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**LARGE RESIDENTIAL  
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Appeal No: ABP 322734-25Please treat correspondence received on 01/07/25 as follows:

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Amendments/Comments	<u>Response to appeal from S Brewitt</u>
<u>&amp; others</u>	

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EO: <u>Dave W4 arch</u>	AA: <u>Laoise Foley</u>
Date: <u>02/07/25</u>	Date: <u>02/07/25</u>



Alfie Staunton

Cork

**From:** Simon Brewitt <sbrewitt20@gmail.com>  
**Sent:** Tuesday 1 July 2025 11:51  
**To:** Appeals2  
**Subject:** ABP-322734-25, Mountain Road LRD, Cork Co. Council 254551  
**Attachments:** Response to 1st party appeal.pdf

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Dear Sirs

Attached is a response to the first Party Appeal lodged by Bridgewater Homes Ltd. as invited by your letter of 26 June 2025.

Yours faithfully,  
Simon Brewitt



**An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1**

**Cork County Council Planning File 25/4551.**

**Large Scale Residential Development at Mountain Road, Kilmoney, Carrigaline, Co. Cork**

**Response to appeal by Bridgewater Homes Ltd. ABP-322734-25**

When considering the appeal by Bridgewater Homes Ltd. against condition 4(a) which requires the upgrading of the Mountain Road to be completed prior to commencing work on the housing development site, I request that the Commission take note of the following points.

**A. The necessity for the condition**

**A.1** The applicant's appeal states that condition 4(a) is unnecessary because the *"timing and delivery of this infrastructure has already been addressed in the phasing plan submitted with the application"*.

There is considerable inconsistency and ambiguity in the various application documents as to the intended timing of the Mountain Road Upgrade.

- In the Architectural Design Statement (p. 17) submitted with the application, the scope of Phase 1 is proposed to include both the road upgrade and the construction of 70 houses. There is no timescale for phase 1 or the construction of the Mountain Road upgrade and it is not stated that the upgrading work will even be commenced prior to starting work on the housing site.
- The Outline Construction and Environmental Management Plan (OCEMP) (Section 9.15, Construction Schedule) submitted with the application elaborates on the works that will be carried out in phase 1. It states that work on the housing development site will commence initially with the establishment of the site compound and site clearance, and move on to the provision of roads, sewers and other services around the site. There is no mention of the upgrading of the Mountain Road.
- The Outline Construction Traffic Management Plan (OCTMP) states in section 4.2 that *"All footpath works, drainage, public lighting and raised table at the entrance and the works along the main access route will be delivered as part of an advance infrastructure project."* And in section 4.5, *"Mountain Road Improvement works to be carried out early in the construction phasing, subject to CCC instructions/approval. All connection works to be carried out as part of the advance road works project."*

None of this gives clarity to the *"timing and delivery"* of the upgrading of the Mountain Road. The ambiguity created by the inconsistencies between the documents creates considerable uncertainty as to what the real intention is.

**This necessitates inclusion of condition 4(a) to achieve clarity.**

**A.2** The Development Plan objective specific to the site in question requires that access to the site is from both the regional road R611 and from the Mountain Road L6495. The applicant has chosen to exclude an access from the R611 and rely solely on access from the Mountain Road. Since this decision to use only the Mountain Road does not bring a benefit to the construction process or to the design/layout of the development, it is clear that the reasons for the decision are purely commercial. This decision however brings consequences for the developer.

If the Mountain Road is to be used as the sole access point to the site during construction it will require to be widened and the sub-structure upgraded before it is adequate to accept the construction traffic. It is essential that this work is completed before construction of the housing commences, primarily for public safety reasons as the existing road is too narrow with no footpath and is used by a significant number of pedestrians.

The OCTMP states in para. 4.3 *"The most impactful element of the works on the local road network is during the initial transport of groundworks machinery and delivery of construction materials for the construction of the housing units."* Paragraph 6.15 of the OCTMP also indicates that the HGV traffic associated with the site clearance will be particularly heavy.

To attempt to route the large number of HGV's along the existing Mountain Road, on a two way basis, will be impractical, dangerous and cause complete breakdown of the road. Public safety requires a road of adequate width as well as a footpath and public lighting before introducing such traffic.

The applicant also proposes to lay new sewers and a water main under the road to serve the development and, for obvious practical reasons i.e. the trenches for these occupy almost the full width of the existing road, this will necessarily have to be done prior to completing the road upgrade. These services, in particular the foul sewer, are needed in advance in order to set up the site compound for the housing construction site.

Since the construction work on the housing is scheduled to start before dawn in winter and to continue till after dusk, street lighting is also necessary for pedestrian safety.

In the absence of condition 4(a) there is a very real concern that the developer might adopt a piecemeal approach to the construction of the road and services. This would not only make it unsafe for existing users of the road, in the absence of footpath or lighting for example, but would turn the road into an active construction site for an indeterminate duration.

This was recognised in the Area Engineer's Report on the planning application when considering the applicant's proposals for the Mountain Road, stating *"it would be a condition of any granted planning that these works are completed prior to the construction of the proposed housing development"*.

**A. 3** In our Appeal lodged on 23/06/25 the applicant's proposed construction methodology and its limitations, for upgrading the Mountain Road are discussed in detail. In any case however, it is abundantly clear that the proposed methodology for constructing the road upgrade is not designed to accommodate the construction traffic generated by the housing development. The applicant's traffic management proposals relate exclusively to maintaining existing residential access with no mention of accommodating construction traffic from the housing development site.

In other words, it is necessary and indeed essential that the Mountain Road upgrade is complete before work starts on the housing development site, both to facilitate construction traffic to the site, and to ensure that some level of residential amenity is maintained for the existing residents and that their physical safety is not endangered.

Again, this was noted in the Area Engineer's Report *"it would be a condition of any planning that these works are completed prior to any works within the proposed housing development in order to mitigate against construction traffic"*.

To summarise;

- The Mitigation Measures described in section 4.2 of the OCEMP to address construction traffic from the housing development clearly envisage that the work to the Mountain Road has been completed, and in fact the provision of an adequate road surface with footpath and public lighting is an essential mitigation measure in itself.
- The fact that the applicant has seen fit to seek the removal of the condition that requires the Mountain Road upgrade to be complete before commencing work on the housing development is alarming.
- It demonstrates a disregard on the applicant's part for the impact of the development work on the existing residents and completely undermines the proposed mitigation and safety measures described in the application.
- This alone renders the imposition of condition 4(a) absolutely necessary, and in addition this condition would address the absence of clarity on the proposed timing of the Mountain Road upgrading works in the application documents.

## **B. 'Reasonableness' of the condition**

The applicant's appeal further states that condition 4(a) is unreasonable since the developer is providing infrastructure for the benefit of the community at large.

In this context the applicant says that he *"has committed to providing infrastructure and sections of the greenway proposed for the area"*.

The widening and strengthening of the Mountain Road is required to accommodate the construction traffic that will be generated by the proposed development. The construction of the housing development cannot start without this work being completed. This follows directly from the developer's decision to restrict himself to access from the Mountain Road solely.

The proposed footpath/cycleway and lighting is likewise required to protect existing pedestrians during the construction work.

While these elements undoubtedly will bring benefit to existing residents in the long term, the existing residents will suffer a significant loss of residential amenity during at least five years of construction. These road improvements are required to permit safe traffic management as part of the mitigation measures during the construction period.

The sewers and other services which form part of the road upgrade are solely for the benefit of the proposed development and bring no additional benefit to the community at large.

The sections of greenway to be completed by the developer are those footpaths and cycleways within and incidental to the proposed development. The short section of greenway shown on the eastern site boundary is not in the applicant's ownership and cannot be delivered.

As noted above, the developer has made a commercial decision to develop the site in this fashion thereby incurring the associated costs, and while some benefit may accrue to the existing community in the long term, the vast majority of the new infrastructure is purely for the benefit of the proposed development. In this context it is noted that there are approximately 50 existing houses with direct access to the upgraded section of the Mountain Road which might benefit from some of the improvements to the road, while the proposed development is for 362 houses.

**On this basis condition 4(a) is clearly reasonable.**

## **Conclusion**

Condition 4(a) which requires that the Mountain Road is upgraded prior to commencing construction of the housing development is both necessary and reasonable since;

- It is necessary to remove ambiguity in the developer's planning application documents
- It is necessary to ensure public safety during construction
- It is necessary to mitigate against loss of residential amenity during construction
- It is reasonable as the recipient of the vast majority of the benefit from the upgrading work will be the developer

Response submitted by: Simon Brewitt, BA, BAI, C.Eng, FIEI

Chartered Civil Engineer, Tiaracht, Mountain Road, Carrigaline, Co. Cork

Signed.....

This response is also endorsed by the following who are parties to the appeal lodged on 23/6/25

Richard McCarthy,

Belvedere, Mountain Road, Carrigaline, Co. Cork

Signed.....

Kieran Allen,

26 Wheatfields, Kilmoney, Carrigaline, Co. Cork

Signed.....

Ciaran Luttrell,

28 Kilmoney Woods, Carrigaline, Co. Cork

Signed.....

Josh Ryan,

1 The Meadows, Mountain Road, Carrigaline, Co. Cork

Signed.....

Tim O'Donovan,

3 The Monks, Pipers Cross, Kilmoney, Carrigaline, Co. Cork

Signed.....

Dominic O'Leary, Geraldine O'Leary, Ellenfield, Mountain Road, Carrigaline, Co. Cork

Signed.....

Signed.....

