

Validation Checklist

Lodgement Number : **LDG-079793-25**
Case Number: **ABP-322434-25**
Customer: **Joan Murphy**
Lodgement Date: **06/05/2025 14:18:00**
Validation Officer: **Dáire Littleton Caden**
PA Name: **Cork City Council**
PA Reg Ref: **2443414**
Case Type: **Appeal - LRD**
Lodgement Type: **Appeal - LRD**



An
Bord
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Yes
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
3rd Party Acknowledgement	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

LRD - Multiple

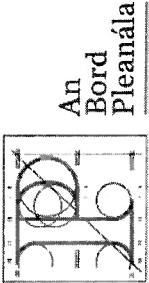
LRD01M

Run at: 07/05/2025 09:34

Run by: Dáire Littleton Caden



Lodgement Cover Sheet - LDG-079793-25



Details

Lodgement Date	06/05/2025
Customer	Joan Murphy
Lodgement Channel	In Person
Lodgement by Agent	Yes
Agent Name	BPS Planning and Development Consultants
Correspondence Primarily Sent to	Agent
Registered Post Reference	

Lodgement ID	LDG-079793-25
Map ID	
Created By	Shirley Connolly
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Appeal
Section	Processing

PA Name	Cork City Council
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Paid	220.00
Refund Amount	

Observation/Objection Allowed?	
Payment	PMT-062432-25
Related Payment Details Record	PD-062279-25

~~BPS~~ LRPD/01/01

09/04/25 40 06/08/25

Appeal

ABP - 322434-25

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Lodgement Deadline	
Development Description	
Development Address	

Appeals Type	
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Planning & Development Consultants

Planning appeal submitted by hand

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

6 May 2025

Dear Sir/Madam,

M 087 261 5871
T 01 539 4960
E info@bpsplanning.ie
W www.bpsplanning.ie

PO Box 13658
Dublin 14

AN BORD PLEANÁLA	
LDG- <u>079793-25</u>	
ABP- _____	
06 MAY 2025	
Fee: € <u>220</u>	Type: <u>Chg</u>
Time: <u>1406</u>	By: <u>HAND</u>

Third Party planning appeal in respect of the decision of Cork City Council, made under planning application, reg. ref. 2443414, to issue Notification of Intention to Grant Planning Permission for inter alia: "Permission for the following Large Scale Residential Development (LRD) comprising the demolition/removal of existing ruins/structures including a former dwelling on the northern part of the site) and the construction of 550 no. residential units to include 394 no. dwelling houses (comprising a mix of 2 3 and 4 bed semi-detached and townhouse/ terraced units) and 156 no. apartment/duplex units (comprising a mix of 1 and 2 bed units in 10 no. blocks ranging in height from 2 to 6 storeys) 1 no. creche 3 no. commercial units (comprising a shop café and medical/general practice facility) and all associated ancillary development works ... all other ancillary development located to the north of Dunkettle House (protected structure - PS1190) and associated structures (protected structures - PS1238 PS1239 PS1240 PS1170) Dunkettle (townland) Glanmire Cork ..."

BPS Planning & Development Consultants – a firm of Irish Planning Institute¹ accredited planning and development consultants - have been retained by Joan Murphy of Broomhill Woodlands, Glanmire, Cork, T45 WR80 [hereafter 'client'] to make a Third Party planning appeal to An Bord Pleanála [hereafter "ABP"] on her behalf in respect of the decision of Cork City Council [hereafter referred to as 'CCC'] to issue Notification of intention to Grant Planning Permission under planning application, reg. ref. 2443414, which proposes the following development, described in the advertised statutory notices, to the north of Dunkettle House, (Protected Structure - PS1190) and associated, structures (protected structures - PS1238, PS1239, Dunkettle (townland) Glanmire Cork:

Permission for the following Large Scale Residential Development (LRD) comprising the demolition/removal of existing ruins/structures including a former dwelling on the northern part of the site) and the construction of 550 no. residential units to include 394 no. dwelling houses (comprising a mix of 2 3 and 4 bed semi-detached and townhouse/ terraced units) and 156 no. apartment/duplex units (comprising a mix of 1 and 2 bed units in 10 no. blocks ranging in height from 2 to 6 storeys) 1 no. creche 3 no. commercial units (comprising a shop café and medical/general practice facility) and all associated ancillary development works including a new vehicular access new pedestrian access a traffic signal controlled Toucan pedestrian crossing and upgrades to the road markings on the L2998 Road to the east a new greenway through the development connecting to the L2998 to the north and to the existing (Dunkettle to Carrigtwohill) Greenway to the south drainage (including attenuation pond) footpaths & cycle lanes landscaping amenity and open space areas boundary treatments bicycle and car parking bin storage 7 no. ESB substations the undergrounding of the existing overhead electricity lines currently transversing the site public lighting and all other ancillary development located to the north of Dunkettle House (protected structure - PS1190) and associated structures (protected structures - PS1238 PS1239 PS1240 PS1170) Dunkettle (townland) Glanmire Cork, An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) has been submitted to the planning authority with the application. The Environmental Impact Assessment Report and Natura Impact Statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Local Authority. The application may be inspected online at the following website set up by the applicant: www.dunkettlird.ie.

The decision of CCC was issued on planning application was submitted on 9/04/2025. The final date for the submission of appeals is the **6th of May 2025**. This planning appeal is lodged on or before the deadline.

The attached Planning Appeal Report sets out our client's Grounds for Objection. Sections 9.0 and 10.0 set out our client's conclusions and recommendations.

In terms of the validation of this planning objection, please find attached:

¹ <https://www.ipi.ie/>

1. Payment of the €220 fee (paid at the ABP planning desk);
2. A completed Planning Appeal Form;
3. Copy of acknowledgement letter regarding the original planning objection lodged to CCC;
4. A Planning Appeal Report; and
5. Copy of original planning objection lodged to CCC.

If you require any further details, please contact BPS using the contact details set out on our letterhead.

We confirm that BPS acts for our client. Please issue all correspondence to this office.

Best wishes,

Brendan Buck

Brendan Buck MPI
Managing Director
BPS Planning & Development Consultants Ltd



Third Party Planning Appeal Check List

1. The Appeal must be in writing: PLEASE FIND A PLANNING APPEAL REPORT ATTACHED.
2. Name and address of the Appellant: JOAN MURPHY OF BROOMHILL WOODLANDS, GLANMIRE, CORK, T45 WR80.
3. If an agent is involved, state the name of the agent: BRENDAN BUCK MIPI.
4. Address of the agent: BPS PLANNING & DEVELOPMENT CONSULTANTS, PO BOX 13658, DUBLIN 14, D14RW01.
5. State the Subject Matter of the Appeal: THIRD PARTY PLANNING APPEAL IN RESPECT OF THE DECISION OF CORK CITY COUNCIL, MADE UNDER PLANNING APPLICATION, REG. REF. 2443414, TO ISSUE NOTIFICATION OF INTENTION TO GRANT PLANNING PERMISSION.
6. Brief description of the development: PERMISSION FOR THE FOLLOWING LARGE SCALE RESIDENTIAL DEVELOPMENT (LRD) COMPRISING THE DEMOLITION/REMOVAL OF EXISTING RUINS/STRUCTURES INCLUDING A FORMER DWELLING ON THE NORTHERN PART OF THE SITE) AND THE CONSTRUCTION OF 550 NO. RESIDENTIAL UNITS TO INCLUDE 394 NO. DWELLING HOUSES (COMPRISING A MIX OF 2 3 AND 4 BED SEMI-DETACHED AND TOWNHOUSE/ TERRACED UNITS) AND 156 NO. APARTMENT/DUPLEX UNITS (COMPRISING A MIX OF 1 AND 2 BED UNITS IN 10 NO. BLOCKS RANGING IN HEIGHT FROM 2 TO 6 STOREYS) 1 NO. CRECHE 3 NO. COMMERCIAL UNITS (COMPRISING A SHOP CAFÉ AND MEDICAL/GENERAL PRACTICE FACILITY) AND ALL ASSOCIATED ANCILLARY DEVELOPMENT WORKS INCLUDING A NEW VEHICULAR ACCESS NEW PEDESTRIAN ACCESS A TRAFFIC SIGNAL CONTROLLED TOUCAN PEDESTRIAN CROSSING AND UPGRADES TO THE ROAD MARKINGS ON THE L2998 ROAD TO THE EAST A NEW GREENWAY THROUGH THE DEVELOPMENT CONNECTING TO THE L2998 TO THE NORTH AND TO THE EXISTING (DUNKETTLE TO CARRIGTWOHILL) GREENWAY TO THE SOUTH DRAINAGE (INCLUDING ATTENUATION POND) FOOTPATHS & CYCLE LANES LANDSCAPING AMENITY AND OPEN SPACE AREAS BOUNDARY TREATMENTS BICYCLE AND CAR PARKING BIN STORAGE 7 NO. ESB SUBSTATIONS THE UNDERGROUNDING OF THE EXISTING OVERHEAD ELECTRICITY LINES CURRENTLY TRANSVERSING THE SITE PUBLIC LIGHTING AND ALL OTHER ANCILLARY DEVELOPMENT LOCATED TO THE NORTH OF DUNKETTLE HOUSE (PROTECTED STRUCTURE - PS1190) AND ASSOCIATED STRUCTURES (PROTECTED STRUCTURES - PS1238 PS1239 PS1240 PS1170) DUNKETTLE (TOWNLAND) GLANMIRE CORK, AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) AND NATURA IMPACT STATEMENT (NIS) HAS BEEN SUBMITTED TO THE PLANNING AUTHORITY WITH THE APPLICATION. THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND NATURA IMPACT STATEMENT WILL BE AVAILABLE FOR INSPECTION OR PURCHASE AT A FEE NOT EXCEEDING THE REASONABLE COST OF MAKING A COPY DURING OFFICE HOURS AT THE OFFICES OF THE LOCAL AUTHORITY. THE APPLICATION MAY BE INSPECTED ONLINE AT THE FOLLOWING WEBSITE SET UP BY THE APPLICANT: WWW.DUNKETTLELRD.IE
7. Location of development: TO THE NORTH OF DUNKETTLE HOUSE, (PROTECTED STRUCTURE - PS1190) AND ASSOCIATED, STRUCTURES (PROTECTED STRUCTURES - PS1238, PS1239, DUNKETTLE (TOWNLAND) GLANMIRE CORK.
8. Name of planning authority: CORK CITY COUNCIL.
9. Planning authority register reference number: REG. REF. 2443414.

10. Attach, in full, the grounds for objection and the reasons, considerations and arguments on which they are based. ATTACHED IN FULL IN PLANNING APPEAL REPORT.
11. Enclose/Pay the correct fee for the **THIRD** party APPEAL: €220 PAID AT AN BORD PLEANÁLA.
12. Ensure that the APPEAL is received by AN BORD PLEANÁLA in the **correct manner** and in **time**. THE DECISION OF CCC WAS ISSUED ON PLANNING APPLICATION WAS SUBMITTED ON 9/04/2025. THE FINAL DATE FOR THE SUBMISSION OF APPEALS IS THE **6TH OF MAY 2025**. THIS PLANNING APPEAL IS LODGED ON OR BEFORE THE DEADLINE.

Signed:

Brendan Buck

BP S Planning Consultants LTD
Members of the Irish Planning Institute
6 May 2025



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Joan Murphy
Broomhill
Woodlands
Glanmire, Cork T45 WR80

06/01/2025

Reg. No.: 24/43414

Applicant: O Flynn Construction Co. Unlimited Company
At: To the north of Dunkettle House
(Protected Structure - PS1190) and associated
structures (protected structures - PS1238, PS1239,
Dunkettle (townland) Glanmire Cork

A Chara,

I wish to acknowledge receipt of your submission, received on 23/12/2024 regarding an application for Permission for the following Large Scale Residential Development (LRD) comprising the demolition/removal of existing ruins/structures including a former dwelling on the northern part of the site) and the construction of 550 no. residential units to include 394 no. dwelling houses (comprising a mix of 2 3 and 4 bed semi-detached and townhouse/ terraced units) and 156 no. apartment/duplex units (comprising a mix of 1 and 2 bed units in 10 no. blocks ranging in height from 2 to 6 storeys) 1 no. creche 3 no. commercial units (comprising a shop café and medical/general practice facility) and all associated ancillary development works including a new vehicular access new pedestrian access a traffic signal controlled Toucan pedestrian crossing and upgrades to the road markings on the L2998 Road to the east a new greenway through the development connecting to the L2998 to the north and to the existing (Dunkettle to Carrigtwohill) Greenway to the south drainage (including attenuation pond) footpaths & cycle lanes landscaping amenity and open space areas boundary treatments bicycle and car parking bin storage 7 no. ESB substations the undergrounding of the existing overhead electricity lines currently transversing the site public lighting and all other ancillary development located to the north of Dunkettle House (protected structure - PS1190) and associated structures (protected structures - PS1238 PS1239 PS1240 PS1170) Dunkettle (townland) Glanmire Cork at To the north of Dunkettle House, (Protected Structure - PS1190) and associated, structures (protected structures - PS1238, PS1239., Dunkettle (townland) Glanmire Cork

This submission received in accordance with the provisions of the Planning & Development Regulations 2001 (as amended) forms part of the file, which is available for inspections by the public at the Planning Department, City Hall, Cork. Opening hours are Monday-Friday from 10.00a.m. – 4.00p.m.

You will be notified when a decision is made on the application.

This letter should be retained. If you wish to appeal such decision, a copy of the attached acknowledgement must accompany your appeal to An Bord Pleanála.



We are Cork.

A copy of the Council's decision will issue to you in due course.

**Acknowledgement of Receipt of Submission or Observation on a
Planning Application**

THIS IS AN IMPORTANT DOCUMENT

Keep this document safely. You will be required to produce this acknowledgement to An Bord Pleanála if you wish to appeal the decision of the Planning Authority. It is the **only** form of evidence which will be accepted by An Bord Pleanála that a submission or observation has been made to the Planning Authority on the planning application.

Planning Authority Name: **Cork City Council**

Planning Application Ref. No.: **24/43414**

A submission/observation, in writing, has been received from:
Joan Murphy, Broomhill, Woodlands, Glanmire, Cork T45 WR80
on **23/12/2024** in relation to the above planning application.

The appropriate fee of €20 has been paid. *(Fee not applicable to prescribed bodies).*

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2001 (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.



**Community, Culture &
Placemaking Directorate**

Date: 06/01/2025



Planning & Development
Consultants

Planning Appeal Report

Third Party planning appeal in respect of the decision of Cork City Council, made under planning application, reg. ref. 2443414, to issue Notification of Intention to Grant Planning Permission for inter alia: "Permission for the following Large Scale Residential Development (LRD) comprising the demolition/removal of existing ruins/structures including a former dwelling on the northern part of the site) and the construction of 550 no. residential units to include 394 no. dwelling houses (comprising a mix of 2 3 and 4 bed semi-detached and townhouse/ terraced units) and 156 no. apartment/duplex units (comprising a mix of 1 and 2 bed units in 10 no. blocks ranging in height from 2 to 6 storeys) 1 no. creche 3 no. commercial units (comprising a shop café and medical/general practice facility) and all associated ancillary development works ... all other ancillary development located to the north of Dunkettle House (protected structure - PS1190) and associated structures (protected structures - PS1238 PS1239 PS1240 PS1170) Dunkettle (townland) Glanmire Cork ..."

This Planning Appeal Report has been produced by BPS Planning and Development Consultants LTD for and on behalf of Joan Murphy, Broomhill, Woodlands, Glanmire, Cork, T45 WR80.

Document Control Sheet

Project	Third Party Planning Appeal Report in respect of Cork City Council decision, reg. ref. 2443414.
Project No.	2025- 262.
Document title	Third Party Planning Appeal Report.

Contents	No. of pages
Cover page	1
Control sheet	1
Table of contents	2
Text	41
Total No. of Pages	45

Rev.	Distribution	Author	Checked	Approved	Day	Month	Year
1	Client	BB	FB	EB	3	5	2025
2	Client	BB	FB	EB	6	5	2025
3	An Bord Pleanála	BB	FB	FB	6	5	2025

BPS Planning & Development Consultants LTD

PO Box 13658, Dublin 14, D14RW01

Tel: 01 539 4960 / 087-2615871

Email: info@bpsplanning.ie

Web: www.bpsplanning.ie

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Date: 6 May 2025.

Contents

1.0 Introduction

- 1.1 No consultation with and/or permissions given from client

2.0 Rationale for & summary of this appeal

3.0 Site Location & Description Relative to client's property

4.0 Zoning and site designations

5.0 The proposed development

- 5.1 The proposed development as it would address client's property

6.0 Technical concerns with the planning application

- 6.1 Trees and vegetation shown on the party boundary yet no boundary treatment is proposed
 6.2 EIAR fails to include alternative sites or an option with adequate social infrastructure
 6.3 Chapter 4 of the EIAR fails to address social infrastructure deficiencies
 6.4 Chapter 9 of the EIAR fails to fully assess the adverse impact of cut & fill and soil exports
 6.5 Chapter 9 of the EIAR is a desk study with inadequate site assessment
 6.6 Dust impact assessment technical concerns
 6.6.1 Client property adjoins the site – well within the 50m area likely adversely impacted by dust
 6.6.2 Chapters 13/14 of the EIAR refer to "Enclosure of dust-generating activities" – explain?
 6.7 Noise – technical assessment concerns
 6.7.1 The current noise assessment may contradict the previous application's assessment
 6.7.2 Chapters 12 of the EIAR refer to "Screening" noise and vibration – explain?
 6.8 High Significance hedgerows are to be removed due to "gaps"

7.0 Relevant planning history

- 7.1 Planning history of the site comprises refusals of two large residential developments

8.0 Grounds for Appeal

8.1 Ground 1: The proposal would impact adversely on Broomhill

- 8.1.1 The CCC assessment of likely visual impact require clarification
 8.1.2 A wall is needed between the site and Broomhill

8.2 Ground 2: Reduce density given the site's zoning requiring more social infrastructure

- 8.2.1 ABP has refused twice on prematurity grounds – this is the same constrained site

8.3 Ground 3: Proposed car park, access road & public lighting concerns

8.4 Ground 4: Proposals to cut and fill and install retaining structures are not supported

- 8.4.1 The developable area of the site close to Broomhill should be more limited
 8.4.2 Noise, vibration, disturbance, air quality impacts, etc. to be exacerbated by cut and fill works

8.5 Ground 5: The Landscape Plan is incomplete

- 8.5.1 The Landscape Plan proposes loss of trees but relies on Broomhill's trees

8.6 Ground 6: Refusal reasons under appeal Ref. No. PL 04.233061 remain unaddressed

- 8.6.1 Local concerns over poor road infrastructure & likely traffic impacts
 8.6.2 Lack of public transport & capacity to serve a 550 unit scheme

8.7 Ground 7: Planning policy concerns arising from this piecemeal proposal

- 8.7.1 Contrary to the ZO 02 'New Residential Neighbourhood' zoning

8.7.2 Contrary to and would adversely impact on the ZO 17 Landscape Preservation Zone

8.7.3 Contrary to and would conflict with Objective NE15

8.8 Ground 8: The issue of biodiversity

8.9 Ground 9: The EIAR is inadequate

8.10 Ground 10: The submitted Appropriate Assessment is incomplete

8.11 Ground 11: The proposals would adversely impact on Dunkettle House

8.12 Ground 12: The proposed development would set poor precedents

8.13 Ground 13: The proposed development would cause depreciation of property value

9.0 Conclusion

10.0 Recommendation

10.1 Recommended reasons for refusal

10.2 Revisions required to address client concerns

1.0 Introduction

BPS Planning & Development Consultants – a firm of Irish Planning Institute¹ accredited planning and development consultants – have been retained by Joan Murphy of Broomhill Woodlands, Glanmire, Cork, T45 WR80 [hereafter 'client'] to make a Third Party planning appeal to An Bord Pleanála [hereafter "ABP"] on her behalf in respect of the decision of Cork City Council [hereafter referred to as 'CCC'] to issue Notification of intention to Grant Planning Permission under planning application, reg. ref. 2443414, which proposes the following development, described in the advertised statutory notices, to the north of Dunkettle House, (Protected Structure - PS1190) and associated, structures (protected structures - PS1238, PS1239, Dunkettle (townland) Glanmire Cork:

Permission for the following Large Scale Residential Development (LRD) comprising the demolition/removal of existing ruins/structures including a former dwelling on the northern part of the site) and the construction of 550 no. residential units to include 394 no. dwelling houses (comprising a mix of 2 3 and 4 bed semi-detached and townhouse/ terraced units) and 156 no. apartment/duplex units (comprising a mix of 1 and 2 bed units in 10 no. blocks ranging in height from 2 to 6 storeys) 1 no. creche 3 no. commercial units (comprising a shop café and medical/general practice facility) and all associated ancillary development works including a new vehicular access new pedestrian access a traffic signal controlled Toucan pedestrian crossing and upgrades to the road markings on the L2998 Road to the east a new greenway through the development connecting to the L2998 to the north and to the existing (Dunkettle to Carrigtwohill) Greenway to the south drainage (including attenuation pond) footpaths & cycle lanes landscaping amenity and open space areas boundary treatments bicycle and car parking bin storage 7 no. ESB substations the undergrounding of the existing overhead electricity lines currently transversing the site public lighting and all other ancillary development located to the north of Dunkettle House (protected structure - PS1190) and associated structures (protected structures - PS1238 PS1239 PS1240 PS1170) Dunkettle (townland) Glanmire Cork, An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) has been submitted to the planning authority with the application. The Environmental Impact Assessment Report and Natura Impact Statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Local Authority. The application may be inspected online at the following website set up by the applicant: www.dunkettlelrd.ie.

The decision of CCC was issued on planning application was submitted on 9/04/2025. The final date for the submission of appeals is the **6th of May 2025**. This planning appeal is lodged on or before the deadline.

For the convenience of ABP, this Planning Appeal Report sets out the rationale for and a summary of this appeal (Section 2.0); sets out the site location and description (Section 3.0); reviews the site's zoning and designations (Section 4.0); sets out the proposed development (Section 5.0); sets out technical issues with the planning application (Section 6.0); sets out the site's planning history and a relevant planning application in the vicinity (Section 7.0); and sets out our client's objections to the proposed development (Section 8.0). Finally, Sections 9.0 and 10.0 set out our client's conclusions and recommendations following this BPS planning assessment.

1.1 No consultation with and/or permissions given from client

Our client wishes to note that Joan Murphy, represented by this Planning Appeal Report, has not been consulted by the applicant in respect of the proposed development. At no point has our client given any indication that the proposed development as now submitted would be acceptable to her. **Our client is opposed to this scheme, as submitted, for the reasons set out in this Planning Appeal Report.**

2.0 Rationale for & summary of this appeal

Our client is Joan Murphy of Broomhill Woodlands, Glanmire, Cork, T45 WR80. Her property adjoins the proposed development. This is not the first planning application to be lodged in respect of these lands. While previous planning applications have made some attempt to minimise likely adverse impacts on her property arising from their proposals, the current planning application makes none. The decision of CCC as regards development adjoining and/or in close proximity to her property can only be achieved by significantly, adversely, and permanently impacting on her property.

Having reviewed the proposed development, BPS considers that our client's home would be amongst the most adversely affected of the existing residences bordering the development.

Our client purchased her property 45 years ago, primarily to enjoy its peaceful rural setting and private garden. The proposed development, as sited and scaled relative to her property would adversely impact the beauty of the environs of the property.

¹ <https://www.ipi.ie/>

The planning application and CCC's assessment of the planning application fails to find a fair balance, or any balance, between the rights of the residents, such as our client, who have lived in this area for decades and the rights of the applicant to develop the site.

This Planning Appeal Report confirms how the planning application would impact adversely on our client's residential and visual amenities. The proposal infringes on both our client's western and southern boundaries. This arises due to the proposed increase in density included in this scheme relative to a previous 2009 planning permission. Our client's concerns are set out below:

The western boundary

The western boundary to the rear of Broomhill is elevated and is in excess of 2 metres above ground level. From this point the development land rises steeply above our client's home and garden. The applicant has placed nine houses (Type Ca and Cl a, nos. 42 to 50) on top of the entirety of this boundary (see Section 5.1 of this Planning Appeal Report). These units would tower above our client's property causing overshadowing, including blocking daylight and the skyline. The proposals would remove all views of the rural landscape which has always surrounded the property. The proposed dwellings would cause adverse overlooking the rear of her home on its western side as well as the garden's northern aspect. The proximity of the rear gardens of these units (which are just 8m in length) to her boundary is evident in Engineer's Drawing 3442-JODA-01-00-DR-C-1000 and in Section 5.1 of this Planning Appeal Report.

House numbers 42 to 50 are at such an elevation that there is no possible means of screening them from our client's property.

The applicant's architect marked our client's property as an area of sensitivity yet has not shown it any such regard. The siting and design of the proposed development would impact adversely on our client's privacy.

Concerns arise that the current proposals propose to significantly and adversely impact on our client's property in a manner that was prevented by CCC under a previous planning permission granted to the applicant in 2009. While some effort was made then to respect our client's property's setting, amenities, privacy, etc. a comparison between those permitted proposals and the current proposals confirms that the number of houses proposed to overlook her property along this boundary has not only tripled but the units have been relocated in much closer proximity to her boundary.

Our client considers that the applicant proposals and CCC's assessment of those proposals fail to provide for consistency of decision making by the planning system as is required under the Development Management Guidelines (2007). Section 6.7 'Measures to improve consistency' states: "All reasonable efforts should be made to research the planning history of sites and their general environs, including details of any pre-application consultation, as this is very important to help ensure that planning authorities take a consistent approach to planning proposals in a particular area over time". Section 1.5 'Best practice in development management' states: "Best practice in development management is made up of various elements, such as: "Rational and consistent decisions". Section 1.5.2 'Statutory requirements and fair procedures' states: "Consistency in the interpretation of development plan policies is essential if public confidence in the planning system is to be maintained".

Our client's original objection submitted to CCC set out a clear recommendation as regards what would be acceptable as regards the interface between the proposed development and her property.

ABP is asked to:

- Require the applicant to submit amended plans which effectively reinstate the original plans for the areas of the site adjoining our client's property as per the previous planning application/appeal.
- Relocate house Nos. 42 to 50 to the green areas west of this row of houses (See Architect's Drawing Schedule of Units Part V) and to designate their current location as a green area for the benefit of the new residents and established residences. Our client considers that there is no possible justification for placing house Nos. 42 to 50 in their current location.
- The proposed dwellings should be dormer in design to avoid first floor windows facing Broomhill.

The Southern Boundary

The applicant has chosen to locate the main entrance to this significant development in the field adjacent to Broomhill. In addition, the plans position the first unit of this development right beside our client's southern boundary. This would cause adverse overlooking of not just her patio and reception rooms but also her front door and front garden.

Our client's home is itself situated in very close proximity to this common boundary.

Concerns arise that, again, the applicant planning application and CCC's assessment of that planning application are inconsistent with the previous planning permission on these lands which considered, in detail

what would and what would not be an acceptable scale of development adjoining our client's property. For example, at the Dunkettle Oral Hearing in February 2006 for a previous planning application, the applicant, acknowledging the likely adverse intrusion of the proposed development on our client's property, agreed with our client's late husband that in order to mitigate this breach of their privacy, they would remove all windows on the first floor side elevation of the units overlooking their southern boundary and substitute them with roof windows. ABP will note that that applicant has not kept his word and CCC has allowed this despite the inconsistency in decision making that this has involved. House G's side elevation drawings (document 19034-2033-02-PA HOUSE TYPE G – see Section 5.1 of this Planning Appeal Report) demonstrate that there are in fact two windows overlooking her home on the upper floor, one of which is very large. Once again, our client is proposed to suffer from diminished light, loss of sunlight and loss of privacy as well as the noise from a linear communal car parking area also located extremely close to her boundary and an EV station.

Concerns arise that, again, the applicant and CCC are being inconsistent as regards comparison between what has previously been deemed acceptable development adjoining our client's property and what is now proposed. This is also contrary to the Development Management Guidelines (2007) – see above.

ABP is asked to:

- Remove all side elevation windows facing our client's property as per the previous planning permission on these lands, replacing the ensuite bathroom window with a roof window and move the large bedroom window to the rear of House G which is not overlooking any of the other units in the development.
- Remove house no. 2 which adjoins House G, thus enabling house G to be pushed back from the common boundary. This was a recommendation made at the previously held oral hearing.

Increased Density and Overdevelopment Implications

Our client cannot support and objects to the current planning application which she considers would represent an excessive density and overdevelopment of the site. The implications of this for her own property are as set out above.

Also, due to the increased density of this phase of the development, with its attendant noise, pollution, traffic and general disturbance, the likely adverse impacts on our client's residential amenities will be increased.

ABP is asked to:

Require the applicant to provide a solid wall between the scheme and our client's property. In our client's words: "It is imperative that a solid screening wall of 2.5 metres minimum height should be erected on the common party boundary". In order to align with the existing historical setting and surroundings of her home and the Dunkettle lands upon which the proposed development is to be built and to preserve its character, the said wall should be of stone finish. CCC has itself acknowledged the character of this area by recently erecting stone finished walls along the Dunkettle Road directly opposite Broomhill and beyond. Appendix 1 of this Planning Appeal Report includes photographs by way of illustration:

- Top Left – Old stone wall abutting her neighbour's property.
- Lower Left – Old stone wall abutting Broomhill.
- Top Right – Section of original wall on southern common boundary
- Lower Right – new wall erected by CCC directly opposite Broomhill.

Future development potential of client property

Our client has owned her property for decades and at some point, in the future it will be passed to another party who will likely redevelop the property.

The applicant's Proposed Site Layout Plan and other drawings each include setbacks not to our client's property boundary but to the elevations of her home.

Concerns arise that the current scheme's layout relative to her property, which provides for minimal setbacks to the shared boundary, for overlooking windows, etc. will impact adversely on the future development potential of the property.

The applicant scheme considers only its own preferred site layout without properly considering that our client's site is sufficiently large and well located to obtain planning permission in the future for a dense scheme. Such a proposal would be adversely impacted by the current scheme permitted by CCC.

The applicant site is large and there is no justification for failing to provide adequate setbacks and/or to avoid overlooking/loss of privacy impacts arising from overlooking windows.

General concerns with the submitted scheme

In preparing this planning appeal, our client has had time to properly review the submitted proposals and CCC's assessment of these. Having done so, her concerns are set out in this Planning Appeal Report. The following points summarise these concerns:

- There are technical concerns arising in the planning application.
- The planning history of the site raises concerns over its developability. Refusals of two large residential developments confirm prematurity, etc.
- The proposal would impact adversely on Broomhill as set out above and the CCC assessment of likely visual impact requires clarification.
- The scheme's density should be reduced given the site's zoning requiring more social infrastructure. ABP has refused twice on prematurity grounds including due to a lack of social infrastructure in the area and in the proposals.
- The proposed car park, access road & public lighting raise concerns close to Broomhill.
- Proposals to cut and fill and install retaining structures are not supported.
- The developable area of the site close to Broomhill should be more limited given how noise, vibration, disturbance, air quality impacts, etc. are to be exacerbated by cut and fill works.
- The Landscape Plan is incomplete and proposes loss of trees but relies on Broomhill's trees.
- Refusal reasons under appeal Ref. No. PL 04.233061 remain unaddressed. Local concerns over poor road infrastructure and likely traffic impacts remain in alignment with ABP's previous decision.
- There is a lack of public transport and capacity to serve a 550 unit scheme.
- **There are** planning policy concerns arising from this piecemeal proposal. **It is** contrary to the ZO 02 'New Residential Neighbourhood' zoning; **it is contrary** to and would adversely impact on the ZO 17 Landscape Preservation Zone; **and it is** Contrary to and would conflict with Objective NE15.
- The scheme fails to protect biodiversity.
- The EIAR is inadequate.
- The submitted Appropriate Assessment is incomplete.
- The proposals would adversely impact on Dunkettle House.
- The proposed development would set poor precedents.
- The proposed development would cause depreciation of property value

Client's reasoned position

BPS has worked with our client to prepare this planning appeal. We consider that her comments and recommendations are both reasonable and feasible. This planning application marks a significant deviation from the previous application permitted on these lands in 2009. These new proposals, as permitted by CCC, would only be achieved as the extreme detriment of her property's established residential and visual amenities.

ABP is asked to amend the CCC decision to strike a fair balance between the interests of both parties. Our client has stated that, despite not having been approached by the applicant at pre-planning stage, that she is at all times willing to engage with the applicant to reach a just solution.

What must be kept in mind is that what is proposed is not a critical piece of nationally required infrastructure or a single development of world class architectural design. What is proposed is simply an overdeveloped hostel and apartment scheme with no adequate mix of ground level uses to add to the vitality of this area.

What appears key, in the consideration of this proposal, is that the application before CCC is the culmination of a process where the consideration of the impacts on the receiving environment have been second to the applicant's own requirements and plans, particularly in respect of avoiding proposing an integrated scheme with our client's site (despite being approached regarding this).

The suitability of the site in principle and the ability of the receiving environment to absorb the proposed development are two very different considerations and this, in our client's opinion, is where the needs of the applicant and the concerns of our client diverge.

Where such divergence in vision exists and a large development proposal is made irrespective of its clear and apparent divergence from the established pattern and character of development in the industrial estate, there is a need to identify appropriate assessment criteria by which to judge the proposal.

The critical development framework for this area, as noted above, is the Cork City Development Plan 2022-2028. For the reasons given above, this proposal is not permitted under this plan.

Cumulatively, the negative impacts of the proposed development on the environment of the site and the surrounding area are such that this scheme cannot be granted in its current form. It would set a negative precedent and impact adversely on our client's property. The applicant scheme is non-compliant in zoning terms with the Cork City Development Plan 2022-2028.

3.0 Site Location & Description Relative to client's property

The subject site has an overall site area of 26.43 ha and is located c. 5km east of Cork City centre in the townland of Dunkettle to the south of the settlement of Glanmire. The Dunkettle Road (L2998), Woodville Estate and a number of individual detached dwellings, such as our client's dwelling, are sited to the east.

To the south, there are agricultural fields along with Dunkettle Interchange and Dunkettle House, a Protected Structure (PS1190). The site currently consists of agricultural fields and woodlands. The site is part of a larger landholding that was the subject of 2no. planning applications a number of years ago, both of which were refused permission on appeal to An Bord Pleanála.

The applicant site is a large site, and it adjoins the western and southern our client's property (see Figs. 1 to 7).

Our client's property is a mature residential property containing a single dwelling at low density. As noted above, the property will likely be redeveloped in the future given its size and location.

The existing boundary between the applicant site and our client's property is a soft boundary comprising of no more than a fence and trees/vegetation.

The applicant site's topography is such that its ground levels rise up above those of our client's property. Any development on the applicant site will appear taller when viewed from within her property.

The applicant has included an area of the public road to the front of our client's property within this planning application.

There are a significant number of trees sited within the applicant site to the southwest of our client's property.

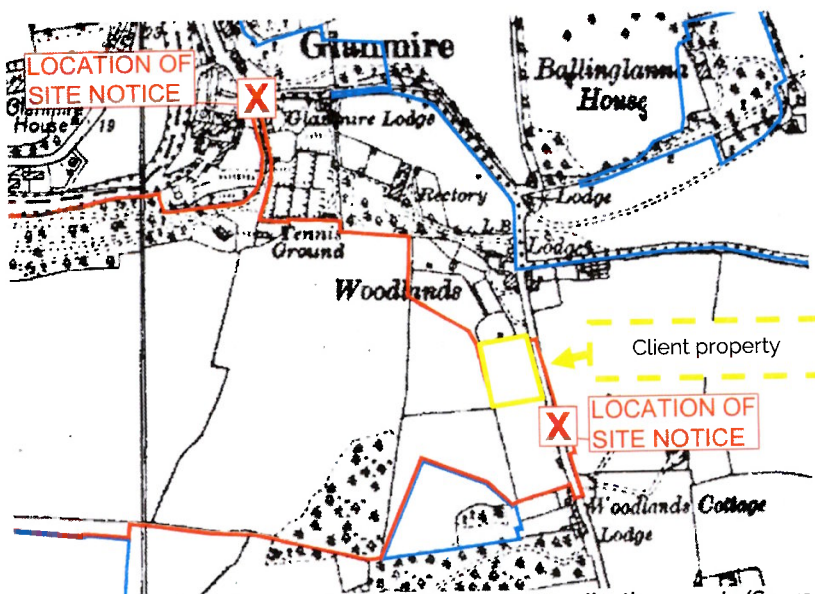


Fig. 1: The location of the applicant site adjoining our client's property (Source: CCC Planning File)



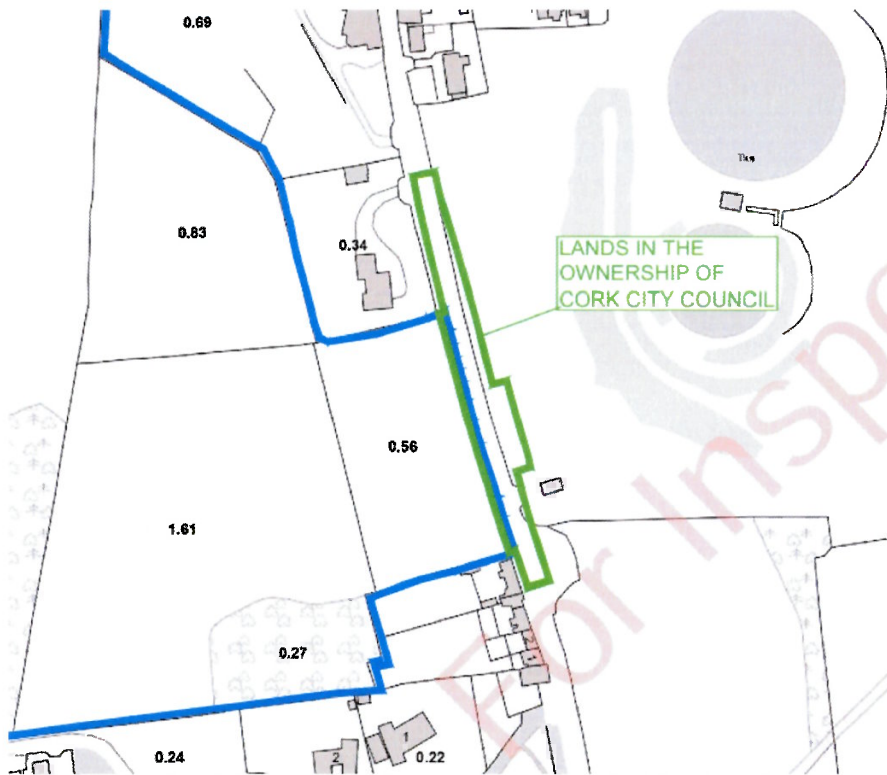


Fig. 4: CCC lands adjoining our client's property (Source: CCC Planning File)



Fig. 5: The location of client property adjoining the applicant site (Source: Google Earth)



Fig. 6: The location of client property adjoining the applicant site (Source: Google Earth)



Fig. 7: The location of client property adjoining the applicant site (Source: Google Earth)

4.0 Zoning and sitedesignations

The Cork City Development Plan 2022-2028 (the "CDP") locates the subject site lies within the development boundary of Glanmire and is zoned ZO 02 New Residential Neighbourhood where the following objective applies: "To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure." The surrounding lands to the north, west and south of the site is zoned ZO 17 Landscape Preservation Zone where the following objective applies: "To preserve and enhance the special landscape and visual character of landscape Preservation Zones"

The site forms part of the South Glanmire Urban Expansion Area, which is one of seven urban expansion areas designated within the City Council's administrative area and where Objective 10.6g (South Glanmire Expansion Area) supports the compact and strategic expansion of the area: "To support the compact growth and development of South Glanmire Expansion Area as a strategic City consolidation and expansion area, as identified in the Core Strategy. All development shall be designed, planned and delivered in a co-ordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area."

This area is also subject to Objective NE15 where the following applies:

This zone to the southern end of Glanmire includes: A visually important hillside to the southern end of Glanmire. The riparian woodland adjoining the Cork Harbour Special protection Area. Forms part of the setting for Dunkettle House. Provides local biodiversity benefit. Forms part of an attractive gateway entrance to the city and Forms part of the wider landscape setting from the southern side of the River Lee /Blackrock Area. Given the extensive development proposed to adjoining lands, the mixed nature riparian woodland should be extended to compliment the biodiversity and visual benefits of this zone. For these reasons, there is a presumption against development within this zone.

5.0 The proposed development

The proposed development comprises of:

- Permission for the following Large Scale Residential Development (LRD) comprising the demolition/removal of existing ruins/structures including a former dwelling on the northern part of the site) and the construction of 550 no. residential units to include 394 no. dwelling houses (comprising a mix of 2 3 and 4 bed semi-detached and townhouse/ terraced units) and 156 no. apartment/duplex units (comprising a mix of 1 and 2 bed units in 10 no. blocks ranging in height from 2 to 6 storeys) 1 no. creche 3 no. commercial units (comprising a shop café and medical/general practice facility).
- All associated ancillary development works including a new vehicular access new pedestrian access a traffic signal controlled Toucan pedestrian crossing and upgrades to the road markings on the L2998 Road to the east a new greenway through the development connecting to the L2998 to the north and to the existing (Dunkettle to Carrigtwohill) Greenway to the south drainage (including attenuation pond) footpaths & cycle lanes landscaping amenity and open space areas boundary treatments bicycle and car parking bin storage 7 no. ESB substations the undergrounding of the existing overhead electricity lines currently transversing the site public lighting and all other ancillary development located to the north of Dunkettle House (protected structure - PS1190) and associated structures (protected structures - PS1238 PS1239 PS1240 PS1170) Dunkettle (townland) Glanmire Cork.

5.1 The proposed development as it would address client's property

The proposed development would interface with our client's property as follows:

- Character Areas 11 and 12 adjoin her property.

Character area 11 is located at a sloping location and will require significant cut and fill works to be developed. The area connects directly to the main entrance to the scheme.

Character Area 12 is also sited on higher ground levels than our client's property and will require significant cut and fill works and a retaining structure on the south of our client's boundary. This area sets out the proposed development relationship with the main vehicle entrance to the site to the south of our client's boundary.

- Dwelling Nos. CA 41 to 50 are sited in a row to the west of our client's property. Each of these dwellings maintains first floor windows which would enjoy views into our client's property. These dwellings are 9.38m tall and sited on higher ground levels than those of our client's property as confirmed by the applicant's Section B-B (see Fig. 19). These dwellings are setback only approx. 11m from the shared boundary and no tree buffer or tall wall is proposed to mitigate the adverse visual impacts and overlooking and loss of privacy impacts arising.
- Block H is a 3 storey block sited on higher ground levels than our client's property with overlooking windows. The top storey would enjoy views into our client's property causing a loss of privacy.
- Units G01 and FB 02 and 03 are sited to the south of our client's property. The side elevation of Unit G01 maintains windows which would cause adverse overlooking and/or the perception of overlooking. This unit is setback just 6.791m from the shared boundary.
- Considerable proposed cut and fill is located close to client's boundaries. The implications of this for our client's property have not been considered by CCC.
- A retaining wall is shown on or adjoining our client's southern boundary. She has not agreed to this, and concerns arise that these areas of the site should not rely on retaining walls/structures.
- A car park is shown located to the south of our client's property which is setback just approx. 1m from her garden.
- The proposed public lighting layout indicates that there will be light overspill into our client's property (see Fig. 18).

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Fig. 9: Proposed Character Areas 11 and 12 (Source: CCC Planning File)

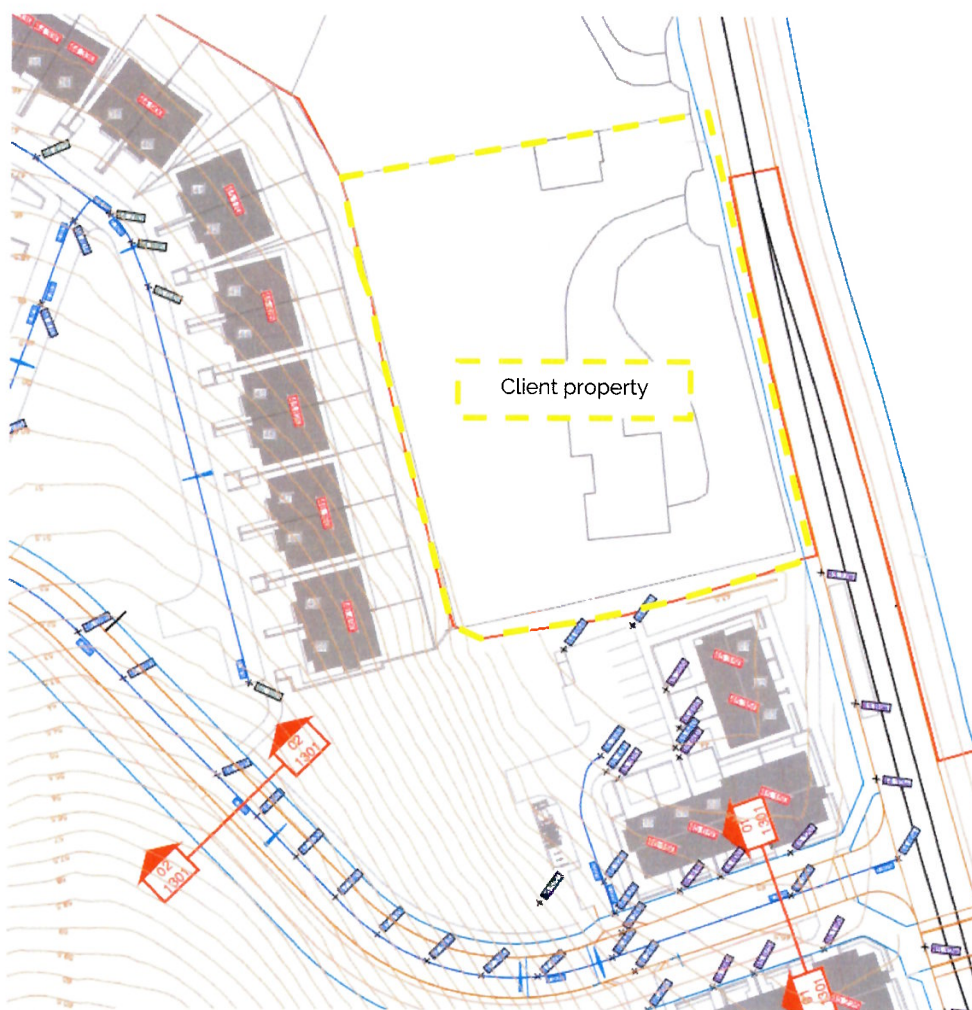


Fig. 10: The topography of the applicant site adjoining our client's property with the proposed dwellings and duplexes sited on higher ground levels (Source: CCC Planning File)

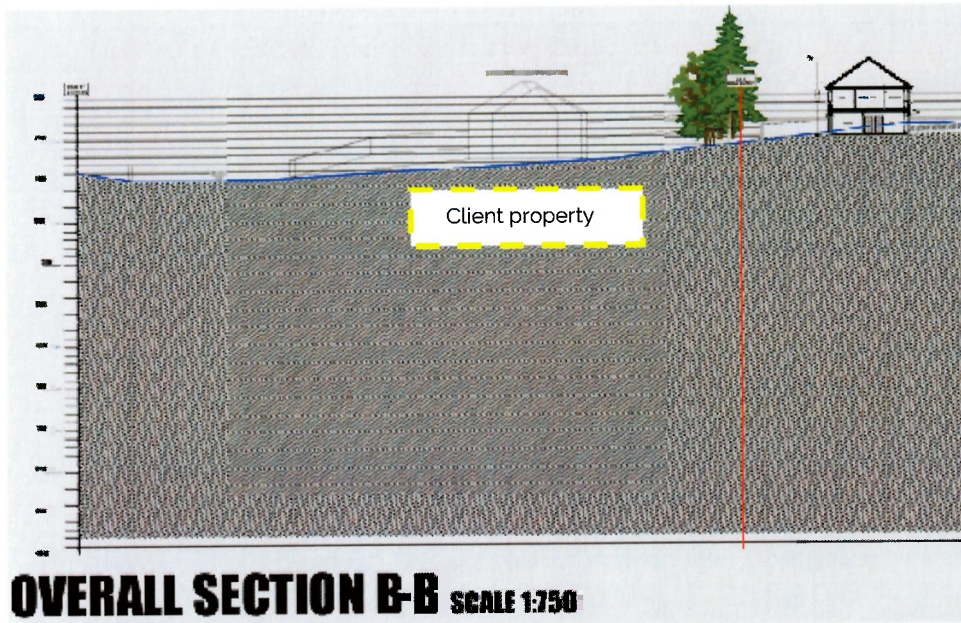


Fig. 11: The ground level of Dwelling Types Ca set out in Section B-B (Source: CCC Planning File)



Fig. 12: The rear elevations of Dwelling Types Ca (Source: CCC Planning File)

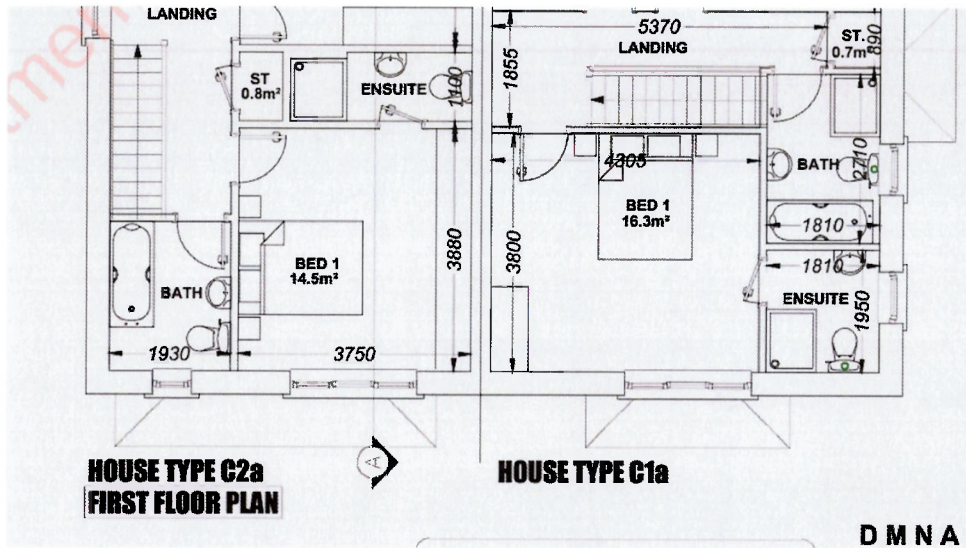


Fig. 13: The rear first floor overlooking windows of Dwelling Types Ca (Source: CCC Planning File)



Fig. 14: Block H1 with overlooking windows towards Broomhill (Source: CCC Planning File)

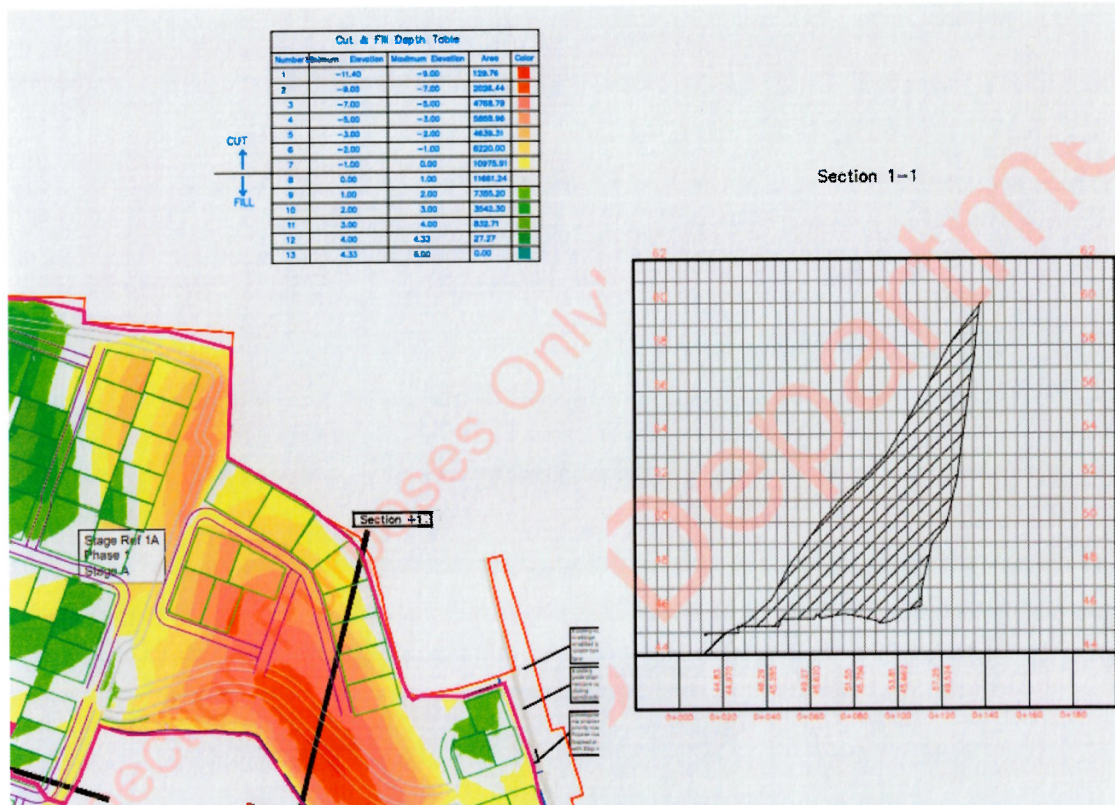


Fig. 15: Proposed cut and fill close to client's boundaries (Source: CCC Planning File)



Fig. 16: Location of proposed retaining structure to client's southern boundary (Source: CCC Planning File)

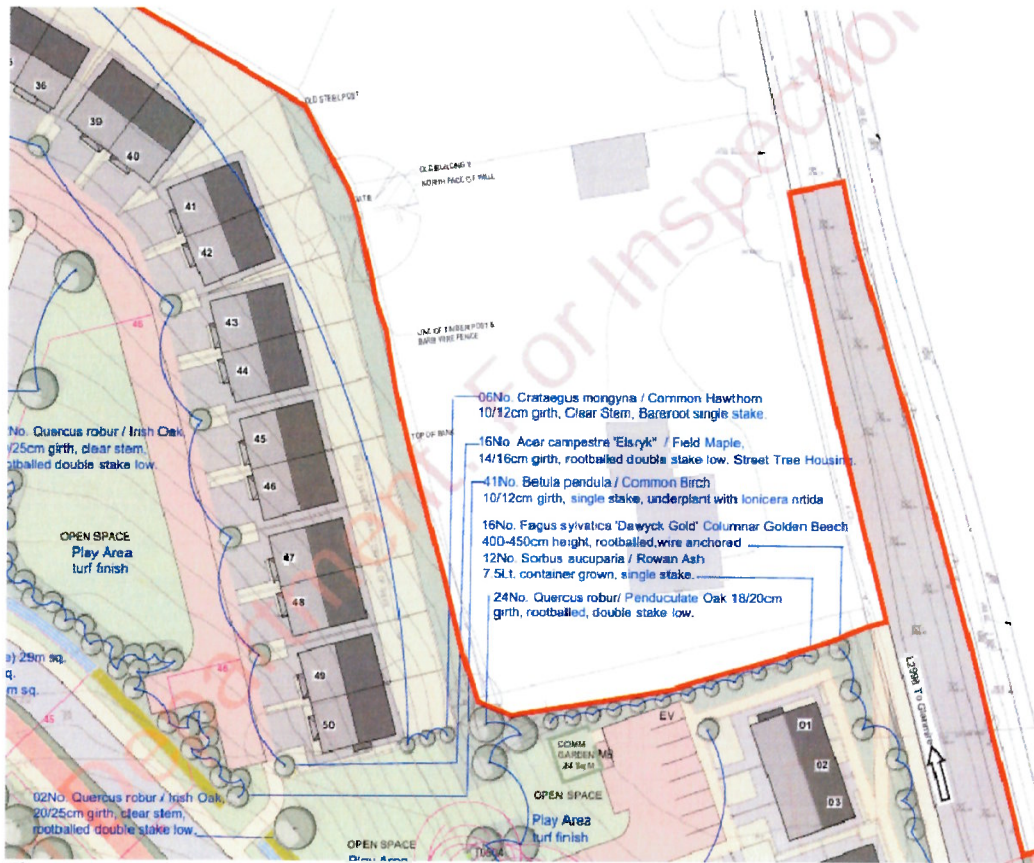


Fig. 17: Excerpt from the submitted landscape plan (Source: CCC Planning File)



Fig. 18: Public light overspill into client property (Source: CCC Planning File)

6.0 Technical concerns with the planning application

6.1 Trees and vegetation shown on the party boundary yet no boundary treatment is proposed

We note that the applicant drawings show a significant tree and vegetation buffer only on our client's side the shared boundary. The applicant scheme will remove all existing trees and vegetation this from their side of the boundary to facilitate the proposed development, while our client is under no obligation to retain any boundary planting, etc. The applicant drawings are misleading in this respect – see Fig. 19. Fig. 19 essentially shows our client retaining a significant tree buffer to the west side of her property. This is not accurate, nor can our client be required to retain any vegetation or trees within her property. Further, if her property is redeveloped in the future, there is no possibility such trees and vegetation would arise.

BPS is unable to find any existing or proposed boundary treatment drawings showing the existing or proposed interface between our client's property and the subject site. This appears to have been overlooked, or the details are not available online. CCC appears not to have considered, at all, the need for the applicant and our client to agree a common boundary. Our client has requested a solid stone faced and topped wall to act as a visual barrier and an acoustic barrier.

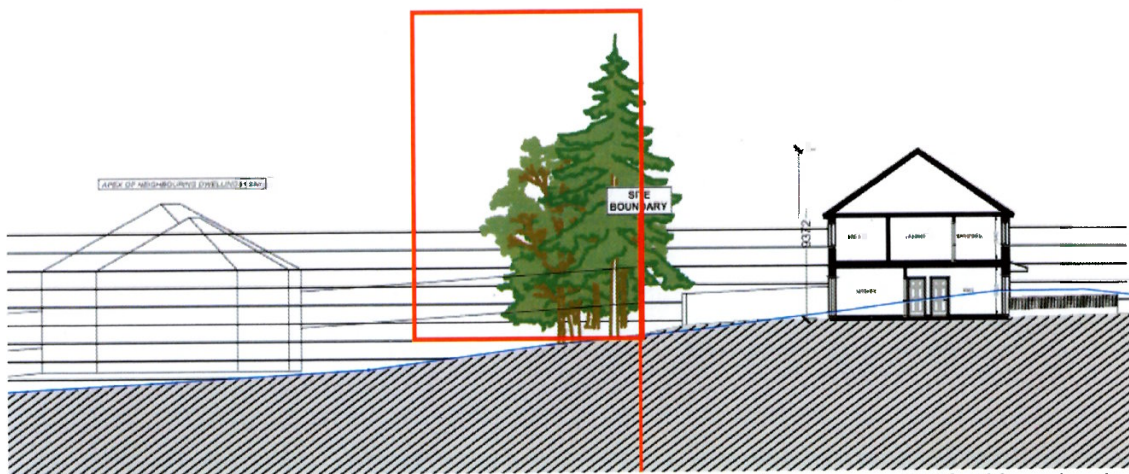


Fig. 19: Applicant drawing – Section B-B – showing trees and vegetation only on client's side of the shared boundary (Source: CCC Planning File)

6.2 EIAR fails to include alternative sites or an option with adequate social infrastructure

Our client has reviewed the submitted EIAR. She considers there to be two significant technical concerns issues arising:

- It fails to include alternative sites for the proposed development.
- Its design options for within the site all fail to provide adequate social infrastructure.

Chapter 3 'Alternatives' of the EIAR sets out the "alternatives" considered for the proposed development, the design objectives for the proposed development and alternative configurations within the site are also presented, including do-nothing alternative.

Article 5 (1) (d) of the 2014 EIA Directive requires: "a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment."

Schedule 6 (2) (b) of the Planning and Development Regulations provides more detail on 'reasonable alternatives': "a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects;"

The submitted EIAR does not include any specific consideration of alternative sites. This is despite the current site having been the subject of two previous planning refusals on appeal arising from, inter alia, prematurity, lack of social infrastructure, lack of transport infrastructure, etc. In this context, the failure to show that alternative sites have been considered for this significant development of 550 units is of concern.

Our client has also reviewed the "alternative" design options considered by the applicant. All are deficient as regards social infrastructure and infrastructure provision required to ensure future residents are not left isolated in a substandard scheme. The applicant fails to address and cannot address wider roads, footpath, cycle infrastructure, and public transport infrastructure deficiencies.

This site remains poorly served by existing infrastructure and no adequate new infrastructure, including social infrastructure, is proposed. The scheme remains premature.

Having regard also to the site topography which will require cut and fill works and retaining structures to be built and to reliance on local road infrastructure, which is inadequate and substandard, the applicant has not adequately addressed this EIAR requirement.

Section 3.2.1 of the EIAR considers the "Do-Nothing" approach. This section does not properly address how only in 2009 ABP refused planning permission for a better scheme. ABP considered the "Do-Nothing" approach to be correct then and it remains correct. The proposed development is premature pending significant infrastructure investment in the area and the planning application itself is deficient in physical and social infrastructure.

6.3 Chapter 4 of the EIAR fails to address social infrastructure deficiencies

The EIAR is required to assess whether the proposal could cause significant adverse impacts arising from a lack of existing and proposed social infrastructure. Our client has read Chapter 4 'Population and Human Health'.

This includes an assessment of existing facilities including community service facilities, health and well-being, open space and recreation, and education. Our client submits that the existing facilities are inadequate and are in many cases operating over capacity. They cannot accommodate 550 new households.

This being the case, our client has reviewed the submitted proposals for how the applicant will serve 550 households with new social infrastructure. With respect, the applicant fails to provide any adequate new social infrastructure. The previously refused planning application's proposals were much more detailed and actually offered genuine social infrastructure. The current proposal relies on some commercial units, a creche, and some limited public realm works (required primarily to address the site's lack of pedestrian connectivity to the wider area). The EIAR states (as essentially the only social infrastructure proposed): "During operational phase the provision of amenity facilities and linkages to the sustainable infrastructure of the area will have a positive effect on the local community and the availability of an additional area of public realm. Green and Blue infrastructure is included within the development which is considered to have positive impacts." This proposed provision of "sustainable infrastructure" is poor.

The proposed development, if permitted, would provide for a large scale residential scheme poorly served by existing social infrastructure and fails to address these deficiencies by offering significant new social infrastructure to justify all these new units.

During the operational phase the additional population from the proposed development would be left isolated and poorly served by social infrastructure. The proposed development would have substandard social infrastructure provision, and this would have a significant adverse impact in terms of human beings, human health and population.

The CCC assessment of these concerns is, as it was under the two previous planning applications (which each pushed for premature development of the site), incorrect. The proposal is premature. The development would repeat mistakes made in the past where new large-scale communities are left isolated with poor access to social infrastructure.

6.4 Chapter 9 of the EIAR fails to fully assess the adverse impact of cut & fill and soil exports

Our client is very concerned over the extent of proposed cut and fill works to take place on the site. Chapter 9 of the EIAR sets out the scale of these proposals but it does not adequately assess their likely impact on the area. Indeed, the entire EIAR appears to accept without much question that vast cut and fill works and exports of soil and sub-soil are standard. This extent of cut and fill is not standard. The topography of the site is so sloping that it cannot be developed without these works and retaining structures being built across the site. These works are not justified by the EIAR including their impact on our client's property which would be impacted by noise, dust, HGV traffic, etc.

Chapter 9 describes how **45,449m³ of topsoil will be excavated** as part of phase 1. 21,756m³ of this topsoil will be re-used for landscaping within the site and 23,693m³ of topsoil excess will be produced. For Phase 187,462m³ of subsoil suitable fill and **69,313m³ unsuitable fill will be excavated along with 125,472m³ of rock material**. Fill earthwork of 66,659 will be required for Phase 1.

As a result, **excess excavation of 215,588 m3 will be generated to be removed off site.** It is noted that some material may be suitable for fill as part of Phase 2.

Temporary retaining structures will be used during the construction phase as necessary to mitigate potential occurrence of unstable soil or rock faces following excavations. Potential significant effects were identified in Section 9.8 which without mitigation could have potentially significant impacts.

This section of the EIAR is adequate. Our client strenuously objects to the lack of detail provided in the EIAR as regards where all of the excavated material is to be exposed to, the noise levels which will arise alongside her property arising from this, the dust it will generate, etc.

6.5 Chapter 9 of the EIAR is a desk study with inadequate site assessment

Our client is concerned that Chapter 9 of the EIAR, which describes the likely significant effects of the project on land and soils by assessing impacts on soils, geology and hydrogeology, is based primarily on a desk study.

Section 9.4.2 states that an observational walkover of the site was carried out on "Friday the 27th of September". No year has been set out when this was carried out it is noted. This appears to represent minimal site investigation and to be inadequate to reach the claimed conclusions of Chapter 9.

6.6 Dust impact assessment technical concerns

6.6.1 Client property adjoins the site – well within the 50m area likely adversely impacted by dust

Our client's property adjoins areas where the applicant intends to carry out cut and fill works, build a retaining structure build houses and duplex units, build a car park, etc. Dust will be a concern as her property is so close to these works sited in elevated ground.

It is of concern that the current dust impact assessment appears to contradict that carried out for the previous planning application on this site (refused by ABP on appeal).

Under the previous dust impact assessment, the applicant's own expert Colin Doyle, environmental consultant with ANV Technology, who was appointed by O'Flynn Construction to carry out a noise, vibration and air quality impact assessment of the proposed development at Dunkettle and Ballinglanna for the appeal oral hearing, stated at page 13 that "dust dispersed from construction sites is seldom an issue regarding visible dust deposition for properties beyond 50 metres from construction sites."

At just 10 metres from Broomhill and 6.8 metres from our client's patio area, this confirms that the adverse intrusion of dust onto Broomhill along especially the southern boundary will be a concern.

6.6.2 Chapters 13/14 of the EIAR refer to "Enclosure of dust-generating activities" – explain?

Chapters 13 and 14 of the EIAR deals with Air Quality and Climate respectively.

ABP is asked to require the applicant to explain what they mean by the proposed dust mitigation measure "Enclosure of dust-generating activities". No enclosures are included on the submitted plans.

Our client's property would be significantly impacted by dust if this proposal is permitted. The applicant should set out proposals for how dust enclosures will be applied to all areas proposed to be excavated and developed alongside her property to mitigate dust.

6.7 Noise – technical assessment concerns

6.7.1 The current noise assessment may contradict the previous application's assessment

Our client's property adjoins areas where the applicant intends to carry out cut and fill works, build a retaining structure build houses and duplex units, build a car park, etc. Dust will be a concern as her property is so close to these works sited in elevated ground.

It is of concern that the current noise impact assessment appears to contradict that carried out for the previous planning application on this site (refused by ABP on appeal).

Under the previous noise impact assessment, the applicant's own expert Colin Doyle, environmental consultant with ANV Technology, who was appointed by O'Flynn Construction to carry out a noise, vibration and air quality impact assessment of the proposed development at Dunkettle and Ballinglanna for the appeal oral hearing, stated that the noise level at a house located 20m from the boundary, of a small excavator working near the site boundary, would generate a noise level of 74dB(A). This exceeds the accepted limit in Ireland and the UK. At page 15 he states, "... it is valid to use the criterion of 70dB(A) as representing a tolerable

level of noise for exposure of limited durations." Again, the proximity of the boundary at just 10 metres suggests that the accepted limit will be considerably exceeded.

6.7.2 Chapters 12 of the EIAR refer to "Screening" noise and vibration – explain?

Chapter 12 of the EIAR refers to "screening" as a mitigation measure for addressing noise and vibration. Our client's property is a **Noise Sensitive Location**.

No acoustic screening or solid wall (as requested in our client's original objection) is proposed to be erected on the party boundaries shared with our client's property. Can ABP require the applicant to specify exactly what acoustic screening, if any, will "mitigate" anticipated and assessed likely adverse noise and vibration impacts on our client's property

6.8 High Significance hedgerows are to be removed due to "gaps"

Our client acts to protect this site. She has read the submitted NIS. In relation to habitats and fauna, a number of hedgerows that were appraised on the subject site were found to be of a "High Significance" (i.e. heritage hedgerow), but these were deemed by the applicant to be in an unfavourable condition (primarily due to the numbers of gaps within same).

The CCDP 2022-2028 contains a range of policies that seek to protect "High Significance" (i.e. heritage hedgerow). Our client objects to how CCC has permitted the removal of these hedgerows. Any site owner reading this case would be left with the impression that creating gaps in their hedgerows will be sufficient to allow their future removal in planning applications elsewhere. This is not a precedent our client supports and ABP is asked to carefully review this issue.



Fig. 20: Trees and hedgerows to be removed and to be retained (Source: CCC Planning File)

7.0 Relevant planning history

7.1 Planning history of the site comprises refusals of two large residential developments

There have been 2 no. relevant planning applications within the subject lands at Dunkettle. **Both have been refused. There has never been a grant of planning permission for a large residential development on these lands.** These are:

- **Cork County Council Ref. No. 04/4986** O'Flynn Construction Co. Ltd. Planning application lodged in secured permission in July 2005 for the restoration, conservation and change of use of Dunkathel House to a visitor centre, cafe and studios, the construction of a retail unit, garden centre with outdoor display area, equestrian centre, 629 residential units with bin storage, 2 no. ESB substations, the demolition of the existing cottage and ruins, the construction of a creche, shop, car parking areas, anew vehicular/cycle/pedestrian access and all ancillary site development works. **An Bord Pleanála refused permission.**

The associated drawings and details of this case are unavailable online. ABP refused on 27/03/2006. Details of the case, including the appeal reference are available.

- **Cork County Council Ref. No. 08/4584 (An Bord Pleanála Ref. PL 04.233061)** Planning application lodged in February 2009 for the demolition of 3 no. dwellings & the construction of 1,210 no. dwelling units and apartments with associated bin storage & ESB substations. The restoration, conservation & change of use of Dunkettle House for use as 3 no. general office units, renovation, conversion & extension of stable building to provide 6 no. of the 1,210 no. residential units & 2 no. craft retail units, refurbishment of gate lodge, construction of retail unit with cafe, garden centre, two storey creche, 3 no. buildings comprising of retail units, medical centre, apartments, two storey creche, construction of community hall & reserved sites for possible future primary school & day care centre for elderly, conversion of disused building for office use, open spaces, walkways and recreational facilities to include 7 no. multi use games areas, 1 no. district play area, 3 no. local play areas and 28 no. neighbourhood play areas, and all associated site works, car parking, landscaping, access roads and services. A third party appeal was lodged with An Bord Pleanála under ABP Ref. No. PL 04.233061. **An Bord Pleanála refused permission.**

The associated drawings and details of this case are unavailable online at CCC. ABP offers its planning assessment and decision. Its refusal reasons were as follows.

REASONS AND CONSIDERATIONS

1. It is considered that the proposed development would be premature pending the determination of a future road layout for the area, including, in particular, improvements in the vicinity of the Dunkettle Interchange. In the absence of such works, it is considered that the proposed development would, by reason of the generation of large volumes of additional local traffic onto the Dunkettle Interchange, adversely affect the use of and contribute to congestion at the Interchange, a major junction on the national road network. The proposed development would contravene national policy to preserve the level of service and carrying capacity of the national road network and to protect the public investment in the road. The proposed development would also contravene objectives, as set out in the current Development Plan for the area, which seek to safeguard the strategic role of the national road network in catering for the safe and efficient movement of major inter-urban and inter-regional traffic and to protect the capacity of interchanges in the County from locally generated traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale of the development proposed and resulting volumes of vehicular and pedestrian/cyclist traffic generated, it is considered that the proposed development would be premature by reference to existing deficiencies in the local road network in terms of capacity, width, alignment, public lighting and pedestrian facilities, which deficiencies would render it unsuitable to carry the increased road traffic likely to result from the proposed development, and the period within which the constraints involved may reasonably be expected to cease. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.
3. Having regard to the zoning objective O-06 'Open Space' and notwithstanding the zoning objective X-01 which refers to the potential to accommodate residential development in the stable block and walled garden as set out in the Blarney Electoral Area Local Area Plan, 2005, and to the existing landscape layout and topography of the site, it is considered that the proposed development, incorporating an inappropriately designed and located retail element (immediately adjacent to the protected structure Dunkettle House), a garden centre lacking context in relation to the landscape layout or existing built fabric within the site together with housing development within the walled garden, would result in an unacceptable and inappropriate form of overall development within this area of the site which would materially and adversely affect the character and setting of the protected structure. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
4. Having regard to:
 - (a) the layout of development proposed on the Ballinglanna portion of the lands, in particular the location of the school and community buildings in a peripheral part of the site and adjoining the nearby M8 motorway (which would have implications for the amenities of future occupants in terms of noise), and

- (b) the absence of any large scale playing pitches for active recreation, which is it considered should be integrated into a development of such a scale,

the Board is not satisfied that the proposed development would adequately provide for community, recreation and educational facilities to serve the needs of future residents. The proposed development would, therefore, seriously injure the amenities of future residents of the scheme and be contrary to the proper planning and sustainable development of the area.

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2010.

Fig. 21: ABP's reasons for the refusal of appeal Ref. No. PL 04.233061. An Bord Pleanála refused permission (Source: An Bord Pleanála planning search)

8.0 Grounds for Appeal

BPS has been asked by our client to address their concerns over the CCC decision which has failed to address the Grounds for Objection which were originally raised.

BPS has identified the following concerns with the CCC decision. We note that these points have been discussed in detail with our client.

8.1 Ground 1: The proposal would impact adversely on Broomhill

This planning application would impact adversely on our client's residential and visual amenities. The proposal infringes on both our client's western and southern boundaries. This arises due to the proposed increase in density included in this scheme relative to a previous 2009 planning permission.

Section 19.5 'Impact on Residential Amenity' of the CCC Planner's Report states:

*The subject site is not within very close proximity to adjacent existing developments, **with the exception of a row of dwellings located along the public road to the eastern boundary of the site and is located at some distance from existing residences in the area.** In this regard it is not considered that the proposed development would give rise to any undue loss of privacy or access to daylight or sunlight. There is an a large Strategic Housing Development currently nearing completion located further away to the Northeast of the subject site. Given the distance to the nearest dwellings located to the southwest boundary it is not considered that there would be any negative impacts on the residential amenities of these dwellings in terms of overshadowing or overlooking [emphasis added].*

Our client disagrees with the CCC Planner's Report as regards her future privacy arising from overlooking from elevated houses and duplexes located on ground levels well above those of her own property, the construction impacts of the scheme due to the proposed cut and fill and retaining structure to the south of her property, and the close proximity of a proposed car park.

CCC has not considered it necessary to require any site specific or scheme specific mitigation measures to address our client's concerns. This is not acceptable to her.

Even the project architect's statement writes: "There are a number of one-off dwellings to the east of the lower fields within the zoned lands and development in this area should be respectful of its scale and architectural and landscape treatment."

Our client's concerns are set out below:

The western boundary

The western boundary to the rear of Broomhill is elevated and is in excess of 2 metres above ground level. From this point the development land rises steeply above our client's home and garden. The applicant has

placed nine houses (Type Ca and Cl a, nos. 42 to 50) on top of the entirety of this boundary (see Section 5.1 of this Planning Appeal Report). These units would tower above our client's property causing overshadowing, including blocking daylight and the skyline. The proposals would remove all views of the rural landscape which has always surrounded the property. The proposed dwellings would cause adverse overlooking the rear of her home on its western side and as well as the garden's northern aspect. The proximity of the rear gardens of these units (which are just 8m in length) to her boundary is evident in Engineer's Drawing 3442-JODA-01-00-DR-C-1000 and in Section 5.1 of this Planning Appeal Report.

House numbers 42 to 50 are at such an elevation that there is no possible means of screening them from our client's property. Each of these dwellings maintains first floor windows which would enjoy views into our client's property. These dwellings are 9.38m tall and sited on higher ground levels than those of our client's property as confirmed by the applicant's Section B-B (see Fig. 19). These dwellings are setback only approx. 11m from the shared boundary and no tree buffer or tall wall is proposed to mitigate the adverse visual impacts and overlooking and loss of privacy impacts arising.

The applicant's architect marked our client's property as an area of sensitivity yet has not shown it any such regard. The siting and design of the proposed development would impact adversely on our client's privacy.

Concerns arise that the current proposals propose to significantly and adversely impact on our client's property in a manner that was prevented by CCC under a previous planning permission granted to the applicant in 2009. While some effort was made then to respect our client's property's setting, amenities, privacy, etc. a comparison between those permitted proposals and the current proposals confirms that the number of houses proposed to overlook her property along this boundary has not only tripled but the units have been relocated in much closer proximity to her boundary.

We note that the Statement of Evidence submitted by the applicant to the last planning appeal's oral hearing (represented by Stephen Doyle of Dennehy and Dennehy Designs, Architect) references our client's property as follows:

REGARDING THE SOUTHERN BOUNDARY

*The site adjoins a number of existing dwellings at various locations and in particular...Broomhill to the east of field 9 within the Dunkettle lands. Where the proposed development adjoins existing housing, the form of the development responds. Through the use of detached and semi-detached dwellings lower densities are proposed in the vicinity of existing detached houses such as Broomhill...An exception to this exists in Field 11, to the south of Broomhill where two terraces of dwellings are proposed whose function is to frame the entrance to the Dunkettle lands. However, **in order to ensure that this part of the development does not impact on the amenity of Broomhill, these dwellings are designed as dormer dwellings, with the first floor incorporated into the roof space, and the dwellings which back onto Broomhill (houses no 11 and no 12) have no rear first floor windows on the elevations facing Broomhill, thus preventing any potential for overlooking of the Broomhill house or garden, safeguarding the amenity of the property as currently enjoyed** [emphasis added].*

The previously refused application/appeal avoided overlooking by avoiding rear first floor windows on elevated ground overlooking our client's property.

Our client considers that the current applicant proposals and CCC's assessment of those proposals fail to provide for consistency of decision making by the planning system as is required under the Development Management Guidelines (2007). Section 6.7 'Measures to improve consistency' states: "All reasonable efforts should be made to research the planning history of sites and their general environs, including details of any pre-application consultation, as this is very important to help ensure that planning authorities take a consistent approach to planning proposals in a particular area over time". Section 1.5 'Best practice in development management' states: "Best practice in development management is made up of various elements, such as: 'Rational and consistent decisions'. Section 1.5.2 'Statutory requirements and fair procedures' states: "Consistency in the interpretation of development plan policies is essential if public confidence in the planning system is to be maintained".

Our client's original objection submitted to CCC set out a clear recommendation as regards what would be acceptable as regards the interface between the proposed development and her property.

ABP is asked to:

- Require the applicant to submit amended plans which effectively reinstate the original plans for the areas of the site adjoining our client's property, as per the previous planning application/appeal.
- Relocate house Nos. 42 to 50 to the green areas west of this row of houses (See Architect's Drawing Schedule of Units Part V) and to designate their current location as a green area for the benefit of the new residents and established residences. Our client considers that there is no possible justification for placing house Nos. 42 to 50 in their current location.
- The proposed dwellings should be dormer in design to avoid first floor windows facing Broomhill.

The Southern Boundary

The applicant has chosen to locate the main entrance to this significant development in the field adjacent to Broomhill. In addition, the plans position the first unit of this development right beside our client's southern boundary. This would cause adverse overlooking of not just her patio and reception rooms but also her front door and front garden.

Block H is in fact a 3 storey block sited on higher ground levels than our client's property with overlooking windows. The top storey would enjoy views into our client's property causing a loss of privacy. The side elevation of Unit G01 maintains windows which would cause adverse overlooking and/or the perception of overlooking. This unit is setback just 6.791m from the shared boundary.

Our client's home is itself situated in very close proximity to this common boundary.

Concerns arise that, again, the applicant planning application and CCC's assessment of that planning application are inconsistent with the previous planning permission on these lands which considered, in detail what would and what would not be an acceptable scale of development adjoining our client's property. For example, at the Dunkettle Oral Hearing in February 2006 for a previous planning application, the applicant, acknowledging the likely adverse intrusion of the proposed development on our client's property, agreed with our client's late husband that in order to mitigate this breach of their privacy, they would remove all windows on the first floor side elevation of the units overlooking their southern boundary and substitute them with roof windows. ABP will note that that applicant has not kept his word and CCC has allowed this despite the inconsistency in decision making that this has involved. House G's side elevation drawings (document 19034-2033-02-PA HOUSE TYPE G – see Section 5.1 of this Planning Appeal Report) demonstrate that there are in fact two windows overlooking her home on the upper floor, one of which is very large. Once again, our client is proposed to suffer from diminished light, loss of sunlight and loss of privacy as well as the noise from a linear communal car parking area also located extremely close to her boundary and an EV station.

Concerns arise that, again, the applicant and CCC are being inconsistent as regards comparison between what has previously been deemed acceptable development adjoining our client's property and what is now proposed. This is also contrary to the Development Management Guidelines (2007) – see above.

ABP is asked to:

- Remove all side elevation windows facing our client's property as per the previous planning permission on these lands, replacing the ensuite bathroom window with a roof window and move the large bedroom window to the rear of House G which is not overlooking any of the other units in the development.
- Remove house no. 2 which adjoins House G, thus enabling house G to be pushed back from the common boundary. This was a recommendation made at the previously held oral hearing.

8.1.1 The CCC assessment of likely visual impact requires clarification

In our client's opinion, Chapter 5 of the EIAR 'Landscape and Visual Assessment' fails to properly assess the likely significant adverse visual impact of the scheme on her property. The applicant clearly demonstrates that the scheme is located on higher ground levels and will wholly alter the setting and visual environment she enjoys. The development is quite literally built up to her property.

The CCC's Planner's Report states: "The proposed development represents a significant intervention in the landscape and will be highly visible from a number of vantage points. It will, in my view, have a significant visual impact in the short-term." Our client finds this difficult to understand. The scheme will have a permanent significant adverse visual impact. It is unclear why CCC considered the likely impact short term. This is a significant scheme whose adverse impact on the landscape will increase as it nears completion. Our client's house's setting and views towards it will be significantly and adversely impacted.

8.1.2 A wall is needed between the site and Broomhill

Given the extremely close proximity of Broomhill to this site, a permanent boundary treatment is required which offers proper screening is required to address adverse visual impacts, mitigate noise, and improve the interface between the site and Broomhill.

Under the previously refused planning application, the applicant refused to offer a wall (following discussions at the last appeal to ABP), agreeing only to a post and panel wooden fence in line with the fence as currently exists along the western boundary. Our client asks that ABP address this matter because:

- The applicant has so dramatically changed the use of the land as to render this argument moot and redundant.
- The existing fence was only erected to prevent a neighbour's cattle from entering the garden and causing damage.

- Given the level of noise and dust which will emanate from the site, a wooden panel fence is not fit for purpose.
- In order to respect the character of the property known as Broomhill and indeed the neighbouring house, "Woodlands" which also adjoins the construction site, the wall must be of stone finish. Broomhill was built in an old orchard belonging to the Woodlands demesne which was built in the 1800s. The original stone wall fronting both properties still exists and indeed it continues along the southern boundary of Broomhill for some 9 feet and should be continued. There is a need for the applicant to respect the established character of the area by offering an acceptable interface with, inter alia, Broomhill.

8.2 **Ground 2: Reduce density given site's zoning requiring more social infrastructure**

The CCC Planner's Report confirms that a reduced density is acceptable at this location. Why then not reduce density to, for example:

- Add a better balance of social infrastructure development within the scheme
- Avoid excessive cut and fill works.
- Avoid significant numbers of retaining structures.
- To avoid developing the areas around our client's property in such an intensive manner on elevated ground.
- To avoid impacting on Dunkettle House.
- To retain Heritage Hedgerows.

The CCC Planner's Report is fixated on units per hectare when, given the ZO 02 'New Residential Neighbourhood' zoning where the following objective applies: "To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure," it would be more appropriate to require a given plot ratio. What this scheme needs is more social infrastructure and less residential units.

The CCC Planner's Report accepts that the site can be developed at a reduced density stating:

Paragraph 11.71 of the City Development Plan states that most of the new development in Cork City and the Urban Towns will be built at a "gentle density" of 40-70dph and a scale of 2-4 storeys". Table 11.2 of the City Development Plan indicates the target range for developments in the Outer Suburbs as being between 40 and 60 units per hectare. The 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024' set out policy and guidance relating to residential developments. Table 3.1 relates to density ranges and in relation to "City-Suburban/Urban Extension" areas states the following: Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension on locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)". It is considered that the subject site is a greenfield site at the edge of a built up area and therefore the density range of between 40 to 80 dph is considered appropriate.

With respect, our client submits that the scheme should have a reduced uph density and an increased plot ratio density to allow more social infrastructure and improvements to the scheme. Clearly, a better scheme can achieve a better interface with her property.

8.2.1 **ABP has refused twice on prematurity grounds – this is the same constrained site**

ABP has refused twice on prematurity grounds and the reasons for refusal reflect the constrained nature of the site and its surrounds as regards accommodating a large residential development.

The site cannot accommodate the proposed density of residential units. More social infrastructure is required.

Our client considers these proposals to be wholly overdevelopment which the site and the area cannot present accommodate. In addition to failing to integrate with our client's property, the following constraints have not been properly addressed:

- No masterplan or framework plan is provided or exists to show how this scheme is meant to integrate with Glanmire – this is despite the existing planning framework in place for the area. The proposed site is located to the south of the defined settlement boundary of Glanmire within the townland of Dunkettle, on the southwestern edge of Glanmire village.
- The site has an undulating topography sloping in a westerly direction towards the Glashaboy River which bounds the site to the west. The irregular shaped site is wholly appropriate for agricultural purposes but represents a poor location for an LRD scheme with cut and fill works and retaining structures required throughout the proposed scheme.

- Extensive areas of mature woodland bound the entire northern and western boundary of the site. This area is zoned 'Landscape Preservation Zone' making this area undevelopable for housing. This has placed pressure on the applicant to overdevelop the remainder of the site.
- Dunkettle House and its associated outbuildings and grounds lie to the southeast of the subject site. Dunkettle House and its associated outbuildings are listed on the record of protected structures under references no's. PS1190, PS1170, PS1240, PS1239 and PS1238. The applicant claims that proximity to the protected structure has been taken into consideration when designing the scheme. Our client is concerned that the proposed interface is not appropriate.
- The area is served poorly by access to public transport.
- The site is dependent on local road infrastructure which is unsuitable to offer any basis for an LRD scheme having regard to the hierarchy of roads.

Our client considers that the submitted scheme fails to learn the lessons of the previous two ABP refusals. The site's location has not changed since 2009. The area's infrastructure has not changed much. The constraints facing the site are the same.

8.3 Ground 3: Proposed car park, access road & public lighting concerns

A car park is shown located to the south of our client's property which is setback just approx. 1m from her garden. This car park's siting will cause noise and disturbance impacts. It should be relocated and/or setback from the shared boundary. If the car park is only to be setback, then an acoustic barrier is required. In this regard, our client has requested that the applicant provide a solid boundary wall finished in stone, on the shared party boundary.

Other sections of this Planning Appeal Report address noise, vibration, and dust concerns arising from this scheme. Our client does not accept that it is reasonable to site a car park up to her boundary and to carry out all of the associated scheme works such as cut and fill and retaining structure development right up to her boundary.

The proposed public lighting layout indicates that there will be light overspill into our client's property (see Fig. 18). The applicant should set out proposals for addressing this including cowling the public lighting to prevent any such overspill.

8.4 Ground 4: Proposals to cut and fill and install retaining structures are not supported

The CCC LRD Opinion referred to 'Architectural Design and Layout' stating: "Further consideration and details of the architectural expression of the scheme is required, particularly in terms of design and placemaking." Concerns arise that the applicant should have better addressed the issue of the topography of the site and the constraints this should place on its development potential.

Our client has now fully reviewed the topography of the site relative to her property and she wishes to appeal against the CCC decision as this has permitted significant cut and fill works within the areas of the site adjoining her property and the installation of a retaining structure essentially on her southern boundary.

The extent of works proposed is excessive.

These works are not justified by the EIAR including their impact on our client's property which would be impacted by noise, dust, HGV traffic, etc.

Chapter 9 describes how **45,449m³ of topsoil will be excavated** as part of phase 1. 21,756m³ of this topsoil will be re-used for landscaping within the site and 23,693m³ of topsoil excess will be produced. For Phase 187,462m³ of subsoil suitable fill and **69,313m³ unsuitable fill will be excavated along with 125,472m³ of rock material**. Fill earthwork of 66,659 will be required for Phase 1.

As a result, **excess excavation of 215,588 m³ will be generated to be removed off site**. It is noted that some material may be suitable for fill as part of Phase 2.

Temporary retaining structures will be used during the construction phase as necessary to mitigate potential occurrence of unstable soil or rock faces following excavations. Potential significant effects were identified in Section 9.8 which without mitigation could have potentially significant impacts.

These works are required only as much of the site is undevelopable given its levels. It appears unreasonable to force our client to accept both these works and proposed houses and duplexes on higher ground levels in close proximity to her property boundary.

The implications of these works for our client's property have not been considered by CCC.

Our client has not given permission for any works to her boundary and/or for any retaining structure to be installed thereon. Concerns arise, in any case, that these areas of the site should not rely on retaining walls/structures.

8.4.1 The developable area of the site close to Broomhill II should be more limited

The applicant argues that the scheme proposals should be permitted to be developed on highly sloping lands. The difference in ground levels of Broomhill relative to the applicant site are considerable.

Character Areas 11 and 12 should contain less development given their topography. This was a limiting factor in the previously refused appeal scheme.

This concern impacts much of the applicant site. A drawing has been submitted which sets out the "developable areas" of the applicant site (see Fig. 22).

Concerns arise that the actual developable areas of the applicant site should be reduced further given the significant differences in ground level across the site and its sloping nature.

As noted above, the only means by which to develop alongside our client's property is by way of cut and fill works which is essentially landscape re-grading with all associated noise, vibration and dust.

Given these concerns, our client considers that the proposals are too dense and over-developed in close proximity to her property. A reduced density would allow for more flexible designs and not just an inflexible row of houses to the west and a block of duplexes to the south.

The 2009 planning permission recognised that the topography of the site was then a major constraint on its achievable development density and a far lower density of development was permitted alongside our client's property. The current proposals fail to respond to the landscape adjoining Broomhill.

There is no reason why the density cannot be reduced. This is required for a number of reasons.

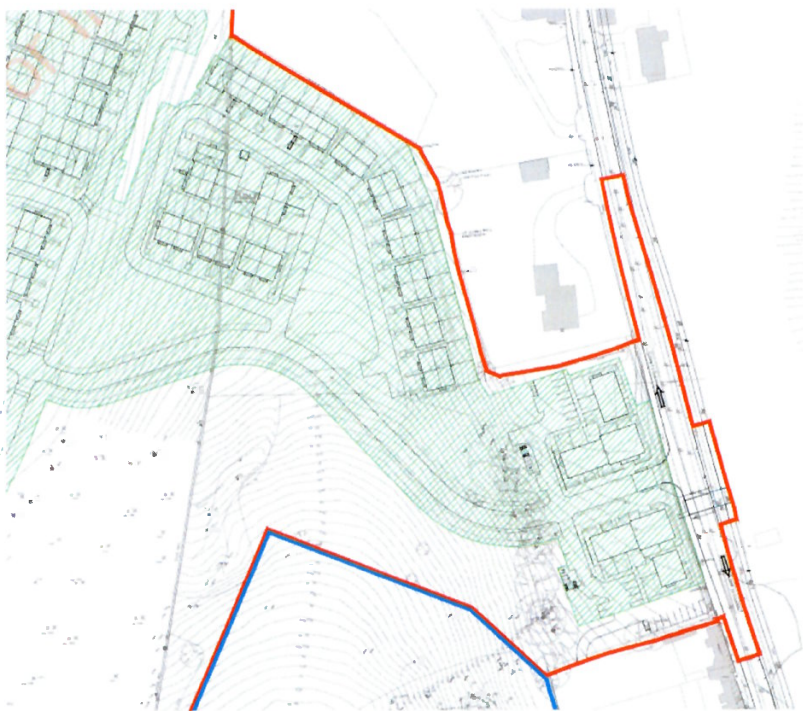


Fig. 22: Drawing showing the "developable areas" of the applicant site are nonetheless elevated and sloping (Source: CCC Planning File)

8.4.2 Noise, vibration, disturbance, air quality impacts, etc. to be exacerbated by cut and fill works

Our client has reviewed the copious EIAR's multi-chapter assessment of the likely adverse impacts of the significant cut and fill works, including exporting excess excavation of 215,588 m³ from the site.

With respect, she is not convinced that her property, sited so close to areas of the site where extensive landscape re-grading would be required, would not be adversely impacted. She does not believe the

"mitigation measures" can address noise, vibration, and dust concerns when the site rises up above her property on two sides allowing direct paths of pollution impacts into her property and home.

Dust

Chapters 13 and 14 of the EIAR deals with Air Quality and Climate respectively. These chapters describe the likely significant effects on air quality and climate resulting from the construction and operation of the proposed development. The air quality assessment set out in Chapter 13 reviews the potential construction dust emissions and impacts to nearby sensitive receptors. Potential vehicle emissions from traffic accessing the site for construction works and during operation are also outlined. The primary air quality issues associated site preparation works, earthworks, construction and the movement of trucks on site and exiting the site will lead to dust emissions. The potential dust impacts associated with the proposed development are outlined in Table 13-20 for each activity.

The potential for adverse impacts is significant. The applicant's assessment of "risk" and "cumulative risk" are abstract matters and fail to offer our client any reassurance.

Claims are made that the proposals will not cause "significant" dust impacts. The begs the question – "what exactly would cause significant dust impacts on our client's property if not the works outlined in section 5.1 of this Planning Appeal Report". She cannot think of any project which could cause more dust. This is a scheme of 550 residential units and significant associated development. It is literally a strategic scale development.

Located immediately alongside her property are areas to be cut and filled with machinery and HGVs are to export excavated soils and subsoils just to the south of her property. ABP is asked to consider, with some realism, whether the following proposed mitigation measures will protect our client's property: "dust suppression during adverse weather", "Enclosure of dust-generating activities" [no enclosures are included on the submitted plans], "regular cleaning", and "stabilization of exposed surfaces", "Use of speed limits", "wheel-washing", "sustainable vehicle practices to control emissions", "Regular monitoring", and "complaint tracking".

None of these claimed mitigation measures will realistically prevent our client's property being significantly impacted by dust.

Noise

Noise and Vibration is considered in Chapter 12 of the EIAR. The methodology included is detailed in Section 12.4 of the EIAR. A baseline noise survey was carried out at the proposed development site, measurement results are included in section 12.6.1.5 The Average Laeq16hr (7:00-23:00) was determined to be 47dB. The average Lnight 23:00-07:00 was determined to be 43dB. **Our client's property is located in a relatively low noise environment.**

Section 12.8.1 outlines how construction noise levels and construction vehicle traffic were predicted and factored into assessment. Details in relation to rock hammering activity are outlined, a construction noise level of 92 dB LAeq at 10m has been used in line with Guidelines. Construction vibration thresholds are outlined in Section 12.4.2.2

The proposed development has the potential to cause significant and adverse noise impacts on our client's property.

Noise Sensitive Locations are outlined in section 12.8 and the nearest receptor locations, including our client's property, identified.

Construction impacts include noise and vibrations as a result of rock breaking, site clearance works, excavations, cut and fill, superstructure and landscaping works. Our client is most concerned over the proposed cut and fill works and construction works to be undertaken as close as hard up to her property boundary.

Mitigation measures are outlined in Section 12.9. ABP is again asked to consider the location of our client's property – sited on lower ground levels than all of the proposed works yet also located immediately adjoining the scheme – and to consider if the proposed "mitigation measures" can address our client's concerns.

- "Screening" – No screens are proposed,
- Selection of quiet plant.
- Control of noise sources,
- Working hours limitations and liaison with the public in advance of works that may cause impacts.

These mitigation measures will not prevent our client's property from being significantly and adversely impacted by construction phase noise. No acoustic barriers are proposed and, despite our client asking for one, no solid party boundary wall has been offered to be built on the party boundary.

Our client does not accept that the claimed residual impacts outlined in section 12.10 are correct.

Vibration

The applicant proposes significant works including rock breaking, cut and fill, the construction of a retaining structure, large numbers of HGV movements, all close to our client's property.

The applicant assesses this as anything but significant. Our client does not accept this assessment.

Further details to be provided before the commencement of construction

CCC's Planner's Report states that due to the impact on NSL 1 and NSL2 due to Rock breaking, site clearance and excavations in close proximity to NSL 1 and 2, further detail will be required from the applicant prior to commencement of works.

CCC has agreed to a Noise Management Plan being submitted detailing phasing of the rock breaking works, liaison strategy, screening, mitigation measures and monitoring procedures.

Our client is concerned that no realistic noise and vibration mitigation measures are proposed to protect her property and that these matters are to be addressed at some point in the future without her involvement. CCC's relies on the applicant providing: "A final Construction Environmental Management Plan will be prepared prior to the construction of the scheme". That is, the applicant has been permitted to date to offer non-site specific mitigation measure proposals when site-specific proposals are needed such that ABP can properly assess this appeal.

8.5 Ground 5: The Landscape Plan is incomplete

We note that the applicant drawings show a significant tree and vegetation buffer only on our client's side the shared boundary. The applicant scheme will remove all existing trees and vegetation this from their side of the boundary to facilitate the proposed development, while our client is under no obligation to retain any boundary planting, etc. The applicant drawings are misleading in this respect – see Fig. 19. Fig. 19 essentially shows our client retaining a significant tree buffer to the west side of her property. This is not accurate, nor can our client be required to retain any vegetation or trees within her property. Further, if her property is redeveloped in the future, there is no possibility such trees and vegetation would arise.

The submitted landscape plan is silent on how planting on or adjoining the party boundary with our client's property is to be undertaken (if at all).

The applicant does not provide any boundary proposals as regards the party boundary with our client's property on its two impacted sides.

8.5.1 The Landscape Plan proposes loss of trees but relies on Broomhill's trees

The CCC LRD Opinion notes concerns raised by CCC Parks and Recreation. These concerns ask for "a full assessment of the parks and recreation considerations, including areas of open space and trees". The applicant has not provided a full assessment of trees/vegetation on the party boundary with our client's property.

The applicant has however detailed all trees located within the site by way of a tree survey. This survey shows considerable losses of existing trees to the southwest of our client's site.

Neither the Landscape Plan or the tree survey properly address the existing or proposed interface with our client's property.

8.6 Ground 6: Refusal reasons under a appeal Ref. No. PL 04.233061 remain undressed

Our client is fully aware of the planning history of this site:

- She objected to planning application reg. ref. 04/4986 as proposals were included that would have impacted on Broomhill. However, these concerns were not addressed by the end of the planning process, ABP refused permission, and she considered the outcome reasonable.
- She also objected to planning application reg. ref. 08/4584 and appealed to An Bord Pleanála under appeal reg. ref. PL 04.233061). As it addresses her property, this 2009 scheme was far less dense than the current scheme. She was given reassurances by the applicant that any future planning application would be designed to avoid impacting adversely on her property.

In her view, the current proposals represent an overly dense and sympathetic response to the site and neither the site nor the surrounding area can accommodate it. As noted above, no large scheme has been granted on these lands. They are in agricultural use.

Concerns arise that ABP was correct in refusing permission under the two appeals reg. refs. 04/4986 (no ABP ref. available) and PL 04.233061 and that many of the reasons for refusal remain valid, including:

- The proposed development would be premature having regard to how this scheme and all other permitted schemes and existing development reliant on it, would apply excessive pressure to the local road outside our client's home. The road is unsuitable to carry the increased road traffic likely to result from the proposed development.
- Having regard to the existing landscape layout and topography of the site, it is considered that the proposed development incorporating cut and fill works, retaining structures, and elevated residential developments would result in an unacceptable and inappropriate form of overall development within this the site which would materially and adversely affect the character and setting of area. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

8.6.1 Local concerns over poor road infrastructure & likely traffic impacts

Our client shares the following road infrastructure and traffic concerns raised by her neighbours and local people by way of objection to CCC. She lives alongside the L2998 local road and is concerned at how it would be impacted by this scheme. This road appears to now be being viewed as a de facto Regional Road.

The works undertaken in recent years to the L2998 are acknowledged; however, this does not alter the fact that this road is already under traffic pressures its original design never anticipated.

ABP is asked to consider the following concerns:

- The scheme is designed in the 1980s and 1990s manner of providing significant car parking. This would be a car-based scheme with unsustainable trips by car including to access the many services not to be provided by the applicant scheme.
- Traffic volumes on the L2998 local road are already high and that the proposed development would add unsustainable new traffic volumes to this.
- Local roads, Glanmire Bridge and Valley were never built to cope with 21st Century traffic and trucks and current developments.
- The TTA assessment of the 2nd May does not accurately reflect current conditions at Junction number 6 which is the roundabout junction of the L2998/L3004. It is the most important egress and frequently impossible to egress. TTA does provide a reliable assessment of the capacity of the road network to accommodate increased vehicular traffic on the L2998 and roundabout junction of the L2998 and the L2004.
- Concerns arise regarding the cumulative impacts from the proposed development and adjacent development in terms of traffic congestion and road safety issues for the general location. The existing infrastructure is under excessive pressure. Peak traffic volumes are already too high.
- The access proposed to the scheme is unsuitable. The location and setting of the entrance are more akin to an entrance to a rural house than an LRD.
- The proposal will be very impactful on existing houses on lane, due to pedestrian, cycle and vehicular traffic.
- Concerns arise that road infrastructure improvements are not keeping pace with residential development.

The CCC LRD Opinion noted how in respect of 'Traffic and Transport': "The site is proposed to be accessed by a site entrance from the L 2998 Local Primary Road. This site access is located within the 50 KPH speed limit zones. ... Overall, the information provided within the Transport Statement lacks detail and a more comprehensive transport analysis is required" Further, as regards 'Pedestrian and Cycle Accessibility', CCC stated: "issues should be addressed". Our client has reviewed the applicant's access, roads and traffic proposals and, given her memory of the previous two planning application refused by ABP, she cannot understand how CCC has issued a grant of permission. She considers that the following reason for refusal issued by ABP under appeal reg. ref. PL04.233061, still applies:

The proposed development would be premature having regard to existing deficiencies in the local road network in terms of capacity, width, alignment, public lighting and pedestrian facilities, which deficiencies would render it unsuitable to carry the increased road traffic likely to result from the proposed development, and the period within which the constraints involved may reasonably be expected to cease. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.

Despite recent works, the local road remains inadequate to serve existing development which relies on it, already permitted development which will rely on it, and this scheme of 550 units. The road remains a local road.

86.2 Lack of public transport & capacity to serve a 550 unit scheme

There is a lack of public transport in the area. There is no adequate capacity to serve an LRD as is required under Ballyboden Tidy Towns Group -v- An Bord Pleanála & Ors [2024] IEHC 66.

Our client has lived in this area for decades and has only ever known it as one which is rural / semi-rural wherein everyone uses their car. It is unclear how this scheme would be any different.

8.7 Ground 7: Planning policy concerns arising from this piecemeal proposal

8.7.1 Contrary to the ZO 02 'New Residential Neighbourhood' zoning

The CDP zones the site ZO 02 'New Residential Neighbourhood' where the following objective applies: "To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure."

ABP is asked to consider whether the applicant proposals comply with this zoning which requires a balance between new residential development and new social and physical infrastructure.

The applicant proposes "the construction of 550 no. residential units". This number of households will contain significant volumes of adults who need a full range of community facilities and services and children who need schools, playgrounds, sports pitches, etc.

To balance the 500 units of accommodation, the applicant offers 1 no. crèche (when the Childcare Guidelines require one per 75 new units) and 3 no. commercial units (comprising a shop café and medical/general practice facility). Also, some limited a new greenway through the development connecting to the L2998 to the north and to the existing (Dunkettle to Carrigtohill) Greenway to the south to try to address the lack of pedestrian and cycle connectivity along existing roads.

That is, this scheme is to be wholly weighed towards the provision of significant volumes of housing without the accompanying social and physical infrastructure.

ABP is asked to have regard to refused appeal reg. ref. PL 04.233061. This scheme provided for 1,210 number dwellings (587 units on Dunkettle lands/623 units on Ballinglanna lands) and the following social and physical infrastructure:

- Use of the protected structure of Dunkettle House for use as general offices (three number units totalling 1,569 square metres).
- The renovation, conversion and extension of stable buildings to provide six number residential units and two number "craft" retail units (retail total 398 square metres).
- Construction of a separate retail unit with café (959 square metres) to the rear of Dunkettle House.
- A garden centre (540 square metres) to the west of the house with outdoor display areas.
- A two-storey crèche (661 square metres)
- Construction of three buildings to form a "commercial core" within Ballinglanna lands. Block 1 comprised two number retail units (total 168 square metres) and a medical centre (231 square metres) on the ground floor of a three-storey building. Block 2 was a two-storey crèche (680 square metres) and Block 3 was a three-storey building with a ground floor retail unit (532 square metres).
- Proposed "community core" within Ballinglanna lands comprising the erection of a community hall with an associated 15 number car parking spaces.
- The reservation of sites for a possible future primary school and a possible future Day Care Centre for older people.
- Conversion of a disused building within the Ballinglanna lands to form a 172 square metres general office (use class 3).
- Provision of 48.5 hectares of passive public open space and 11.2 hectares of active public open space, amenity walkways and recreational facilities including seven number "Multi Use Games Areas", one District play area, three number Local play areas and 28 number Neighbourhood play areas.

- The existing laneway at the northern end of the Dunkettle lands was to be improved to provide more direct pedestrian/cycle access from the site to Glanmire Village.

Our client considers that the refused scheme was then and remains far superior to the current scheme as regards new social and physical infrastructure. The current scheme is residential dense and social and physical infrastructure thin.

This is an area where it is hard to obtain a school place and where there is already a lack of creches and services. It can be difficult to travel into Glanmire Village due to traffic.

This may be a substandard scheme as regards amenities and services for future residents causing them to be isolated. An Taisce's submission states:

*In regard to the large residential development proposed, **while welcoming ongoing housing development, it is noted that concerns are being expressed in the area on the capacity of this site to accommodate such a large quantity of new housing in the absence of adequate services in the wider area.** We would support the fullest consideration of these aspects of the development in the interests of proper and sustainable development [emphasis added].*

Concerns arise that the nature, layout and design of the layout of development proposed fails to properly address the requirements of the site's ZO 02 'New Residential Neighbourhood' zoning where the following objective applies: "To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure." The scheme is imbalanced as regards the provision of residential accommodation relative to social and physical infrastructure. There is a notable absence of any large scale playing pitches for active recreation, which is it considered should be integrated into a development of such a scale. The Board cannot reasonably be satisfied that the proposed development would adequately provide for community, recreation and educational facilities to serve the needs of future residents. The proposed development would, therefore, seriously injure the amenities of future residents of the scheme and be contrary to the proper planning and sustainable development of the area.

8.7.2 Contrary to and would adversely impact on the ZO 17 Landscape Preservation Zone

Our client is aware that the surrounding lands to the north, west and south of the site is zoned ZO 17 Landscape Preservation Zone where the following objective applies: "To preserve and enhance the special landscape and visual character of landscape Preservation Zones". These are carefully protected landscape areas.

Concerns arise that the current proposals which include cutting and filling the landscape, building retaining structures, and building primarily residential structures which are inflexibly applied to the site, would have an adverse impact on the ZO 17 Landscape Preservation Zone. The scheme is far too dense relative to its sensitive location.

8.7.3 Contrary to and would conflict with Objective NE15

This area is also subject to Objective NE15 where the following applies:

*This zone to the southern end of Glanmire includes: A visually important hillside to the southern end of Glanmire. The riparian woodland adjoining the Cork Harbour Special protection Area. Forms part of the setting for Dunkettle House. Provides local biodiversity benefit. Forms part of an attractive gateway entrance to the city and Forms part of the wider landscape setting from the southern side of the River Lee /Blackrock Area. Given the extensive development proposed to adjoining lands, the mixed nature riparian woodland should be extended to compliment the biodiversity and visual benefits of this zone. **For these reasons, there is a presumption against development within this zone** [emphasis added].*

Our client notes how there therefore is a presumption against development within this zone as set out under Objective NE15. Our client considers that this proposed development's scale, density, design, and layout is wholly at odds with respecting and responding to Objective NE15.

Our client's opinion is shared by An Taisce which is concerned over the likely impact of the scheme on the setting of and on views towards Dunkettle House. An Taisce refers to "Chapter A - Zoning Maps - Map 05 (North-Eastern Suburbs) and Map 19 (Glanmire and Hinterland) notes a zoning code NE 15 for a Landscape Preservation Zone. This area surrounds the house and is also in the line of a direct vista from the house towards the lower River Lee", to "Chapter B - Density and Heights, on the other hand, shows that the 'Outer Suburbs' designation encompasses the area around Dunkettle House (Map 05, 19). In this context, the provisions above, sections 8.18-8.28 of the CCDP are directly relevant to protecting the setting of the house, to "Chapter C - View Management Framework (Map 01) has a marked vista from Dunkettle House towards historic Blackrock Castle on the southern bank of the lower River Lee", and points out how "Dunkettle House is noted in Volume 3 of the CCDP Built Heritage Objectives (see Part 4 View Management Framework, Table 1 page 196) as having a Strategic Linear View towards Blackrock Castle. The house is also noted as having a Strategic Landscape /View towards the Lota Ridge, to the west of the development site on the north bank of the river. Accordingly,

strategic views are designated in the CCDP in both the south/south westerly and the westerly directions. It stands to reason that the full area encompassed by this arc should be treated with maximum sensitivity in the placement of any new structures in the wider area, including future applications v. Ilia may arise for this site. In addition, the objectives in Chapter 8 above clearly envisage a landscape protected area around Dunkettle House."

The applicant's EIAR and CCC's Planner's Report fail to properly address and/to assess this concern.

8.8 Ground 8: The issue of biodiversity

Our client is concerned that the applicant has failed to properly survey bats, owls, squirrels, Herons, and kestrels which have been seen by local people passing through the site and roosting in its trees.

The proposed removal of heritage hedgerow and significant numbers of trees and groups of trees, including Oaks, may significantly impact on biodiversity on the site and also on its ex-situ use as a stepping stone site for wildlife.

The CCC Planner's Report noted that "Some impacts on foraging bats, badgers, birds and hedgerows may arise". It is unclear how cutting and filling large areas of the site would be compatible with any of these species surviving.

While it is noted that mitigation measures are proposed to reduce these impacts, revisions to the proposal are required to minimise the significance of these impacts.

Our client has asked that the scheme be refused and a lower density proposal which does not rely on wholesale cut and fill be proposed instead.

8.9 Ground 9: The EIAR is inadequate

ABP should refuse to consider and cannot grant permission for the proposed development in circumstances where the developer has failed to provide an adequate Environmental Impact Assessment Screening Report ("EIAR") to a sufficient standard which rules out the likelihood for significant effects on the environment.

We note how the Waddenzee threshold also applies to the need for EIA under the EIA Directive. See the Judgment in Case C-526/16² which states:

Taking into account the precautionary principle, which is one of the foundations of the policy of protection of a high standard pursued by the European Union in the field of the environment, in the light of which [the EIA Directive] is to be interpreted, it is considered that such a risk exists if it cannot be excluded on the basis of objective evidence that the project is likely to have significant effects on the environment (COM informal translation of Commission v Poland, Case C-526/16, ECLI:EU:C:2018:356, paragraphs 66-67) (emphasis added).

Concerns arise:

- The EIAR is defective inter alia in that it does not provide a description of the entire project to a sufficient degree in order that the likely impacts on the environment can be fully considered. It fails to consider in sufficient detail and/ or at all the likely cumulative impacts with other projects and fails to consider in sufficient detail and/ or at all the overall likely impacts on the environment.
- The "Zone-of-Influence" referred to in the EIAR Report is not reasoned or explained — it is unclear how such a zone was so determined the criteria for determining a "zone-of-influence" has no basis in law. Furthermore, the limitation of the consideration of protected sites to a 15km radius is not explained and it is unclear how such a limitation was determined. This is improper for birds and migratory species under which bats fall as well (between summer and winter roosts for instance).
- The EIAR and supporting documents do not fully consider the likely impact of the development on hydrological features. Chapter 10 'Water and Hydrology' of the EIAR is inadequate. The effects of the proposed development on surface water and groundwater may be significantly adverse arising from the extent of cut and fill works proposed. There is one hydrological feature that runs directly adjacent to the west of the site, the Glashaboy River runs along the North, the West and the Southwest of the site and flows directly into Cork Harbour further to the south of the site.
- There was originally and remains a lack of information in relation to the drainage and SuDS proposals. Despite this the NIS confidently asserted from the outset that the scheme would raise no surface water run-off concerns. How could the assessor be so sure? The CCC Planner's Report states: "During the construction

² Reiterated in AG's Opinion in Case C-721/21 Eco Advocacy.

phase, there is some potential for surface water to be contaminated with hydrocarbons, soil and sediment which could negatively affect water quality."

- The CCC Planner's Report states: "There is some potential for contamination due to the surface water runoff" but relies on the applicant's own assessment to state: "however the appropriate mitigation measures can negate this which can be addressed in the final Construction Environmental Management." These mitigation measures have not yet been stated and, as such, it is unclear if they are standard or if planning law concerns arise.
- The EIAR and supporting documents fails to include the results of soil/subsoil percolation tests and ground investigations carried out by a hydrologist or similar on the basis of which to ABP can determine if the proposed cut and fill works are acceptable and will not cause adverse hydrological impacts.
- The EIAR and supporting documents fail to properly consider the scale and impact of **construction phase works**, soil stabilisation or remediation requirements, which will impact:
 - Water quality and surface water run-off from the site.
 - The ecological connectivity between proposed development site and the Glashaboy River.
- The EIAR and supporting documents fail to properly consider the scale and impact of the **operational phase** on:
 - Water quality and surface water run-off from the site. There is a hydrological pathway between the site and the Glashaboy River.
 - The ecological connectivity between proposed development site and the Glashaboy River.
- The EIAR and supporting documentation does not assess and/ or fails to adequately assess the impacts from the proposed development on our client and her property and amenities.
- The EIAR and supporting documentation fail to propose a scheme which accords with the Climate Action Plan 2023.

8.10 Ground 10: The submitted Appropriate Assessment is incomplete

The information presented by the applicant within the Appropriate Assessment Screening Report and Natura Impact Statement is insufficient, contains lacunae and is not based on appropriate scientific expertise and as such ABP cannot comply with the requirements of the Habitats Directive and relevant provisions of national law under the Planning and Development Act 2000:

- The proposed development does not comply with the requirements of the Planning and Development Act 2000 (as amended) (under Part XAB Q/ the 2000 Act (ss. 177R-177AE)) and the Habitats Directive. Due to inadequacies and lacunae in the AA Screening Report and Natura Impact Statement prepared by the applicant the Board does not have sufficient and/or adequate information before it to carry out a complete assessment of the likely impact on European sites in relation to the proposed development.
- The "Zone-of-Influence" referred to in the AA and NIS assessment is not reasoned or explained — it is unclear how such a zone was so determined as the criteria for determining a "zone-of-influence" has no basis in law. Furthermore, the limitation of the consideration of protected sites to a 15km radius is not explained and it is unclear how such a limitation was determined. See para. 4.6 of the NIS.
- Insufficient detail and data is provided to determine AA or NIS conclusions. The sources consulted are limited and arising from this the report's content and conclusions are likewise limited.
- ABP should refuse to consider and cannot grant permission for the proposed development in circumstances where the developer has failed to provide an AA and NIS that considers the entire project including all elements that are necessary and/or ancillary to the delivery of the project and as such does not demonstrate that the project will not have a significant negative impact on protected sites and protected species beyond all reasonable scientific doubt.
- Insufficient detail and data is provided to determine whether the proposals will impact adversely on the water quality of watercourses such as the Glashaboy River which offers a hydrological pathway between the site and SACs and SPAs.
- Insufficient detail and data is provided to determine whether the proposals will impact adversely on breeding birds, bats, badgers (*Meles meles*), and other wildlife. There is ecological connectivity between proposed development site and River Barrow and Nore SAC. Insufficient surveys have been carried out to assess the potential impacts arising from impact bird flight paths. Birds have air and land pathways and the applicant lands currently form part of the stepping stone land pathways enjoyed by these birds. The proposals will also cause loss of frequently used exsitu foraging habitat.

- Both the AA Screening Report and the NIS have failed to consider and/or sufficiently consider the likely impacts on protected species of which many require continuous monitoring as to their conservation objective status and some are failing to meet those objectives.
- The monitoring and mitigation measures described in the NIS are non-specific and not quantifiable. They rely on Outline Construction Management Plan measures, surface water drainage measures and foul drainage measures details of which are not fully known at this stage. Matters would need to be conditioned that could not later be subjected to NIS re-assessment.
- The NIS that accompanies this application is reliant on less than credible mitigation measures and on those mitigation measures being properly implemented by the applicant. The applicant EIAR Report states: "The NIS concluded that the Proposed Development will not adversely affect the integrity of these four Natura 2000 sites due to suitable mitigation measures, inaugurated design measures and following best practice pollution prevention during the construction and operation phases". That is, significant adverse impacts can only be avoided 'if' all mitigation measures, augmented design measures and practices are achieved without fail.
- The potential for cumulative impacts to arise as a result of the proposed development, in combination with other existing, permitted, or proposed projects, and their potential to lead to likely significant effects on European sites, relies on the fully successful implementation of mitigation measures outside of the control of the applicant.

In making these points, we do so arising from concerns to protect Cork Harbour SPA and Great Island Channel SAC.

8.11 Ground 11: The proposals would adversely impact on Dunkettle House

The previous planning application assessed by ABP on appeal included Dunkettle House. Its refurbishment and sustainable re-use represented a significant part of the social and physical infrastructure offer of that proposal.

The current planning application seeks to avoid including Dunkettle House and to argue that it will not adversely impact on the setting of the house. This is a difficult argument to make then An Taisce's submission has set out significant concerns in this regard.

The CCC Planner's Report states: "An Taisce concerned at potential impact of large scale development on setting of and vistas associated with Dunkettle House, a Protected Structure, and of national architectural, artistic, historical and social interest, as well as on Record of Monuments and Places (C0075-075) in the Cork City Development Plan. Many objectives for protecting and celebrating heritage and historic sites".

In fact, An Taisce's submission is more detailed

Our specific concern relates to the potential impact of this large-scale development on the setting of, and vistas associated with Dunkettle House. The house and associated structures are listed on the Record of Protected Structures. Dunkettle House is listed in the National Inventory of Architectural Heritage (HIAH Ref. 20907514) as being of national architectural, artistic, historical and social interest. The house is included on the Record of Monuments and Places in the Cork City Development Plan 2022-28, Volume 3 Built Heritage Objectives — see reference C0075-075.

A number of relevant provisions are set out in Volume 1, Chapter 8 of the Cork City Development Plan 2022-28, in respect of the Vision for Corks Heritage, Arts and Culture. In Section 8.3 - p261 - Cork City Council commits to identifying, protecting and celebrating Corks unique historic and contemporary cultural expression.

Among the relevant key objectives set by the council are the following:

- *To protect and enhance the tourism and cultural amenities of the city including the conservation, protection and enhancement of Cork City's natural, built and cultural heritage through land use zoning, policies and objectives.*
- *To promote the protection of the heritage of the city and the implementation of the Heritage and Biodiversity Plan.*
- *To protect, promote and conserve Cork City's natural heritage.*

In particular, the CCDP provisions relating to the Built Heritage and Protected Structures (8.188.28) identify the issues directly relevant to the context and setting of Dunkettle House.

Sections 8.26, 8.27 and 8.28 merit being cited in full:

8.26 - Curtilage is normally taken to be the parcel of grounds associated with the protected structure. Attendant grounds are those areas that may not be immediate to the protected structure but are associated with them. Both the curtilage and attendant grounds of a Protected Structure are included for their protection within the definition of a Protected Structure as they are defining elements of the structure.

8.27 - Historic landscapes and gardens associated with Protected Structures are also an important amenity and contribute to the setting and character of Protected Structures. Cork City Council will seek to protect these unique historic gardens (including walled gardens), landscapes and settings from inappropriate development. There are also remnant historic landscapes that do not relate to protected structures that are built heritage assets of significance that Cork City Council will seek to protect. These in general relate to the former grounds of historic houses, some of which have been lost, others are not included on the Record of Protected Structures.

8.28 - Development which would not conflict with the general planning objectives for the area in which a Protected Structure is located will be considered on its merits and on the impact such development would have on the character of the Protected Structure.

In addition to the foregoing, the Cork City Development Plan 2022-28 Volume on Mapped Objectives provides clear guidance regarding development in the area where Dunkettle House is situated.

Chapter A - Zoning Maps - Map 05 (North-Eastern Suburbs) and Map 19 (Glanmire and Hinterland) notes a zoning code NE 15 for a Landscape Preservation Zone. This area surrounds the house and is also in the line of a direct vista from the house towards the lower River Lee.

Chapter B - Density and Heights, on the other hand, shows that the 'Outer Suburbs' designation encompasses the area around Dunkettle House (Map 05, 19). In this context, the provisions above, sections 8.18-8.28 of the CCDP are directly relevant to protecting the setting of the house.

Chapter C - View Management Framework (Map 01) has a marked vista from Dunkettle House towards historic Blackrock Castle on the southern bank of the lower River Lee.

Finally, Dunkettle House is noted in Volume 3 of the CCDP Built Heritage Objectives (see Part 4 View Management Framework, Table 1 page 196) as having a Strategic Linear View towards Blackrock Castle. The house is also noted as having a Strategic Landscape /View towards the Lota Ridge, to the west of the development site on the north bank of the river. Accordingly, strategic views are designated in the CCDP in both the south/south westerly and the westerly directions. It stands to reason that the full area encompassed by this arc should be treated with maximum sensitivity in the placement of any new structures in the wider area, including future applications v. It may arise for this site. In addition, the objectives in Chapter 8 above clearly envisage a landscape protected area around Dunkettle House.

Our client has reviewed the submitted planning application and agrees with and adopts An Taisce's opinion as her own. She considers that the previous planning application, refused by ABP, provided a far superior response to the protected structure.

In our client's opinion, Chapter 5 of the EIAR 'Landscape and Visual Assessment' fails to properly assess the likely significant adverse visual impact of the scheme on Dunkettle House.

CCC's Planner's Report states: "The proposed development represents a significant intervention in the landscape and will be highly visible from a number of vantage points. It will, in my view, have a significant visual impact in the short-term." Our client finds this difficult to understand. The scheme will have a permanent significant adverse visual impact. It is unclear why CCC considered the likely impact short term. This is a significant scheme whose adverse impact on the landscape will increase as it nears completion. Dunkettle House's setting and views towards it will be significantly and adversely impacted.



Fig.23: Dunke le House, with walled garden in the background and historic landscape to the front (Source: CCC Planning File)

8.12 Ground 12: The proposed development would set poor precedents

For the reasons set out above and below, the proposed development, if granted, would set poor precedents for:

1. Permitting piecemeal large scale residential development isolated from necessary community services and facilities and without any adequate provision of more.
2. Permitting developments which fail to integrate with adjoining sites.
3. For permitted developments which are poorly served by sustainable modes of transport.
4. For development which impacts adversely on the development potential of adjoining and surrounding sites.
5. For development which is at odds with the topography of a site thereby requiring cut and fill and retaining structures throughout the site.

For the reasons set out above, the proposed development, if granted, would set a poor precedent for future development in the vicinity of this site and in the surrounding area.

Our client asks ABP to protect this area by refusing planning permission thereby avoiding setting a negative precedent for future development in this area or to substantially revise the scheme by way of condition.

8.13 Ground 13: Proposal would cause depreciation of property value

Our client is concerned that the proposed development would adversely impact on the value of their site and on the development potential of that site. The potential impact that a proposed development can have is recognised by the Planning Acts which include a reason for refusal reason 10. (c) of the Fourth Schedule 'Reasons for the Refusal of Permission which Exclude Compensation' of the Planning Acts 2000-2015:

10. In the case of development including any structure or any addition to or extension of a structure, the structure, addition or extension would— (c) seriously injure the amenities, or depreciate the value, of property in the vicinity.

The only basis for this scheme to proceed is that the interests of the applicant are placed above those of the area and of our client's conjoined site.

The High Court in *Gleann Fia v An Bord Pleanála* [2019] IEHC 618 has held that it is not necessary to put very detailed information before the Board that the development as granted would reduce the value of land significantly or adversely affect the enjoyment of land:

106. Although no valuation evidence was presented to back up the contention that this "would ... reduce significantly its value", there is nothing in s.37(6)(d)(ii) that mandates the submission of valuation evidence. While the court should not speculate as to the Board's thinking or reasoning, it would not be irrational or unreasonable for it to have treated the views expressed by RPS in this passage as plausible and common sense if it also accepted that the greater detail provided in the further information, and the review/approval of the Traffic and Transportation Section of the Council on 24th October, 2018 rendered the development of the pedestrian bridge and walkways more imminent, and more likely that it would be carried out by the Council.

107. Accordingly, I am of the view that there was some evidence before the Board from which it could objectively have come to the view that Condition 1, including the plans and particulars lodged with the further information, and/or Condition 35 could of themselves have led to a reduction in value of the Notice Parties' lands. The weight to be attached to this evidence was entirely a matter for the Board. For this reason, if this were the only criterion in respect of which the applicants made complaint, and was the only ground for seeking judicial review, I would not grant certiorari."

It is the professional opinion of BPS that this scheme would reduce the value of our client's property.

9.0 Conclusion

BPS has reviewed this planning application in light of national, regional, and local planning policy, including under the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Cork City Development Plan (2022-2028) and the Z5 'zoning of the site. We find that the proposed development should be refused and the decision of CCC overturned.

The following summary concerns arise:

- Concerns arise that the nature, layout and design of the layout of development proposed fails to properly address the requirements of the site's ZO 02 'New Residential Neighbourhood' zoning where the following objective applies: "To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure." The scheme is imbalanced as regards the provision of residential accommodation relative to social and physical infrastructure. The Board cannot reasonably be satisfied that the proposed development would adequately provide for community, recreation and educational facilities to serve the needs of future residents. The proposed development would, therefore, seriously injure the amenities of future residents of the scheme and be contrary to the proper planning and sustainable development of the area.
- The site of the proposed development is located in an area lacking in community facilities and with poor connectivity and remote from public transport, neighbourhood facilities and at a location poorly served by supporting infrastructure including adequate footpaths and public lighting. It is considered that residential development of the scale proposed would result in uncoordinated, piecemeal and an unsustainable car dependent form of development which would be contrary to the Ministerial Guidelines set out in the Sustainable Residential in Urban Areas Guidelines issued by the Department of the Environment, Heritage and Local Government in May, 2009. Furthermore, it is considered that, by reason of pedestrian/vehicle conflict along the local road network serving the site, significant sections of which are rural in character and lacking in public footpaths, the proposed development would endanger public safety by reason of a traffic hazard. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area. Notwithstanding the residential zoning of the site, the Board does not support the principle of development of the scale being proposed on this site in the absence of a more co-ordinated approach to development in the area and pending the provision of infrastructural improvements to the area, including to roads, footpaths and social infrastructure that would support a development of the nature and scale being proposed.
- Having regard to the established character and pattern of development in the vicinity, the provisions of the Cork City Development Plan 2022-2028 and the nature and scale of the proposed development, with proposed dwelling and duplex units positioned on elevated ground above Broomhill, Woodlands, Glanmire, Cork, T45 WR80, it is considered that the proposed development would have an overlooking and overbearing impact when viewed from Broomhill. Accordingly, the proposed development would seriously injure the residential amenities of the stated neighbouring and adjoining properties, and would be contrary to the provisions set out under the Cork City Development Plan 2022-2028, which require residential development not to cause significant loss of amenity to existing properties and new housing to have regard to the existing character of existing areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- The applicant proposes some minor works to the local road. These are not sufficient. The proposed development would be premature having regard to the local road network in terms of its capacity, which deficiency would render it unsuitable to carry the increased road traffic likely to result from the proposed development, and the period within which the constraints involved may reasonably be expected to cease. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.
- Having regard to the existing landscape layout and topography of the site, it is considered that the proposed development incorporating cut and fill works, retaining structures, and elevated residential developments would result in an unacceptable and inappropriate form of overall development within this site which would materially and adversely affect the character and setting of area. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.
- Having regard to how the surrounding lands to the north, west and south of the site are zoned ZO 17 Landscape Preservation Zone where the following objective applies: "To preserve and enhance the special landscape and visual character of landscape Preservation Zones", it is considered that the current proposals which include cutting and filling the landscape, building retaining structures, and building primarily residential structures which are inflexibly applied to the site, would have an adverse impact on the ZO 17 Landscape Preservation Zone. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
- Having regard to how this area is subject to Objective NE15 where "there is a presumption against development within this zone", it is considered that this proposed development's scale, density, design, and layout is wholly at odds with respecting and responding to this Objective. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
- Having regard to the likely adverse impacts of the scheme on the setting of and views towards Dunkettle House, a Protected Structure, it is considered that the proposal fails to comply with the Architectural Heritage Protection Guidelines and with the Record of Monuments and Places (C0075-075) in the Cork City Development Plan, a number of relevant provisions are set out in Volume 1, Chapter 8 of the Cork City Development Plan 2022-28, in respect of the Vision for Corks Heritage, Arts and Culture. In Section 8.3 - p261 - Cork City Council commits to identifying, protecting and celebrating Corks unique historic and contemporary cultural expression. Among the relevant key objectives set by the council are the following: (1) To protect and enhance the tourism and cultural amenities of the city including the conservation, protection and enhancement of Cork City's natural, built and cultural heritage through land use zoning, policies and objectives. (2) To promote the protection of the heritage of the city and the implementation of the Heritage and Biodiversity Plan. (3) To protect, promote and conserve Cork City's natural heritage. The Development Plan provisions relating to the Built Heritage and Protected Structures (8.188.28) identify the issues directly relevant to the context and setting of Dunkettle House. Sections 8.26, 8.27 and 8.28 require the protection of its curtilage and its historic landscapes and gardens. Section 8.28 states that development which would not conflict with the general planning objectives for the area in which a Protected Structure is located will be considered on its merits and on the impact such development would have on the character of the Protected Structure. In addition to the foregoing, the Cork City Development Plan 2022-28 Volume on Mapped Objectives provides clear guidance regarding development in the area where Dunkettle House is situated. Chapter A - Zoning Maps - Map 05 (North-Eastern Suburbs) and Map 19 (Glanmire and Hinterland) notes a zoning code NE 15 for a Landscape Preservation Zone. This area surrounds the house and is also in the line of a direct vista from the house towards the lower River Lee. Chapter B - Density and Heights, on the other hand, shows that the 'Outer Suburbs' designation encompasses the area around Dunkettle House (Map 05, 19). In this context, the provisions above, sections 8.18-8.28 of the CCDP are directly relevant to protecting the setting of the house. Chapter C - View Management Framework (Map 01) has a marked vista from Dunkettle House towards historic Blackrock Castle on the southern bank of the lower River Lee. Finally, Dunkettle House is noted in Volume 3 of the CCDP Built Heritage Objectives (see Part 4 View Management Framework, Table 1 page 196) as having a Strategic Linear View towards Blackrock Castle. The house is also noted as having a Strategic Landscape /View towards the Lota Ridge, to the west of the development site on the north bank of the river. Accordingly, strategic views are designated in the CCDP in both the south/south westerly and the westerly directions. It stands to reason that the full area encompassed by this arc should be treated with maximum sensitivity in the placement of any new structures in the wider area, including future applications v. Illa may arise for this site. In addition, the objectives in Chapter 8 above clearly envisage a landscape protected area around Dunkettle House. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

BPS has worked with our client to prepare this planning appeal. We consider that her comments and recommendations are both reasonable and feasible. This planning application marks a significant deviation from the previous application refused on these lands by ABP in 2009. These new proposals, as permitted by

CCC, would only be achieved as the extreme detriment of her property's established residential and visual amenities.

ABP is asked to amend the CCC decision to strike a fair balance between the interests of both parties. Our client has stated that, despite not having been approached by the applicant at pre-planning stage, that she is at all times willing to engage with the applicant to reach a just solution.

What must be kept in mind is that what is proposed is not a critical piece of nationally required infrastructure or a single development of world class architectural design. What is proposed is simply an overdeveloped hostel and apartment scheme with no adequate mix of ground level uses to add to the vitality of this area.

What appears key, in the consideration of this proposal, is that the application before CCC is the culmination of a process where the consideration of the impacts on the receiving environment have been second to the applicant's own requirements and plans, particularly in respect of avoiding proposing an integrated scheme with our client's site (despite being approached regarding this).

The suitability of the site in principle and the ability of the receiving environment to absorb the proposed development are two very different considerations and this, in our client's opinion, is where the needs of the applicant and the concerns of our client diverge.

Where such divergence in vision exists and a large development proposal is made irrespective of its clear and apparent divergence from the established pattern and character of development in an area, there is a need to identify appropriate assessment criteria by which to judge the proposal.

The critical development framework for this area, as noted above, is the Cork City Development Plan 2022-2028. For the reasons given above, this proposal is not permitted under this plan.

Cumulatively, the negative impacts of the proposed development on the environment of the site and the surrounding area are such that this scheme cannot be granted in its current form. It would set a negative precedent and impact adversely on our client's property. The applicant scheme is non-compliant in zoning terms with the Cork City Development Plan 2022-2028.

10.0 Recommendation

It is recommended that, for the reasons set out above that this planning application be refused and for the reasons set out in Section 10.1 below and that the decision of CCC be overturned.

However, if ABP considers that revised details should be requested, then Section 10.2 below sets out recommendations regarding how the scheme needs to be revised.

Both options would provide for the unit to remain in EE zoned use.

10.1 Recommended reasons for refusal

This planning application should be refused for the reasons set out below.

1. Concerns arise that the nature, layout and design of the layout of development proposed fails to properly address the requirements of the site's ZO 02 'New Residential Neighbourhood' zoning where the following objective applies: "To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure." The scheme is imbalanced as regards the provision of residential accommodation relative to social and physical infrastructure. The Board cannot reasonably be satisfied that the proposed development would adequately provide for community, recreation and educational facilities to serve the needs of future residents. The proposed development would, therefore, seriously injure the amenities of future residents of the scheme and be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located in an area lacking in community facilities and with poor connectivity and remote from public transport, neighbourhood facilities and at a location poorly served by supporting infrastructure including adequate footpaths and public lighting. It is considered that residential development of the scale proposed would result in uncoordinated, piecemeal and an unsustainable car dependent form of development which would be contrary to the Ministerial Guidelines set out in the Sustainable Residential in Urban Areas Guidelines issued by the Department of the Environment, Heritage and Local Government in May, 2009. Furthermore, it is considered that, by reason of pedestrian/vehicle conflict along the local road network serving the site, significant sections of which are rural in character and lacking in public footpaths, the proposed development would endanger public safety by reason of a traffic hazard. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area. Notwithstanding the residential zoning of the site, the Board does not support the principle of development of the scale being proposed on this site in the absence of a more co-ordinated approach to development in the area and pending the provision of

infrastructural improvements to the area, including to roads, footpaths and social infrastructure that would support a development of the nature and scale being proposed.

3. Having regard to the established character and pattern of development in the vicinity, the provisions of the Cork City Development Plan 2022-2028 and the nature and scale of the proposed development, with proposed dwelling and duplex units positioned on elevated ground above Broomhill, Woodlands, Glanmire, Cork, T45 WR80, it is considered that the proposed development would have an overlooking and overbearing impact when viewed from Broomhill. Accordingly, the proposed development would seriously injure the residential amenities of the stated neighbouring and adjoining properties, and would be contrary to the provisions set out under the Cork City Development Plan 2022-2028, which require residential development not to cause significant loss of amenity to existing properties and new housing to have regard to the existing character of existing areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The applicant proposes some minor works to the local road. These are not sufficient. The proposed development would be premature having regard to the local road network in terms of its capacity, which deficiency would render it unsuitable to carry the increased road traffic likely to result from the proposed development, and the period within which the constraints involved may reasonably be expected to cease. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.
5. Having regard to the existing landscape layout and topography of the site, it is considered that the proposed development incorporating cut and fill works, retaining structures, and elevated residential developments would result in an unacceptable and inappropriate form of overall development within this site which would materially and adversely affect the character and setting of area. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.
6. Having regard to how the surrounding lands to the north, west and south of the site are zoned ZO 17 Landscape Preservation Zone where the following objective applies: "To preserve and enhance the special landscape and visual character of landscape Preservation Zones", it is considered that the current proposals which include cutting and filling the landscape, building retaining structures, and building primarily residential structures which are inflexibly applied to the site, would have an adverse impact on the ZO 17 Landscape Preservation Zone. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
7. Having regard to how this area is subject to Objective NE15 where "there is a presumption against development within this zone", it is considered that this proposed development's scale, density, design, and layout is wholly at odds with respecting and responding to this Objective. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
8. Having regard to the likely adverse impacts of the scheme on the setting of and views towards Dunkettle House, a Protected Structure, it is considered that the proposal fails to comply with the Architectural Heritage Protection Guidelines and with Record of Monuments and Places (C0075-075) in the Cork City Development Plan, a number of relevant provisions are set out in Volume 1, Chapter 8 of the Cork City Development Plan 2022-28, in respect of the Vision for Corks Heritage, Arts and Culture. In Section 8.3 - p261 - Cork City Council commits to identifying, protecting and celebrating Corks unique historic and contemporary cultural expression. Among the relevant key objectives set by the council are the following: (1) To protect and enhance the tourism and cultural amenities of the city including the conservation, protection and enhancement of Cork City's natural, built and cultural heritage through land use zoning, policies and objectives. (2) To promote the protection of the heritage of the city and the implementation of the Heritage and Biodiversity Plan. (3) To protect, promote and conserve Cork City's natural heritage. The Development Plan provisions relating to the Built Heritage and Protected Structures (8.188.28) identify the issues directly relevant to the context and setting of Dunkettle House. Sections 8.26, 8.27 and 8.28 require the protection of its curtilage and its historic landscapes and gardens. Section 8.28 states that development which would not conflict with the general planning objectives for the area in which a Protected Structure is located will be considered on its merits and on the impact such development would have on the character of the Protected Structure. In addition to the foregoing, the Cork City Development Plan 2022-28 Volume on Mapped Objectives provides clear guidance regarding development in the area where Dunkettle House is situated. Chapter A - Zoning Maps - Map 05 (North-Eastern Suburbs) and Map 19 (Glanmire and Hinterland) notes a zoning code NE 15 for a Landscape Preservation Zone. This area surrounds the house and is also in the line of a direct vista from the house towards the lower River Lee. Chapter B - Density and Heights, on the other hand, shows that the 'Outer Suburbs' designation encompasses the area around Dunkettle House (Map 05, 19). In this context, the provisions above, sections 8.18-8.28 of the CCDDP are directly relevant to protecting the setting of the house. Chapter C - View Management Framework (Map 01) has a marked vista from Dunkettle House towards historic Blackrock Castle on the southern bank of the lower River Lee. Finally, Dunkettle House is noted in Volume 3 of the CCDDP Built Heritage Objectives (see Part 4 View Management Framework, Table 1 page 196) as having a Strategic Linear View towards Blackrock Castle.

The house is also noted as having a Strategic Landscape /View towards the Lota Ridge, to the west of the development site on the north bank of the river. Accordingly, strategic views are designated in the CCDP in both the south/south westerly and the westerly directions. It stands to reason that the full area encompassed by this arc should be treated with maximum sensitivity in the placement of any new structures in the wider area, including future applications v, Ilia may arise for this site. In addition, the objectives in Chapter 8 above clearly envisage a landscape protected area around Dunkettle House. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

10.2 Revisions required to address client concerns

In light of the above, BPS notes that the following revisions to the scheme would be needed to address our client's concerns:

As regards the proposed scheme interface our client's western boundary ABP is asked to:

- Require the applicant to submit amended plans which effectively reinstate the plans for the areas of the site adjoining our client's property which were included with the previous planning application/appeal.
- Relocate house Nos. 42 to 50 to the green areas west of this row of houses (See Architect's Drawing Schedule of Units Part V) and to designate their current location as a green area for the benefit of the new residents and established residences. Our client considers that there is no possible justification for placing house Nos. 42 to 50 in their current location.
- The proposed dwellings should be dormer in design to avoid first floor windows facing Broomhill.

As regards the proposed scheme interface our client's Southern Boundary ABP is asked to:

- Remove all side elevation windows facing our client's property as per the previous planning permission on these lands, replacing the ensuite bathroom window with a roof window and move the large bedroom window to the rear of House G which is not overlooking any of the other units in the development.
- Remove house no. 2 which adjoins House G, thus enabling house G to be pushed back from the common boundary. This was a recommendation made at the previously held oral hearing.

As regards addressing the need for a permanent boundary between Broomhill and the site and to address likely adverse visual impacts, noise/vibration, dust, and overlooking impacts arising from increased density ABP is asked to:

Require the applicant to provide a solid wall between the scheme and our client's property. A solid screening wall of 2.5 metres minimum height should be erected on the common party boundary. The wall should be of stone finish and capped.

Signed:

Brendan Buck

BPS Planning & Development Consultants LTD

Members of the Irish Planning Institute

6 May 2025

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Chief Planning Officer
Planning Department
Cork City Council
City Hall
Anglesea Street
Cork T12 T997

December 21st 2024

CORK CITY COUNCIL
PLANNING & DEVELOPMENT

23 DEC 2024

DEVELOPMENT MANAGEMENT

Planning File Ref No. 2443414

Applicant – O'Flynn Construction Company

Development – Large Scale Residential Development Dunkettle.

Development Address – To the north of Dunkettle House (Protected Structure - PS1190) and associated structures (protected structures - PS1238, PS1239), Dunkettle (townland) Glanmire Cork

Dear Sir/Madam,

I am the owner of the property known as Broomhill, which for identification purposes is marked in blue on the map attached hereto. As the map clearly shows, my home is amongst the most adversely affected of the existing residences bordering the above named development.

I purchased my property with my husband 45 years ago, primarily to enjoy its peaceful rural setting and private garden. O'Flynn Construction's mega development is set to completely destroy the beauty of our environs. Though I am aware of the current pressing need for housing, the sheer enormity of the Dunkettle site affords the developer ample opportunity to strike a fair balance between the rights the residents who have lived in this area for decades and those who are to join our neighbourhood.

LOSS OF AMENITY

My property is severely impacted by the proposed development which infringes on both its western and southern boundaries.

1. The Western Boundary

This boundary to the rear of Broomhill is elevated and is in excess of 2 metres above ground level. From this point the development land rises steeply above my home and garden. The applicant has placed nine houses (Type Ca and C1a, no.s 42 to 50) right on top of the entirety of this boundary. (See Document 19034-1001-08-PA SL Overall Site Layout). These particular units are set to tower above my property; overshadowing it, blocking out the light and the skyline, eliminating the cherished

rural landscape and totally overlooking the rear of my home, its northern side and the enjoyment of a garden I have tended for 45 years. The proximity of the rear gardens of these units (which are just 8m in length) to my boundary is evident in Engineers Drawing 3442-JO DA-01-00-DR-C-1000. House numbers 42 to 50 are at such an elevation that there is no possible means of screening them off. I note that the applicant's architect marked my property as an area of sensitivity yet has not shown it any such regard. This arrangement is a catastrophic and unnecessary intrusion on my privacy, made all the more reprehensible when one compares it to the plans previously presented by the developer to Cork Co. Council, for which conditional permission was granted in 2009. An inspection of the former plans will reveal that the number of houses overlooking my property along this boundary has not only tripled but the units have been relocated in much closer proximity to my boundary.

Recommendations:

- i. Reinstate the original plans for this zone as previously approved.
- ii. Relocate houses 42 to 50 to the green areas west of this row of houses (See Architects Drawing Schedule of Units Part V), and designate their current location as a green area for the benefit of the new residents and established residences. There is thus **no justification** for placing houses no.s 42 to 50 in their current location

The Southern Boundary

The applicant has chosen to locate the main entrance to this massive development in the field adjacent to Broomhill. In addition, he has positioned the first unit of this development right on top of my southern boundary overlooking, not just my patio and reception rooms but also my front door and front garden. My home is itself situated in very close proximity to this common boundary. At the Dunkettle Oral Hearing in February 2006, the developer, acknowledging the intrusion on our property, agreed with my late husband that in order to mitigate this breach of our privacy, he would remove the windows on the first floor side elevation of the units overlooking our southern boundary and substitute them with roof windows. You will note that he has not kept his word. House G side elevation drawings (document 19034-2033-02-PA HOUSE TYPE G) demonstrate that there are in fact two windows overlooking my home on the upper floor, one of which is very large. Once again we are suffering from diminished light, loss of sunlight and loss of privacy as well as the noise from a linear communal car parking area also located extremely close to my boundary and an EV station which will no doubt be a source of constant activity.

Recommendations

- i. Remove the side elevation windows as per prior agreement, replacing the ensuite bathroom window with a roof window and move the large bedroom window to the rear of House G which is not overlooking any of the other units in the development.
- ii. As recommended at the oral hearing by a planning consultant, remove house no. 2 which adjoins House G, thus enabling house G to be pushed back from the common boundary.

Increased Density Implications

Due to the increased density of this phase of the development, with its attendant magnification of noise, pollution, traffic and general disturbance, it is imperative that a solid screening wall of 2.5 metres minimum height should be erected on our common boundary. In order to align with the existing historical setting and surroundings of my home and the Dunkettle lands upon which the proposed development is to be built and to preserve its character, the said wall should be of stone finish. Cork City Council has itself acknowledged the character of this area by recently erecting stone finished walls along the Dunkettle Road directly opposite Broomhill and beyond. I attach some photographs by way of illustration.

Top Left – Old stone wall abutting my neighbour's property.

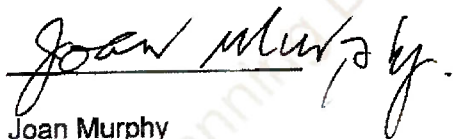
Lower Left – Old stone wall abutting Broomhill.

Top Right – Section of original wall on southern common boundary

Lower Right – new wall erected by Cork City Council directly opposite Broomhill.

In conclusion, I submit these comments and recommendations in the certain knowledge that they are both reasonable and feasible. This application by O'Flynn Construction marks a serious and inexplicable deviation from their previous application, as presented to Cork County Council in 2009 and it does so to the extreme detriment of my property. I respectfully request that Cork City Planning Department shall strike a fair balance between the interests of both parties. I am at all times willing to engage with the applicant to reach a just solution.

Sincerely,


Joan Murphy



Cork City Council Planning Department. For Inspection Purposes Only!



Extract Map from Site Layout
Plan adjacent to Dunkettle Road

Cork City Council Planning Department. For Inspection Purposes Only!

Cork City Council Planning Department. For Inspection Purposes Only!



Cork City Council Planning Department. For Inspection Purposes Only!



Cork City Council
City Hall
Cork

23/12/2024 10:28:42

Receipt No : LODGE1/0/1191507
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TP NO: 24/43414
JOAN MURPHY
DUNKETLLE
GLANMIRE

APPLICATION FEES 58000 20.00
GOODS 20.00
VAT Exempt/Non-vatable
TP NO 24/43414 JOAN MURPHY

Total : 20.00 EUR

Tendered
Cash 20.00

Change : 0.00

Issued By : James McCarthy 11142 Cash office
From : Cash Desk Till 1
Vat reg No.0005426M

DEVELOPMENT MANAGEMENT

WORK RECEIPT CHECKLIST

Receipts x2

TP No.: 24/43414

attn: Glanmire

Description

Planning Permission
Costs of Planning Decisions
Costs of Final Grant
Material copying
Archive Retrieval
Fiche

Application Fees

On 5 applications (Exemption Certs)
Extension of Duration Applications
Planning Searches

Applications/Objections on Planning Applications

Unlawful Development Enforcement Expenses

On 254 Licence fees (Fingerpost signs)

On 1 Strategic Housing Developments

On 1 Bond Letters

On 1 Applications

On 1 Event Licences

Amount: _____

Signed: Anthony Angelo

Date: 23/12/24

DE Account No.: _____

