Monard Boreen / Monard Lane and will be bounded to the south and west by commercial development within the Town Centre and by the Lower Monard primary school to the east. Accordingly, particular concerns have been expressed with regard to the proximity of those buildings of increased height relative to the Cronin's property and the associated potential for the overlooking of same with a loss of privacy.

Notably, similar concerns were raised during the assessment of the 2012 Planning Scheme and the recommendations of the reporting inspector in that regard have since been incorporated into the current Scheme with Panel 'H' of Section 4.6 as follows:

'The height of buildings at the western end of the east-west pedestrian street, directly south of existing residential properties, shall not exceed two storeys in height. Town centre development shall not result in direct overlooking of, or loss of privacy to, existing residential properties.'

In my opinion, the foregoing provision is sufficient to address the potential for undue overlooking of the Cronin property.

In respect of the O'Sullivan residence, given the increased separation distance between that property and the town centre development to the south of same, the nature of the topography and the anticipated building heights, the presence of the intervening road access to the primary school, and the proposals for new planting between the dwelling house and the development, I am similarly satisfied that adequate provision has been made to protect the amenities of said property.

- In relation to the siting of the access and parking arrangements serving the town centre development, I would note that the layout plans indicate that all ground / surface level will be provided forward (i.e. south) of the building line of the new development away from existing properties. Whilst rooftop parking will be provided for the North-East anchor unit with the access to same extending from the spur road serving the primary school, given the separation distances involved and nature of the intervening topography, I would not anticipate this arrangement unduly impinging on the amenity of the O'Sullivan residence.
- With regard to the District Play Area located north of the Cronin's property and the suggestion that parking should be provided to serve same in order to avoid congestion along the existing laneway, the Development Agency has confirmed that no parking is proposed to serve same as it is envisaged that this facility will be accessed by foot. By way of a further consideration, I am also inclined to suggest that the absence of any dedicated parking for the District Play Area is preferable given the wider objective of avoiding unnecessary traffic movements along Monard Boreen / Lane.
- Concerns with regard to the management of access to Monard Boreen are proposed to be addressed through the use of symbolic controls – such as signs and road markings – or physical controls such as leaving limited sections open to vehicular traffic thereby avoiding 'rat-runs' by creating a series of vehicular cul-de-sacs whilst maintaining through-access for pedestrians and cyclists. Panel 'P' of Section 4.6 of the Scheme states that whilst the use of symbolic controls is preferable, the option of physical controls will remain available. Furthermore, it is stated that consultation on the proposed mix of controls should be held with the local residents closer to the time of development. In my opinion, the foregoing approach would appear to be reasonable.

11.4.2.5 John & Mairead Rowley:

- The principle area of concern to John & Mairead Rowley relates to the development of the South-West Link Road (i.e. Sheehan's Lane). This matter has been considered elsewhere in this report.

11.4.2.6 On balance, in the context of established policy for the development of a new town at Monard, it is my opinion that the 2015 Planning Scheme has achieved a reasonable balance between the prospective development of the SDZ lands and the need to protect the residential amenities of existing properties. Furthermore, I would suggest that any specific concerns pertaining to the final design and layout of development proposals can be satisfactorily addressed as part of a more detailed examination of same at planning application stage.

11.4.3 Traffic and Transportation:

11.4.3.1 The issues of traffic and transportation were considered in depth during the assessment of the 2012 Planning Scheme with Mr. Jerry Barnes of McCabe Durney Barnes having been engaged by the Board to advise specifically on such matters. Accordingly, as the key transport principles of the 2015 Planning Scheme remain unchanged from those considered in the Board's previous determination of ABP Ref. No. PL04G.ZD2008, and as there would appear to have been no significant change in the prevailing traffic / transport environment, I do not propose to unnecessarily repeat the findings of that assessment. Instead, I would refer the Board to my earlier analysis of the provision of critical transportation infrastructure necessary to secure the development of the SDZ lands.

11.4.3.2 However, in the interest of completeness, I propose to consider the following specific issues as raised in the grounds of appeal:

- The traffic impact on Rathpeacon National School
- The proposed South West Link Road / upgrading of Sheehan's Lane
- Future access to the Stoneview development

11.4.3.3 The Traffic Impact on Rathpeacon National School:

11.4.3.3.1 The development of a new town at Monard will inevitably result in increased traffic volumes utilising the surrounding road network, including that section of the Old Mallow Road which provides direct access to Rathpeacon National School. Whilst I would acknowledge the appellants concerns that any such increase in traffic could potentially exacerbate existing congestion in the

vicinity of the school entrance, particularly at peak 'pick-up' / 'drop-off' times, it is my opinion that, on balance, any such impact will be within acceptable limits and is likely to be tempered to some extent in the medium to longer term through the development of the Services Corridor Road and the South East & South West Link Roads which will serve to provide a number of alternative routes to / from Monard that may obviate any necessity to pass by the existing school.

11.4.3.4 The Proposed South West Link Road / Upgrading of Sheehan's Lane:

11.4.3.4.1 At the outset, I would concur with the appellants (and the Development Agency) that the existing local roadway known as Sheehan's Lane, which extends south-westwards from the Old Mallow Road at Monard Cross to the Killeens Road, is seriously substandard in terms of carriageway width and overall alignment, with particular reference to the 'pinch-point' at the railway bridge, and thus does not have the capacity to accommodate the likely traffic volumes associated with any significant level of development within the SDZ. However, it is proposed to upgrade this roadway through the development of the South West Link Road, which will involve the carrying out of various widening and re-alignment works, and thus it will be made capable of accommodating the anticipated traffic volumes. In my opinion, such an approach seems entirely reasonable whilst it is of further relevance to note that both the appellants and any other interested parties will be afforded a further opportunity to review / consider the final design of the proposed road upgrading works as part of the development consent process for same.

11.4.3.5 Future Access to the Stoneview Development:

11.4.3.5.1 With regard to the suggestion that consideration should be given at this time to a potential junction arrangement onto both the Northern Ring Road and the future M20 Motorway which could ultimately serve both Monard and any future development at Stoneview in Blarney, whilst I would acknowledge the potential benefits of such a proposal in terms of minimising the number of junctions onto the national road network and the appellant's (T. & D. Quill) desire to gain certainty in this regard, it is my opinion that any attempt to agree / accommodate such a proposed junction arrangement at this point in time would be somewhat speculative given that both the Northern Ring Road and the M20 Cork to Limerick Motorway (Southern Section) are presently suspended projects and thus would serve to unnecessarily delay the development of the Monard SDZ. Instead, I would suggest that given the timescales involved in both the development of Monard and the likely provision of the aforementioned road infrastructure, it would not be entirely beyond the realms of possibility that any such combined future junction arrangement could be developed in tandem with

the planning process for the Northern Ring Road and the M20 and could ultimately be utilised to serve the developments in question or indeed be incorporated as an amendment of the Planning Scheme.

11.4.4 Retail and Commercial Development:

11.4.4.1 The broader approach to the development of retail and commercial services both within Lower Monard Town Centre and in the remaining 3 No. village centres in Upper Monard, West Village and Kilcronan, generally corresponds with that previously considered not to be unreasonable in the reporting inspector's assessment of the previous 2012 Planning Scheme and as I am in agreement with same I do not propose to repeat those findings. Whilst I would acknowledge that there have been some minor revisions to the anticipated layout of these centres, it should be noted that the strategic positioning of same within the SDZ remains unchanged and although there has also been some amendment of the precise levels of non-residential floorspace expected to be developed in some of the village centres (e.g. there is no longer an indicative range provided for the West Village, although Table 10.3 does require the provision of at least 250m² of retail space etc. prior to any development within the northern part of the village), it is my opinion that the wider strategy for the development of these facilities as set out in the Scheme is satisfactory and takes account of the need for some degree of flexibility.

11.4.5 Water Supply and Drainage Infrastructure:

11.4.5.1 Water Supply:

11.4.5.1.1 The findings of the preliminary report on the provision of a water supply to the Monard SDZ prepared by the RPS Group Consulting Engineers on behalf of Cork County Council form the basis for Section 6.4: 'Water Supply' of the 2015 Planning Scheme. In summary, a review was undertaken which concluded that undeveloped surface and ground water sources within a 10km radius of the SDZ were limited and unlikely to yield sufficient water to meet the projected design demand and thus it was established that the only feasible water supply sources for the SDZ were existing surface water abstractions from the Cork Harbour & City Scheme at Inniscarra, and the Cork City WSS at the Lee Road respectively. Whilst it was considered that both these sources had sufficient surplus raw water capacity to meet the design demand of the SDZ (i.e. an average day peak demand of 4,283m³/d based on a design population of 13,500 No. persons for the year 2055), it was also determined that only the Cork Harbour & City Scheme at Inniscarra presently had sufficient treatment capacity to meet the projected demand. However, it was subsequently submitted during the course of the oral hearing that, subject to increased network connectivity

(included in Irish Water's Capital Investment Programme), including the laying of a new 600mm strategic trunk main linking the Harbour and City's Chetwynd Reservoir directly to the Lee Road Water Treatment Plant, it would be possible to transfer sufficient water between the two aforementioned water supply schemes to enable the design demand of the SDZ to be supplied from either scheme.

11.4.5.1.2 It is proposed to divide the SDZ into two separate pressure zones each with its own reservoir as follows:

- A Low Level Reservoir in the south-eastern corner of the SDZ serving development areas with elevations ranging from 80m-115m OD.
- A High Level Reservoir at located on the hilltop at Rahanisky serving development areas with elevations ranging from 110m-145m OD.

11.4.5.1.3 The recommended water supply option consists of a connection to the Cork City WSS at Churchfield Reservoir with the construction of 5.9km of 400mm trunk main extending from same northwards through fields as far as the Lower Killeens Road, east along the Lower Killeens Road, crossing under the N20 and running along roads to the proposed service corridor within the SDZ boundary from where it will turn north through fields to the location of the proposed Low Level Reservoir. A pumphouse at the Low Level Reservoir will then be used to feed the High Level Reservoir via a rising main.

11.4.5.1.4 Whilst the Section 6.4.7 of the Planning Scheme proceeds to state that the aforementioned recommendation is subject to the completion of the proposed 600mm Strategic Trunk Main between the Cork Harbour & City Scheme WSS and the Lee Road Water Treatment Plant, the Development Agency advised at the oral hearing that the RPS Group is presently completing the detailed design, planning and tender documents for the trunk main and that the project is expected to be tendered in late 2016 with construction on site programmed for commencement in early 2017.

11.4.5.1.5 Accordingly, on the basis of the foregoing, there would appear to be satisfactory proposals in place as regards the provision of a water supply for the Monard SDZ.

11.4.5.1.6 By way of clarity, I would also advise the Board that whilst the construction of a watermain from Churchfield Reservoir to the new Lower Level Reservoir is included in Tables 10.1 & 10.3 as part of the initial linear infrastructure required to be provided before or in parallel with any development

in Monard, the provision of the High Level Reservoir is not linked into the phasing schedule set out in the Scheme. Whilst this High Level Reservoir will be required to serve Upper Monard Village, I note that during the course of the oral hearing held in respect of the 2012 Planning Scheme it was indicated that although the provision of same could be included in the phasing schedule, this was not considered a necessity as development could not occur without an adequate water supply. Notably, this explanation was deemed acceptable by the reporting inspector on the basis that such a proposition was not unreasonable and would avoid over-complication of the phasing schedule. Having considered the matter, I am in agreement with this finding given the difficulties in incorporating a threshold based on contours lines / elevations into the phasing schedule.

11.4.5.2 Wastewater Treatment and Disposal:

11.4.5.2.1 Following consideration of a preliminary report which considered a total of 6 No. options for the disposal of wastewater from Monard, a preferred option was selected and incorporated into the Planning Scheme which would comprise the development of a new pumping station at Monard in order to pump sewage via a new connecting rising main to the Carrigrennan Wastewater Treatment Plant at Little Island for treatment and subsequent disposal. This option was considered to have significant advantages given the substantial reserve biological and sludge handling capacity at Carrigrennan, the preference for the use of an existing infrastructural asset, and the wider desirability of adopting a centralised approach to wastewater treatment in terms of efficiencies and synergies such as reduced per capita treatment costs, sufficiency in terms of energy consumption through greater utilisation of CHP, and harmonisation of sludge management through selection of the most suitable treatment technology.

11.4.5.2.2 At this point it is of relevance to note that concerns were raised during the course of the oral hearing as regards the potential for the development of Monard to have a detrimental impact on water quality in Cork Harbour due to the increased nutrient loadings / volumes of effluent requiring treatment at Carrigrennan Wastewater Treatment Plant. In this respect I would refer to my earlier comments regarding the screening of the Planning Scheme for the purposes of appropriate assessment and, in particular, the requirement set out in Section 6.1.10 of the Scheme that any additional design measures required for the Carrigrennan WWTP arising from the implementation of the Wastewater Management Strategy for Cork Harbour (an objective of the County Development Plan, 2014) in order to ensure the protection of Natura 2000 Sites within Cork Harbour, must be in place prior to the linking of the Monard development to the Carrigrennan WWTP.

11.4.5.2.3 The selected site for the collection and pumping of wastewater is located at the southern end of the Bride River Valley / Country Park north of the proposed secondary school site whilst the proposed route for the rising main is detailed in Figure 6.1 of the Planning Scheme and will necessitate the trenchless crossing of the Glashaboy Estuary within the SPA in order to connect the SDZ to the Carrigrennan Wastewater Treatment Plant (*N.B.* The Scheme has also acknowledged that as responsibility for water services is now with Irish Water, it is possible that a more integrated approach or a revised routing of the rising main may be preferred by same). In this respect it should be noted that the '*Monard Sewerage Scheme – Addendum Report – Glashaboy Crossing*' (June, 2015) prepared by Nicholas O'Dwyer has ascertained that the geology at the location of the proposed crossing may be suitable to pursue the use of Horizontal Directional Drilling (HDD), subject to further examination, and that micro-tunnelling would be used to cross the estuary in the event that final investigations establish that HDD would not be an environmentally safe option.

11.4.5.2.4 It is of further relevance to clarify that the Scheme proposes an interim sewage treatment and disposal system during the initial phases of development within Monard when there will be insufficient flows generated to enable the effective operation of the rising main and the transfer of flow. Accordingly, as an interim measure it is proposed for Monard to discharge to the Killeens WWTP in order to avail of the remaining available capacity there. This will necessitate the construction of a pipe and pumping system to convey wastewater from Monard to Killeens either in advance of or in tandem with the first phase of development at Monard and provision has been made for same in Table 10.3 as part of the initial linear infrastructure required to be provided either before or in parallel with any new development in Monard. However, once the combined loading of Killeens and Monard exceeds 1,000 P.E. (*N.B.* The design capacity of Killeens WWTP is stated to be 1,200 P.E.), it is proposed to reverse the flow with the combined effluent of Killeens and Monard being pumped back to Monard and onwards to Carrigrennan. Notably, whilst Table 10.3 of the Scheme requires the completion of the pipe connection to Carrigrennan WWTP prior to any development within the northern part of Lower Monard, the phasing schedule would seem to potentially allow for the development of up to 950 No. units within the southern part of Lower Monard which would most likely exceed the remaining capacity at the Killeens WWTP (i.e. c. 600 P.E.). Having considered this issue, it is my opinion that such a scenario would be unlikely to develop in practice as the Planning Authority would not be in a position to authorise a development in the absence of adequate wastewater treatment facilities. Nevertheless, I would

suggest that a statement be included in Section 6.1.6 of the Scheme to clarify that no development will be permitted within the Monard SDZ which would result in the overloading of the Killeens WWTP pending the completion of the proposed pipe connection onwards to the Carrigrennan WWTP. I would also advise the Board that during the assessment of the 2012 Planning Scheme it was suggested that a modification be made to the Table 10.3 to include a reference to the “Pipe Connection to Carrigrennan Treatment Plant” as works to be provided in tandem with development in Lower Monard (S) and that it be amended to refer to capacity at Killeens WWTP.

M05: Insert the following sentence into Para. 6.1.6 (page 117):

‘No development will be permitted within the Monard SDZ which would result in the overloading of the Killeens WWTP’.

11.4.5.2.5 With regard to the submission made on behalf of Tim and Dan Quill in reference to the implications of the 2015 Monard SDZ Planning Scheme for the development of ‘Stoneview’ in Blarney, particular concerns have been raised that whilst Section 6.1.8 of the Scheme states that firm commitments would be needed on the phasing of development in both Monard and Ballyvolane in order to determine the most appropriate strategy for accommodating the flows from both developments within the proposed infrastructure (i.e. the proposed rising main to Carrigrennan WWTP), no reference has been made to the need to provide for Phases 2 and 3 of Stoneview. In effect, the case has been put forward that the Scheme does not provide for an adequately integrated solution for the disposal of wastewater from planned developments in the wider area (i.e. Monard, Ballyvolane and Stoneview) given that Paragraph 4.9 of the Preliminary Report on the Monard Sewerage Scheme prepared by Nicholas O’Dwyer Ltd. has recommended that any future developments at Stoneview should be treated at the upgraded wastewater treatment plant at Blarney (which would be at variance with the submissions previously made by the Planning Authority to the Board in relation to ABP Ref. Nos. PL04.226863, PL04.226864 & PL04.226864 i.e. the Stoneview development) and despite the inclusion of a provision in the Blarney Local Area Plan that whilst the Blarney WWTP could accommodate Phase 1 of ‘Stoneview’, in the longer term, wastewater from the Blarney area should be connected to a wider system serving both Monard and Cork City North and directed to the Carrigrennan wastewater treatment plant.

11.4.5.2.6 In my opinion, there would seem to be some degree of merit in the appellant's case for seeking to service future development at Stoneview by way of the rising main intended to serve the Monard SDZ given the wider desirability of adopting a centralised approach to wastewater treatment as previously mentioned, however, I would accept that further investigation may be warranted in this respect whilst such matters now fall within the responsibilities of Irish Water as the relevant water services authority.

11.4.5.2.7 Notably, in response to the appellants concerns, the Development Agency has proposed the inclusion of the following additional text as Section 6.4.9 in the Planning Scheme:

'While the preliminary reports on water supply and sewerage for Monard do not suggest [that the] inclusion of trunk mains or other infrastructure designed to serve both Monard and the Stoneview development would be advantageous, it is possible that due to change of circumstances, or for other reasons, Irish Water may wish to modify the proposals in those reports in a way which provides for some water services infrastructure serving both developments. Any such modified proposals will be subject to the same functional and environmental assessment requirements as the preliminary reports summarised above. Subject to that proviso, such modified proposals should not be regarded as inconsistent with this Planning Scheme'.

11.4.5.2.8 Having reviewed same, I would suggest that the insertion of this additional text represents an acceptable compromise (subject to the inclusion of my additions as shown in brackets above), however, I do not consider the placement of same at the end of Section 6.4: *'Water Supply'* to be entirely appropriate given its relevance to wastewater disposal and thus I would recommend its insertion as 'Section 6.1.9 (A)' after Section 6.1.9.

M06: Insert the following as Para. 6.1.9(A) after Para 6.1.9 (Page 117):

'While the preliminary reports on water supply and sewerage for Monard do not suggest that the inclusion of trunk mains or other infrastructure designed to serve both Monard and the Stoneview development would be advantageous, it is possible that due to change of circumstances, or for other reasons, Irish Water may wish to modify the proposals in those reports in a way which provides for some water services infrastructure serving both developments. Any such modified proposals will be subject to the same functional and environmental

assessment requirements as the preliminary reports summarised above. Subject to that proviso, such modified proposals should not be regarded as inconsistent with this Planning Scheme’.

11.4.5.3 Surface Water Drainage / Flooding Implications:

11.4.5.3.1 A ‘Sustainable Urban Drainage System’ (SUDS) Strategy has been developed for the Monard SDZ, the aim of which is to ensure that all surface water runoff from proposed development is restricted to greenfield discharge rates through the use of appropriate SUDS components and surface water attenuation systems i.e. the basic hydraulic principle for the design of the scheme is that the rate at which runoff enters local watercourses from the proposed development does not exceed the corresponding rate prior to the commencement of the development (in year storm events up to 1 in 100 year frequency). In this respect the SDZ area has been divided into a number of sub-catchments with sufficient attenuation and storage volume to ensure that no increase in flood risk downstream will arise whilst a surface water management train approach has been adopted for each of the sub-catchments utilising at least 2 No. of the following SUDS measures:

- **Prevention:** *Planning: Good housekeeping: Rainwater Harvesting* to be included for individual larger institutional and commercial buildings; *Rainwater butts* to be used for semi-detached and detached housing in residential development.
- **Source Control:** *Directing runoff from roofs; Filter Drains; Bio-retention: Green Roofs* to be used for larger institutional and commercial buildings with ‘intensive’ green roofing located at external podium level residential squares in the town centre areas; *Permeable pavements* will be incorporated into the public parking areas with lightly trafficked road types and paved areas in residential developments and school sites considered for surfacing in permeable block paving in their entirety; *Swales* can be used in conjunction with *Filter Strips* and located within green corridors and alongside main roads and dedicated pedestrian / cycle routes. In some areas, existing ditches will be utilised in lieu of swales.
- **Site Control:** Along the conveyance route there will be attenuation features, typically taking the form of dry basins, wetlands or ponds. *Detention basins* will be used in conjunction with swales.
- **Regional Control:** *Stormwater Wetlands: Retention Ponds* will be considered for flatter areas at the base of the steeper slopes. Retention ponds will be used as an end of line control. Retention ponds, swales,

filter strips, wetlands, and detention basins requiring significant land take can be incorporated into public open spaces / green area provision, with swales also incorporated in roadside verges and margins, between footpaths and roads.

11.4.5.3.2 In line with best practice, areas greater than 2.0 hectares will not drain to a single SUDS component.

11.4.5.3.3 The surface water management train approach will also serve to protect the quality of downstream receiving waters, with particular reference to the Blarney River and its tributary streams. For example, the 'first flush' of surface water runoff from paved areas, which generally contains a higher concentration of pollutants, from rainfall up to 5mm, will be intercepted thereby allowing it to infiltrate to ground or be contained and treated through other source techniques. A further benefit of the sequencing of SUDS measures is that it will allow for some measure of containment of larger pollution incidents such as spillages.

11.4.5.3.4 A menu of SUDS components appropriate for use within residential neighbourhoods in Monard is set out in the preliminary report on the provision of Sustainable Urban Drainage System' prepared by T.J. O'Connor & Associates, Consulting Engineers, which has informed the preparation of the 2015 Planning Scheme, and these include items such as permeable paving, rainwater harvesting / green roofs, open channels (swales), detention basins, filter strips, ponds / wetlands and retention ponds. Developers will be required to employ the foregoing measures in order to ensure compliance with the design criteria and the requirements of the overall SUDS scheme for Monard and in this respect it should be noted that there is a requirement for developers to demonstrate that 60% of the surface attenuation provision / volume reduction for developed sites is provided within or adjacent to the residential neighbourhoods whilst the balance will be accommodated within the SUDS scheme accompanying the distributor roads network and associated services provision.

11.4.5.3.5 The SUDS strategy will be designed to ensure that people and property are protected from flooding and that the development will not exacerbate flood risk at any other point in the catchment or receiving watercourse. No development will occur on floodplains and the riparian corridor along the Blarney River will be maintained and developed as an amenity. The SUDS drainage scheme has been designed for the critical 30 year event for the site without causing any significant upland flooding whilst the consequences of

longer return period rainfall events have also been considered in terms of the impact of overland flood flow routes, and reduction of downstream flow impacts by providing long term storage alongside the Blarney River floodplain. It is of further relevance to note that design rainfall depths have been increased by a factor of 10% in order to allow for potential climate change impacts in line with best practice.

11.4.5.3.6 Therefore, the fundamental issue which is central to the success of the proposed SUDS strategy is that surface water run-off is limited to existing pre-development greenfield rates in order to avoid any increase in downstream flood risk. In this respect I would reiterate that the SUDS scheme has been designed in accordance with the Greater Dublin Strategic Drainage Study to ensure that there will be no significant upland flooding in the event of a 1 in 30 year return period and that overland flow arising from an event up to a 1 in 100 year return period will be retained on site to the effect that no flooding will occur off site, all while maintaining a runoff rate to local watercourses that does not exceed the corresponding rate prior to the commencement of the development and having taken account of an increase in rainfall depths of 10% to allow for climate change. Accordingly, on the basis of the foregoing design criteria, the approach adopted for the proposed SUDS strategy will not give rise to any additional flood risks downstream of the Monard SDZ up to a 1 in 100 year return period which would accord with accepted practice and is thus considered to be reasonable.

11.4.5.3.7 In relation to the maintenance of the SUDS network, there was considerable discussion of this issue during the course of the oral hearing with reservations being expressed by a number of appellants as regards the ability of the Development Agency to ensure the satisfactory operation of the proposed system. In this respect I would advise the Board that the principle of SUDS is well established and that there are multiple examples of such systems having been employed successfully throughout the State, with particular reference to several notable examples within the Greater Dublin Area, and thus such systems are not a new or untested technology. Furthermore, the continued maintenance and successful operation of such systems would not appear to have given rise to any overt difficulties. Clearly, it will be necessary for both the Local Authority and private developers etc. to ensure that a satisfactory programme for the maintenance / management of those elements of the SUDS network within their charge is put in place and I would suggest that all such parties would have both a desire and an obligation to make provision for same. The requirement for the necessary maintenance of the SUDS network is acknowledged in Section 6.5.17 of the Planning Scheme which states that developers will be required by way of

condition to make arrangements for adequate maintenance during the period prior to their developments being taken in charge whilst it is also clear that '*The Council will need to modify its own maintenance activities appropriately, as soon as estates start to be taken in charge in Monard*'. Notably, Table 10.3 (as proposed to be amended) of the Scheme expressly provides for a requirement that a system for the regular maintenance of SUDS features by an agreed body in accordance with a published protocol must be in place prior to any development in the Upper Monard or the West Village. Accordingly, it is my opinion that adequate provision has been included in the Planning Scheme as regards the future maintenance and operation of the SUDS strategy and that a refusal to approve the Scheme would not be warranted on the basis of the appellants concerns in this regard.

11.4.5.3.8 With regard to the specific concerns raised on behalf of the Blackpool Flood Action Group that the development of Monard will result in an increased volume of water being discharged to the Glenamought River system, which ultimately flows through Blackpool, thereby potentially exacerbating flood events in the village of Blackpool either in terms of extent or frequency, in the first instance I would again reiterate that the SUDS Strategy is designed to ensure that surface water run-off from within Monard is limited to existing pre-development greenfield rates. Furthermore, it is of relevance to note that the proposed SUDS scheme will actually result in the diversion of the surface water flows from 6.73 hectares of the catchment area of the Glenamought River to the Blarney River. Therefore, there will be no increase in runoff rates to the river system flowing through Blackpool consequent on the development of the SDZ and thus no increase in flood risk. In relation to the concerns that the development of the proposed South East Link Road (which is outside of the SDZ) could give rise to an increased level of surface water runoff thereby exacerbating the risk of downstream flooding in Blackpool, it was clarified during the course of the oral hearing that a SUDS scheme will be put in place for the roadway which will attenuate runoff to greenfield rates and provide for infiltration to ground where appropriate i.e. the development of the SE link road will have a 'neutral' impact in flows within the Glenamought River system. In this respect I would refer the Board to the '*Table of Proposed Modifications*' presented by the Development Agency as part of its closing submission to the oral hearing and the proposal to insert / amended the following text into the Planning Scheme:

'Section 6.5.2:

The only part of the Monard development which drains into the Glenamought / Bride / Glen catchment, rather than [the] Blarney / Shournagh one, is the south east end of the proposed Services Corridor Road and the SE link road. These will be constructed on existing undeveloped (greenfield) land, and their plan area comprises c.0.16% of the total Glenamought River catchment area. This undeveloped area currently contributes during a river catchment storm event to the flow in the Glenamought River and downstream in the river culvert at Blackpool.

Section 6.5.22:

A sustainable urban drainage (SUDS) design for these road corridors will include swales along the proposed link roads with stone rubble dams constructed intermittently. The swales will be constructed in combination with standard filter drains underneath. These swales / filter drains will discharge downstream to detention basins and the flow from the basins will be limited to the estimated 'Greenfield' runoff rate for predicted 1 year flood event for all design flood events up to the 100 year return period. This will ensure no adverse impact on the current peak river flows downstream of the SDZ (in Blackpool) due to the SE link road. The drainage design will require two detention basins along the SE link road each with a plan area of approximately 450m². These SUDS features are shown on Figures 5.3 and 6.6'.

11.4.5.3.9 By way of further scrutiny, a commitment was also given by the Development Agency at the oral hearing to undertake a project-specific Flood Risk Assessment for the South East Link Road at a later stage and thus the 'Table of Proposed Modifications' presented for consideration includes for the insertion of the following paragraph into the Planning Scheme:

'Section 6.5.23:

A project specific flood risk assessment will be carried out as part of the consent process for the South East Link Road'.

11.4.5.3.10 Having reviewed the available information, including those submissions made during the course of the oral hearing, whilst I would acknowledge those concerns raised in the grounds of appeal as regards on-previous instances of flooding downstream of Monard such as in the village of Blackpool, it is my opinion that the 2015 Planning Scheme, as informed by the

supporting documentation, with particular reference to the SUDS report and the Strategic Flood Risk Assessment contained in Appendix 'B' of the Environmental Report prepared as part of the Strategic Environmental Assessment, provides for the satisfactory management of surface water runoff within the site and that no upstream or downstream flooding impacts are likely to arise from the development of these lands.

11.4.6 The Existing Truck Transmission Gas Pipeline:

11.4.6.1 There is an existing high pressure gas main traversing the SDZ lands and concerns have been raised as regards the safety implications associated with the presence of same. In response, it was asserted by the Development Agency at the oral hearing that discussions had been held with Bord Gais Networks in relation to restrictions and separation distances around the trunk main and on the wider mechanism by which a gas supply could be provided to users in Monard. A copy of correspondence received from Gas Networks Ireland was also submitted which stated that it had no comment as regards any activity outside of the required wayleave for the trunk main and that all works in the vicinity of the main would be required to comply in full with the relevant guidelines, including the *'Code of Practice for: Working in the Vicinity of the Transmission Network'*. It is of further relevance to note that cognisance has been taken of the location of the existing gas main in the layout of the development framework for Monard given that the routing of same coincides with a section of the proposed Services Corridor Road.

11.4.6.2 In my opinion, it is clear that the presence of the existing trunk main as a piece of fixed infrastructure has served to influence the layout of the new town proposed at Monard and that adequate consideration has been given to the need to maintain the wayleave required by same. With regard to the wider concerns pertaining to the health and safety implications of works being undertaken in the vicinity of the transmission pipe, I would suggest that the consideration of such matters is beyond the remit of the Board and that any such works would be obliged to comply with the applicable health and safety standards / regulatory requirements as overseen by the appropriate authorities.

11.4.7 Recreation and Community Facilities:

11.4.7.1 Educational / School Provision:

11.4.7.1.1 *'The Provision of Schools and the Planning System: A Code of Practice for Planning Authorities, the Department of Education and Science, and the Department of the Environment, Heritage and Local Government'* published in July, 2008 sets out the best practice approaches that should be followed by

planning authorities in ensuring that the planning system plays its full part in facilitating the timely and cost-effective roll-out of school facilities by the Department of Education in line with the principles of proper planning and sustainable development. This document identifies the need for there to be an effective integration of the schools and development planning systems and states that school provision should be an integral part of the evolution of compact sustainable urban development and the development of sustainable communities. In this respect the Code of Practice further emphasises the importance of the forecasting of future education demand with agreed actions to include the Department of Education supplying planning authorities with estimates of future accommodation requirements arising from new development as part of the consultation processes for the preparation of development plans, local area plans, planning schemes for Strategic Development Zones and other relevant planning frameworks, whilst planning authorities will also be expected to anticipate the demand for new schools infrastructure that will arise from new development within the drafting process for development plans etc. Notably, the Code of Practice specifically states that the planning considerations for the provision of new schools will include the reservation of lands for educational purposes in locations close to the areas of greatest residential expansion and adjacent to community developments such as community centres, playing fields, libraries etc., so that the possibility of sharing facilities can be maximised

11.4.7.1.2 Following discussions with the Department of Education & Skills, the 2015 Planning Scheme proposes the development of 4 No. 16-classroom primary schools and 1 No. secondary school on a phased basis within each of the four 'villages' of Monard. Notably, these proposals would seem to accord with the suggested requirements for the provision of school accommodation as set out in the submission received by the Development Agency on 2nd June, 2015 from the Department of Education and Skills and would also correspond with the figures derived from the Code of Practice which state that an average figure of 12% of the population attends primary school.

11.4.7.1.3 The provision of the primary schools will occur on a phased basis with the development of the northern parts of each of the four villages being contingent on the parallel provision of the relevant primary schools thereby avoiding a situation in which development runs ahead of facilities. In effect, the primary schools represent a 'threshold' to further development in the relevant villages as outlined in Table 7.1 of the Scheme with specific provision having been made for same in the phasing programme shown in Table 10.3: *'Summary Table showing preconditions for development of threshold lines, and facilities to*

be provided in association with each part of each village' (please refer to the updated and consolidated version of same presented by the Development Agency as part of its closing submission to the oral hearing). A particular emphasis has been placed on the need for the timely provision of the initial primary school within Lower Monard as a key feature of the SDZ approach in that it will serve as evidence that community services will be provided as they are required. In this respect Table 10.3 (as amended) of the Scheme details that the first primary school must be provided as part of the development of Lower Monard (South) which will include for the construction of up to 950 No. dwelling units before development can proceed in Lower Monard (North). Section 7.1.2 of the Scheme has also acknowledged that *'Provision of the first school is likely to require advance acquisition of its site by the Council, as landownership in Lower Monard is quite fragmented'*.

11.4.7.1.4 However, concerns have been raised by the Board of Management of Rathpeacon National School as regards the potential impact of the initial phases of development in Monard on the operation of the existing national school. In this regard the appellants have asserted that Rathpeacon N.S. is presently nearing capacity and has little potential or future ability to accommodate the likely demand for school places associated with the initial development of 950-1,000 No. new dwellings within the SDZ area. Accordingly, it has been suggested that a new school should be in place at a much earlier stage as part of the overall Planning Scheme i.e. prior to the construction of 950-1,000 No. housing units.

11.4.7.1.5 In acknowledging the foregoing concerns the Development Agency has suggested that the following text be inserted into Section 7.1.2 of the Scheme:

'The existing Rathpeacon primary school, which serves Monard, has undergone significant expansion in recent year due to new developments in Killeens and in the wider catchment area. This is demonstrated by the number of planning applications for school extensions in recent times within a limited site curtilage. It is therefore likely that there will be a capacity constraint at the school in the near future'.

11.4.7.1.6 In addition, it has been suggested that the inclusion of the following additional Section 7.1.2(A) which serve to somewhat alleviate the appellants concerns:

'It is therefore envisaged that Cork County Council will enter into an agreement with the Department of Education under s.212 of the Planning and Development Act, which will make provision for the transfer of the school site in Lower Monard, the provision of a spur road from the Services Corridor to the entrance gates to the school, and the timing of the planning application for – and construction and opening of – the school. No significant residential development will be permitted in the SDZ until such an agreement is in place.'

11.4.7.1.7 Notably, it was stressed by the Development Agency during the course of cross-questioning at the oral hearing that the foregoing wording was as much as the Dept. of Education was willing to agree to at this stage in the process, although it was suggested that the Dept. would be required to co-operate with the implementation of the Planning Scheme and that the acquisition of the school site by the Council could serve as further leverage to ensure the construction of same at an early stage in the development of Lower Monard (South).

11.4.7.1.8 On balance, whilst I accept the legitimacy of the concerns raised by the appellants and the theoretical potential for the initial development phase of Monard to place increased demands on local schools in the area, with particular reference to Rathpeacon NS, I am inclined to suggest that the inclusion of Section 7.1.2(A) as proposed by the Development Agency represents an acceptable compromise in the circumstances. In practice, it would seem to be the intention that the Council will acquire the site of the first primary school as shown in Figure 10.7 of the Scheme in line with its development of the initial phase of linear infrastructure detailed in Table 10.3 after which it will enter into an agreement under s.212 of the Planning and Development Act which will provide for the transfer of the school site etc. to the Department of Education in addition to the finalisation of details pertaining to the timing, construction and opening of the school in advance of any *'significant residential development'*. In my opinion, such a sequencing of events is reasonable and provides for a sufficient level of certainty as regards the provision of adequate school facilities to serve the initial development phase of Monard.

11.4.7.2 Childcare Facilities:

11.4.7.2.1 The Scheme states that as the average childcare facility has a considerably smaller enrolment than a typical urban school, there will be a requirement for more of them and, therefore, in addition to those facilities adjoining the schools and in or near the village centres, there will also be a need

for additional childcare facilities to be provided within larger developments or neighbourhoods. In this respect the Scheme indicates that the figure of 1 No. childcare facility per 75 No. dwelling units as set out in the *'Childcare Facilities: Guidelines for Planning Authorities, 2001'* could result in significant over-provision and thus it is proposed that crèche facilities be provided within each of the 23 No. areas identified in Table 7.2 of the Scheme (including locations close to the primary schools), however, provision has been included in the Scheme for recourse to the guideline standard (1:75) in the event it is considered that the needs for childcare within the SDZ are not being met, while similar flexibility is provided for in the case of over-provision within the SDZ.

11.4.7.3 Fire Station:

11.4.7.3.1 The Scheme notes that fire cover for the area is presently provided by the Cork City Fire Services and that this situation is likely to continue in the short to medium term. Whilst acknowledging that fire service provision will be determined on an operational basis, it is considered that the case for a separate fire station in Monard will become stronger as the development extends northwards into Kilcronan, particularly if the Stoneview development in Blarney is also in place at that stage. Accordingly, provision has been made in the Scheme for the reservation of a site for a fire station in Kilcronan village centre and it is further stated that any such facility could also accommodate ambulance or other emergency services.

11.4.7.4 Library:

11.4.7.4.1 Section 7.0.2 of the Scheme confirms that it is the intention of Cork County Council to provide a library in the town centre (Lower Monard), preferably in co-operation with a commercial developer, and with the initial primary school proposed for the area. It is further indicated that the provision of this library should be timed to coincide with the opening of the primary school and completion of the first substantial phase of commercial development. Whilst a specific site for such a facility has not been indicated in the Scheme, the likelihood is that it will comprise one of the blocks shown in blue within the town centre in blue, possibly on those lands identified as *'Town Centre Retail Phase'* adjacent to the proposed school site as shown in Figure 10.7: *'Schematic Allocation of Infrastructure Provision between Cork County Council and Developers with Possible Transition Points'*. Similar to the findings of the previous reporting inspector in their assessment of ABP Ref. No. PL04G.ZD2008, in my opinion, it is not necessary to amend the phasing schedule to include provision of the library facility, having regard to the provisions of Section 7.0.2.

11.4.7.5 Other Community and Recreational Facilities at Village Level:

11.4.7.5.1 With regard to those other facilities to be provided in or adjacent to the village centres (in addition to the schools and village centre crèches), whilst it is considered unrealistic to require all the village centre facilities to be in place prior to any housing within the northern parts of the respective villages, it is proposed to operate a threshold system whereby a minimum level of basic facilities will be required to be provided in the four village centres in advance of any development progressing to the north thereof. In this respect I would refer the Board to Table 7.3: 'Village Centre facilities to be provided in advance of housing in north part of villages' of the Scheme as set out below:

Community & Recreational Facilities	Lower Monard	Upper Monard	West Village	Kilcronan
Primary School	1	1	1	1
Town / Village Centre Crèches	1	1	1	1
Shops, retail and medical services	1,000m ² +	250m ² +	250m ² +	500m ² +
Health / Medical Centre				1
Indoor sports and / or community facility	1			1
Multi Use Games Area		1	1	1
District Play Area	1	1	1	
Informal Kick-about Area		1		1

11.4.7.5.2 Other kickabout and multi-use games areas (MUGAs) are also proposed on or just beyond the northern boundary of Lower Monard and will be required as part of adjacent residential development. Similarly, a District Play Area is proposed in Kilcronan to the north of the village whilst a municipal play area incorporating play equipment suitable for use by younger children is also proposed in Lower Monard to the northeast of the town centre.

11.4.7.6 Neighbourhood Level Recreation:

11.4.7.6.1 Provision has been included in Section 7.3 of the Scheme for additional recreational / amenity facilities at neighbourhood level in the form of local play areas and neighbourhood play areas. For the purposes of the Monard SDZ:

- A neighbourhood play area should be provided within 100m of homes. This will provide each neighbourhood with 2 No. neighbourhood play areas, or one per 25-30 No. children aged 2-8 years on average.

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- A local play area should be provided within 200m of homes. This will result in a local play area to serve some of the larger neighbourhoods individually, or two adjacent smaller ones (*N.B.* Paired neighbourhoods for the purposes of providing Local Play Areas are identified in Table 7.4 of the Scheme).

11.4.7.7 SDZ Level Recreation and Facilities:

11.4.7.7.1 It is intended that the formal playing pitches, associated parking and other facilities to the east / northeast of Upper Monard between the 110kV overhead power line and the back Whitechurch Road will be provided in association with adjoining residential developments. At this point I would reiterate my earlier comments that the location of these pitches is reasonable and represents an appropriate design response to this particular constraint on development, particularly given the undesirability of locating housing etc. in the immediate vicinity of the power lines.

11.4.7.7.2 The Council's '*Recreation and Amenity Policy*' will also be applied in Monard, with some modifications to reflect its special circumstances as a new town. This requires that developers of new housing developments make direct provision for sport and recreation infrastructure according to the needs of the development and identified facilities are allocated a points value. Within Monard there will be a requirement for one point for every 5 No. houses (rather than for every 6 No. houses as required elsewhere) whilst the range of facilities which will qualify for points under the Recreation and Amenity Policy has also been expanded to include for amenities such as swimming pools, leisure centres, theatres / arts centres, youth clubs, gyms, and tennis courts etc. (Please refer to Table 9.3 of the Scheme which details the modified points allocation for additional identified qualifying facilities).

11.4.7.7.3 At this point I would also advise the Board that the Contribution Scheme for Monard provides for a form of equalisation, which involves reimbursing developers who provide facilities beyond that otherwise required (1 point per 5 No. dwellings), while imposing an additional cost on developers who provide less than the required community land equivalent. This would appear to be a reasonable approach to the provision of facilities.

N.B. The Monard SDZ Development Contribution Scheme was considered at the same meeting of Cork County Council as the Monard SDZ Planning Scheme, on 27th July, 2015 and the resolution passed by the elected members opted not make a formal decision on the Draft Monard SDZ Planning Scheme or the

Development Contribution Scheme. Accordingly, by failing to make the scheme, or to vary or modify the scheme by resolution, and by also failing to decide to not make the scheme, it would appear that the Monard SDZ Development Contribution Scheme can be held to have been made, although I would concede that the legislation is not entirely specific on this issue. Therefore, on the basis that the Development Contribution Scheme is deemed to have been 'made', and as there is no right of appeal against the making of the Contribution Scheme nor any provision whereby the Contribution Scheme can be referred to the Board for consideration, I would suggest that the Board has no function with regard to this issue. Furthermore, I would concur with the reporting inspector in their assessment of the 2012 Planning Scheme that there is nothing in the legislation providing for SDZs to indicate that there is any requirement to include a Development Contribution Scheme in the SDZ, nor any provision whereby the Board can, in its approval of an SDZ, seek to amend or supplant, the adopted Development Contribution scheme.

11.4.7.8 SDZ Level Open Space Networks, Landscaped Areas & The Country Park:

11.4.7.8.1 The Scheme proposes an extensive network of open spaces ranging from linear parks linking neighbourhoods to the country park, the town and village centres, and the rail station, to small spaces designed to provide local focal points within neighbourhoods. The housing layout has been arranged to overlook the open spaces in order to promote natural surveillance and the main footpath links are routed through them to encourage use by all age groups.

11.4.7.8.2 The principle recreational facility which the Council is likely to be involved in providing is the proposed Country Park alongside the Blarney River. This will include a riverside walk for the full length (c. 2.0km) of that section of the river within the SDZ whilst provision has also been made for linkages across the Old Mallow Road to the proposed housing in addition to the railway station and the town centre. It is considered that the southern part of the park would have the potential to accommodate kick-about areas and other low-key recreational facilities whereas a small pitch and putt course is suggested for the northern end. From a review of Figure 10.7 it would appear that these lands will be acquired by the development agency along with lands for the site of the wastewater pumping station.

11.4.7.8.3 The phasing schedule contained in Table 10.3 of the Scheme makes provision for the south-eastern part of the Country Park to be provided in tandem with development in Lower Monard (South), however, the schedule makes no

reference to the upper or northern part of the Country Park. Whilst it was indicated by the Development Agency during the Board's previous assessment of the 2012 Planning Scheme that the provision of this northern section of the park could be appropriately included as part of the development to be provided in tandem with Kilcronan (S), and although a modification to Table 10.3 of the Scheme was proposed in this regard, Section 7.6.4 of the current 2015 Planning Scheme simply states that further choices will need to be made on how the Country Park operates and that it would be desirable for detailed proposals for the park to be finalised at the point when the new town has some initial residents, so that a sense of ownership develops. In my opinion, this omission is regrettable and that I would concur with the previous inspector that the following text should be included in Section 7.6.4:

"The park will be provided in two stages as follows:

- 1. The south-eastern part, to the south of the local road traversing the park, to be provided in tandem with development in Lower Monard (South)*
- 2. The northern part, to the north of the local road traversing the park, to be provided in tandem with development in Kilcronan (South)".*

11.4.7.8.4 Amendments will also be necessary to Table 10.3 in this regard.

M07: Insert the following text into Para. 7.6.4 (page 136)

'The park will be provided in two stages as follows:

1. The south-eastern part, to the south of the local road traversing the park, to be provided in tandem with development in Lower Monard (South)
2. The northern part, to the north of the local road traversing the park, to be provided in tandem with development in Kilcronan (South)'

M08: Amend Table 10.3: 'Summary table showing preconditions for development north of threshold lines, and facilities to be provided in association with each part of each village' to reflect the requirements of M07.

11.4.7.8.5 The Scheme also includes for indicative proposals on the types of trees and woodland suitable in different parts of the SDZ. In this respect the establishment of new woodland screening is intended to provide a robust

framework appropriate to the scale of the proposed development whilst also enhancing the character and appeal of the landscape. Further suggested features include groups of mixed tree species throughout the proposed development as a secondary component of the landscape infrastructure and the use of street trees in order help stitch together the various elements of development.

11.4.7.8.6 Wherever practicable, it is envisaged that planting should occur well in advance of construction, and that this should be required by condition if an interval between permission and development is likely. Notably, as an incentive to encourage earlier allocation of land for amenity planting - and thus improving the appearance of new development in Monard in challenging topography – the Council proposes to provide tree planting grants at a similar level to those offered by the Department of Agriculture for forestry.

11.4.8 Ecological Considerations:

11.4.8.1 The Monard SDZ is typified by an undulating rural landscape which is in agricultural use with a mixture of tillage and pasture with improved grasslands. Surveying has confirmed that the habitats present on site are generally of a low ecological value whilst no species of note were recorded.

11.4.8.2 There are no sites or habitats designated under European or national legislation within or directly adjacent to the SDZ, although it is acknowledged that Blarney Bog, which has been designated as a proposed Natural Heritage Area, is located approximately 1km southwest of the site area. This pNHA is dependent to a large extent on the hydrological inputs of the Blarney River, in addition to the hydrogeological inputs from the ground water catchment. Therefore, the maintenance and protection of the existing hydrological regime of the Blarney River is of paramount importance. Similarly, Clogheenmilcon Fen and Monard Glen (a wildlife reserve developed by Mr. Tom O’Byrne) are also located southwest of the SDZ and are dependent on the Blarney River.

11.4.8.3 Surveys have identified the Blarney River as having an important function as a wildlife corridor in the local context and also with regard to its hydrological connection to the Blarney Bog pNHA. It is considered to be of high value and local importance due to its salmonid status and the presence of trout. Furthermore, whilst the watercourse is currently under pressure from siltation, its biological water quality remains at good status (Q4).

11.4.8.4 The ecological aspects of the Rathpeacon Stream have been evaluated as being of local importance, high value in relation to the watercourse and the availability of spawning and nursery habitat for trout. However, the habitats and botanical communities present are evaluated as being of local importance, low value. Rathpeacon Stream was rated as Q3-4 moderate status (i.e. unsatisfactory).

11.4.8.5 With regard to the Kilcronan Stream, this is considered to be of low value and local importance from an ecological perspective and was rated as Q4 good status.

11.4.8.6 Having considered the available information, including the 'Blarney River, Kilcronan Stream and Rathpeacon Stream Ecological Survey Report' prepared by Ecofact (Appendix '5F' of the Monard SUDS Report), I am satisfied that the Planning Scheme has taken sufficient cognisance of the ecological impacts arising as a result of the development of Monard and that subject to the implementation of the mitigation measures set out throughout the Scheme and its supporting documentation, the remaining residual impacts are within acceptable limits.

12.0 CONCLUSIONS AND RECOMMENDATION:

12.1 It is my opinion that the Scheme complies with the statutory requirements and fulfils the objectives of the Statutory Order, S.I. 510 of 2010. I am satisfied that the Planning Scheme, with modifications, would not be likely to have significant effects on the environment and that the Scheme would not adversely impact on the conservation objectives of Natura 2000 sites, by itself or in combination with other plans or projects. I consider that the modifications herein recommended to the Board come within the scope of S.169(7)(c) of the Planning and Development, Act, 2000 (as amended).

12.2 Having regard to the foregoing, I recommend that the Board approve the making of the Monard Strategic Development Zone Planning Scheme for the reasons and considerations, and subject to the modifications set out below:

REASONS AND CONSIDERATIONS

Having regard to:-

- a) the provisions of Part IX of the Planning and Development Act, 2000, as amended,
- b) the designation by the Government of this area as a Strategic Development Zone by S.I. 540 of 2010, Planning and Development Act, 2000 (Designation of Strategic Development Zone: Monard, Cork County) Order, 2010
- c) national and strategic policy as set out in the National Spatial Strategy 2002- 2020, the South West Regional Planning Guidelines, 2010 - 2022, and the Cork Area Strategic Plan (CASP),
- d) the provisions of the Cork County Development Plan, 2014, and Blarney Electoral Area Local Area Plan 2011, and
- e) the existing pattern of development in the area,

It is concluded that the Planning Scheme, with modifications, would not be likely to have significant effects on the environment and would not adversely impact on the integrity of Natura 2000 sites, by itself or in combination with other plans or projects.

It is considered that, subject to the modifications set out below, the Planning Scheme complies with the statutory requirements and provides for the comprehensive planning and development of the site in accordance with the requirements of the Strategic Development Zone designation, and would therefore be in accordance with the proper planning and sustainable development of the area.

MODIFICATIONS:

1. **(M01):** Except where further altered by modifications in this order, the Scheme dated April 2015 shall be modified by the inclusion of the drawings, plans and details contained in the 'Chief Executive's Reports to Members on Submissions Received' dated the 30th day of June, 2015 and the report entitled 'Recommended Changes arising from Chief Executive's Reports to Members on Submissions Received' dated the 17th day of July, 2015, as modified further by the details submitted by the Development Agency to the Board on the 16th day of January, 2016.

Reason: In the interests of clarity.

2. **(M02):** Delete the following text from Para. 5.1.8, (Page 104):

‘ . . . such an agreement being in place, with construction of houses under such permissions not to proceed until construction of a station is also underway’.

Insert the following text into Para. 5.1.8, (Page 104):

‘ . . . the railway station having been completed’.

Reason: In the interests of clarity.

3. **(M03):** The figures detailing the minimum and maximum number of dwellings permissible in the neighbourhoods contained in Sections 4.6 – 4.9 of the Planning Scheme shall be amended as necessary to correspond with the minimum and maximum number of dwellings set out in Table 4.2, Page 101 of the Scheme.

Reason: In the interests of clarity.

4. **(M04):** Insert the following as Para. 4.4.17 (Page 46).

‘The spaces and facilities should be designed to ensure all members of society can access and use them’.

Reason: To ensure a proper standard of development and access for all

5. **(M05):** Insert the following sentence into Para. 6.1.6 (Page 117):

‘No development will be permitted within the Monard SDZ which would result in the overloading of the Killeens WWTP’.

Reason: In the interest of public health and clarity.

6. **(M06):** Insert the following as Para. 6.1.9(A) after Para 6.1.9 (Page 117):

‘While the preliminary reports on water supply and sewerage for Monard do not suggest that the inclusion of trunk mains or other infrastructure

designed to serve both Monard and the Stoneview development would be advantageous, it is possible that due to change of circumstances, or for other reasons, Irish Water may wish to modify the proposals in those reports in a way which provides for some water services infrastructure serving both developments. Any such modified proposals will be subject to the same functional and environmental assessment requirements as the preliminary reports summarised above. Subject to that proviso, such modified proposals should not be regarded as inconsistent with this Planning Scheme’.

Reason: In the interests of clarity and orderly development.

7. **(M07):** Insert the following text into Para. 7.6.4 (page136)

‘The park will be provided in two stages as follows:

- (1) The south-eastern part, to the south of the local road traversing the park, to be provided in tandem with development in Lower Monard (South)*
- (2) The northern part, to the north of the local road traversing the park, to be provided in tandem with development in Kilcronan (South)’.*

Reason: In the interests of clarity and orderly development.

8. **(M08):** Amend Table 10.3: *‘Summary table showing preconditions for development north of threshold lines, and facilities to be provided in association with each part of each village’* to reflect the requirements of Modification No. 7 (M07) above.

Reason: In the interests of clarity.

9. **(M09):** Amend ‘Table 5.4: Percent Shares of Journeys to Work / Education by Mode of Transport, 2011’ (Page 113) to *‘Table 5.4(A): Percent Shares of Journeys to Work / Education by Mode of Transport, 2011’;*

and;

Amend ‘Table 5.4: Quality and Potential of Transport links from Monard, by destination and mode’ (Page 116) to *‘Table 5.4(B): Quality and Potential of Transport links from Monard, by destination and mode’.*

Reason: In the interests of clarity.

10. A copy of the consolidated Planning Scheme, hereby approved and as modified by this order, and the further modifications attached to this approval, shall be prepared by the Development Agency prior to the publication of notice of the approval of the Scheme as required under section 169(7)(d) of the Planning and Development Act, 2000 - 2011. The consolidated Planning Scheme shall be used by the Development Agency / Planning Authority in assessing all planning applications.

Reason: In the interests of clarity and public information.

Signed: _____

Robert Speer
Inspectorate

Date: _____