



Material Contravention Statement

Proposed Strategic Housing Development (SHD)

Ardarostig, Cork

Ardstone Homes Limited

April 2021

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01. Introduction

1.1 Purpose of Statement

HW Planning have been appointed by Ardstone Homes Ltd. to prepare this statement to address potential development matters associated with the proposed Strategic Housing Development at Ardarostig, Bishopstown Cork that may be considered to material contravene the Cork County Development Plan 2014 or the Ballincollig Carrigaline Municipal District Local Area Plan 2017.

Section 8(1)(iv)(II) of the Act of 2016 specifies that where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), then the SHD application must include a statement indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2) (b) of the Act of 2000. This statement addresses the possibility that the proposed development could be deemed by An Bord Pleanála to represent a material contravention of some of the policies and objectives contained in Cork County Development Plan 2014 and Ballincollig Carrigaline Municipal District Local Area Plan 2017 - 2023.

Ultimately it is a matter for An Bord Pleanála to determine whether the proposed development in fact materially contravenes the relevant Development Plan / Local Area Plan. However, for the purposes of this planning application, the applicant has identified the aspects of the proposed development that may be considered a material contravention.

1.2 Development Description

The proposed development consists of the construction of a mixed use residential development of 276 no. residential units with ancillary single storey crèche (271 sq. m), café (147 sq. m), landscaping, road improvements, pedestrian / cycleway and associated site development works. The development includes:

- 137 houses comprising of 40 no. 2-storey 3-bedroom semi-detached, 12 no. 2-storey 3-bedroom detached, 56 no. 2-storey 3-bedroom terraced, 14 no. 2-storey 4-bedroom semi-detached and 15 no. 3-storey 4-bedroom terraced.
- 72 no. apartments to be provided in 5 apartment blocks.
 - » Block 1 - 11 no. 1-bedroom & 7 no. 2-bedroom over 4 storeys,
 - » Block 2 - 11 no. 1-bedroom & 7 no. 2-bedroom over 4-storeys
 - » Block 3 - 10 no. 1-bedroom & 8 no. 2-bedroom over 4-storeys
 - » Block 4 - 10 no. 1-bedroom & 8 no. 2-bedroom over 4-storeys
 - » Block 5 - 12 no. 1-bedroom & 15 no. 2-bedroom over 5 storeys
- 67 Duplex apartments to be provided in 5 no. duplex buildings.

- » 4 no Type F Buildings fronting Waterfall Road and containing 16 no. 2-bedroom duplex apartments & 16 no. 3-bedroom duplex apartments over a 4-storey split level building.
- » 1 no. Type G duplex building to the south of Apartment Block 4 containing 4 no. 2-bedroom duplex apartments and 4 no. 3-bedroom duplex apartments over 3 storeys.

BREAKDOWN OF TOTAL 139 NO. APARTMENTS.	1 Beds	2 Beds	3 Beds
	54	65	20
	39%	47%	14%

BREAKDOWN OF TOTAL 137 DWELLING HOUSES.	3 Bed	4 Bed
	108	29
	79%	21%

RESIDENTIAL DEVELOPMENT AREA	7.13 Ha / 17.62 Acres		
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RESIDENTIAL DENSITY	UNITS / HA	38.7	
	UNITS / ACRE	15.7	

CAR PARKING SPACES	411		
	Ratio 1.5 Spaces / Unit		

BICYCLE SPACES	Secure storage	250	TOTAL	370
	Sheffield stands	120		

Figure 1.1 Key figures of proposed development

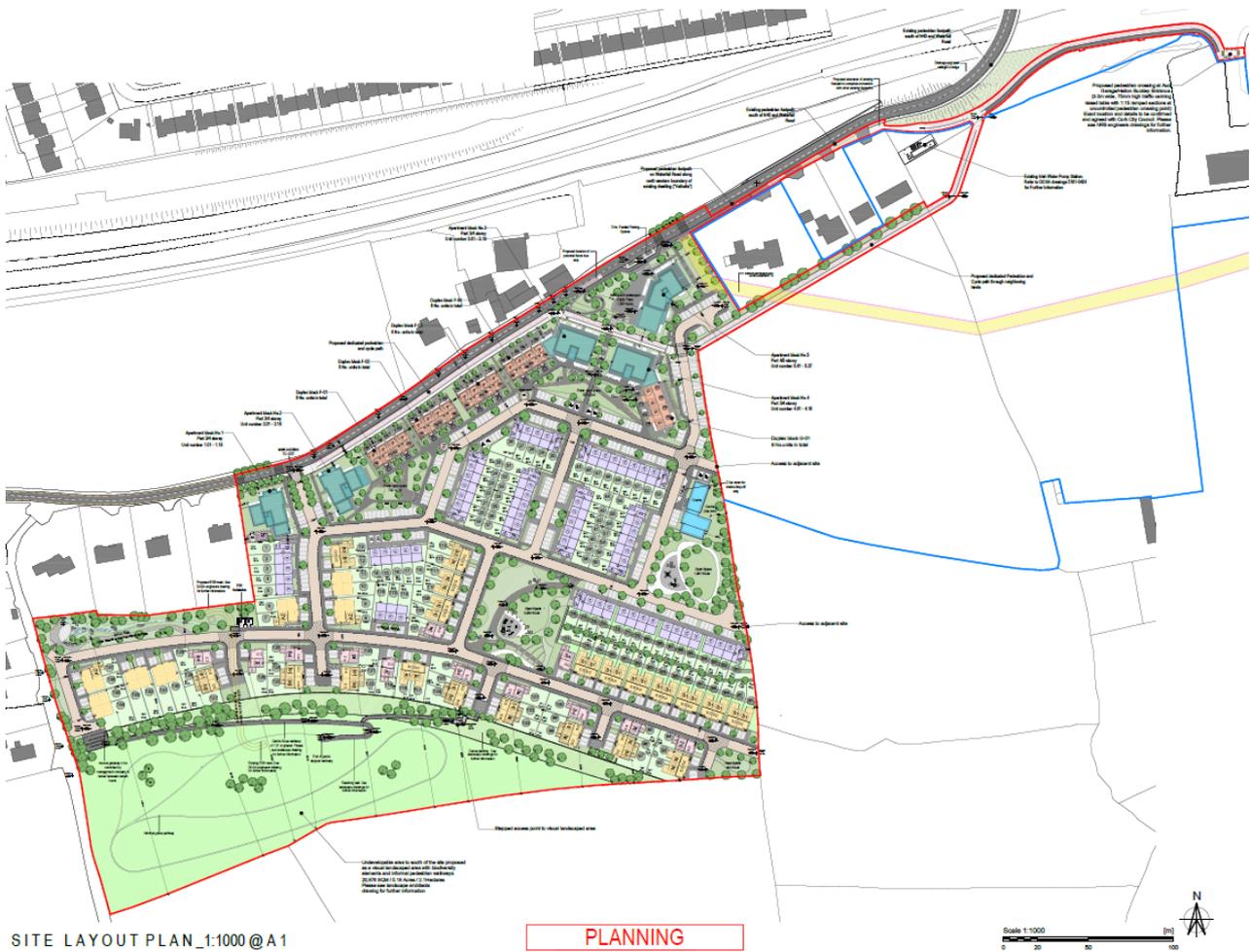


Figure 1.2 Site Layout Plan

- The road improvements, pedestrian / cycleway and associated site development works consist of
 - » a two-way cycle track and pedestrian footpath along the site frontage to Waterfall Road which will continue via the site, and to the rear of properties fronting onto Waterfall Road, to link to an existing shared surface pathway south of the N40,
 - » upgrades to this shared surface path to provide two-way cycle track and pedestrian footpath, upgrades to Waterfall Road to extend the existing pedestrian pathway to the subject lands,
 - » pelican crossing on Waterfall Road opposite The Rise/Halldene Villas junction (approximately 445 metres north east of the main development site),
 - » uncontrolled pedestrian crossing at the Audi Cork/Heiton Buckley entrance junction adjacent to N40 (approximately 370 metres north east of the main development site),
 - » infrastructure development works comprising the relocation/undergrounding of ESB powerlines, wastewater infrastructure upgrades, surface water attenuation, water utility services, public lighting, bin stores, bicycle stores, ESB substation, CCTV and all ancillary site development works



Figure 1.3 Proposed Works in Vicinity of Site

1.3 Specific Zoning Objective

The site is zoned for residential development in the Ballincollig Carrigaline Municipal District Local Area Plan 2017, an objective which is defined by Objective SE-R-10.

SE-R-10	Medium B density residential development which will be restricted to the low-lying northern portion of the site and will include appropriate improvements to the local road network. Development will be serviced by a single estate road access and there will be no access from individual properties on to the local road. The southern portion of the site should be landscaped and developed as a usable public or private open space.	9.1
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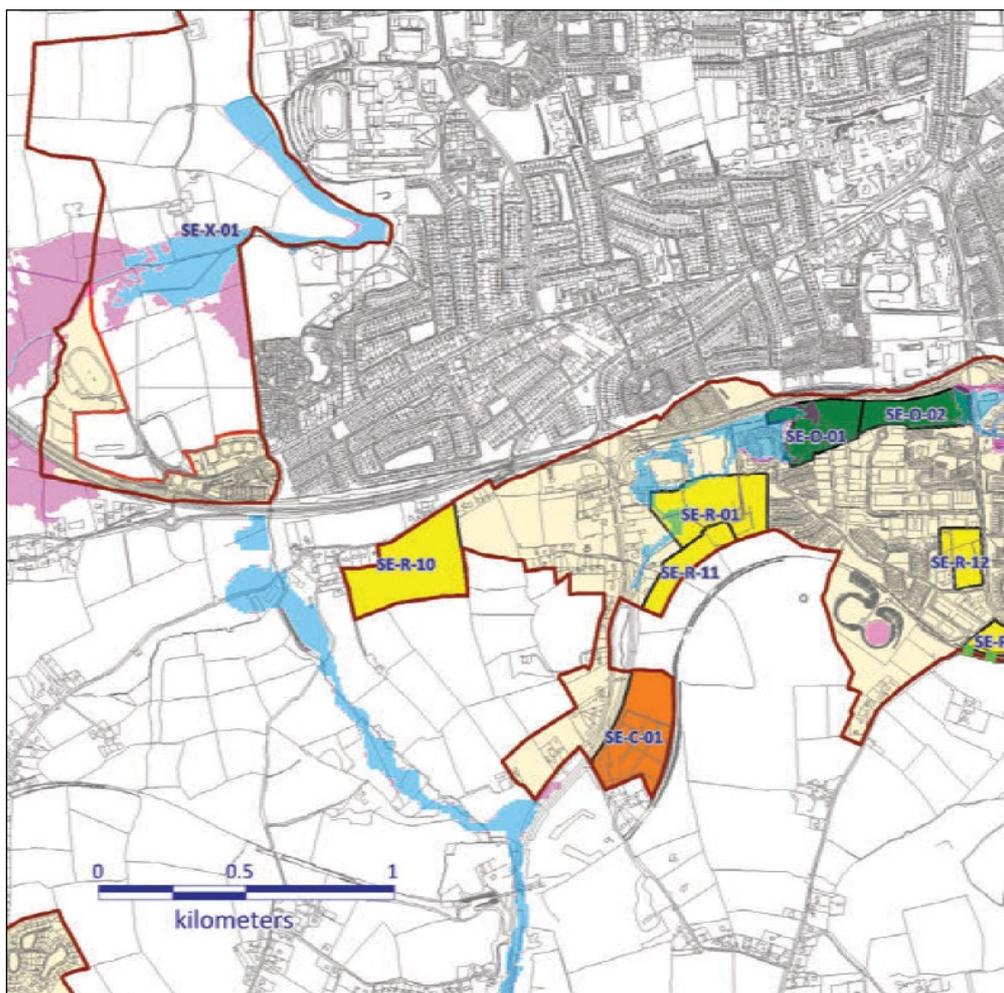


Figure 1.1 Zoning Objective for the subject lands – Ballincollig Carrigaline Municipal District LAP

1.4 Potential Contraventions of Existing County Development Plan and / or Local Area Plan

- The proposed development provides for a net residential density of 38.7 units / hectare. This is in excess of the suggested maximum 25 units / ha indicated in the County Development Plan for lands zoned for Medium B residential development.
- The proposed development includes for 411 parking spaces. When the minimum 2 spaces per housing unit, as required in the Development Plan are discounted, as well as 7 no. spaces associated with the proposed creche, the remaining quantum of car parking (130 no. spaces) for the apartment element of the scheme equates to a ratio of just over 0.9 spaces / unit. This is below the Development Plan minimum standard of 1.25 spaces per unit.

02. Policy Background

Local and Regional Policy

The *Regional Spatial Economic Strategy: Southern Region (Cork Metropolitan Area Strategic Plan) (2020)* represents the relevant regional policy.

The Local Planning Policy context is currently in a transitional stage following the Cork City boundary extension of May 2019 in accordance with Section 30 (1) of the Local Government Act 2019 which gave effect to the boundary extension:

The development plan in force immediately before the transfer day in respect of the functional area of the county council shall, on and after that day, continue to apply in respect of the relevant area until the next making of a development plan by the city council in respect of the functional area of the city council in accordance with section 9 of the Act of 2000.

As a new Cork City Development Plan has yet to be made, the zoning and policy objectives for the site continue to be governed by the Cork County Development Plan 2014. Similarly, the lands are covered by the Ballincollig Carrigaline Municipal District Local Area Plan 2017 having regard to section 30 (2) of the Local Government Act:

(2) Subject to paragraph (b) of subsection (4) of section 18 of the Act of 2000, any local area plan in force immediately before the transfer day in respect of an area within the relevant area shall, on and after that day, continue to apply to the first-mentioned area until the next making of a local area plan by the city council in respect of the first-mentioned area in accordance with the said section 18

The Ballincollig Carrigaline Municipal District Local Area Plan 2017 remains in force for the area until such time as a new Local Area Plan or City Development Plan is prepared by the City Council.

2.1 Regional Spatial Economic Strategy: Southern Region (Cork Metropolitan Area Strategic Plan) (2020)

Regional Planning Objective (RPO) 10 in the Regional Spatial Economic Strategy for the Southern Region outlines the aim to achieve Compact Growth in Metropolitan Area through prioritising

housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.

The Strategy identifies the delivery of Sustainable regeneration and growth (particularly compact growth) through effective sustainable transport, spatial land use planning and the delivery of sustainable higher densities

2.2 Cork County Development Plan 2014

2.2.1 Density

Section 3.4 of the Cork County Development Plan 2014 (CDP) includes policies for housing density, which at that time respected the Government intentions to deliver a sound return on infrastructure investment, particularly in relation to public transport, but also to provide flexibility for developers to adapt to new market conditions and broaden the range of house types that can be built on zoned land. These policies were included so that, in future, more households would be attracted to locate in the County's towns, especially in the County Metropolitan Area.

The Plan refers to the Ministerial Guidelines issued under S28 of the Planning and Development Act 2000, which indicate that higher densities are potentially applicable in three categories of location found within County Cork including¹:

- Town Centres;
- Public Transport Corridors; and
- Outer Suburban/'Greenfield' Sites

The CDP recognises that Ministerial Guidelines suggest that average net densities in the general range of 35-50 dwellings per hectare should be encouraged and net densities of less than 30 dwellings/ha should be discouraged. The CDP indicates that these densities can be achieved whilst also promoting the construction of a variety of house types.

Section 3.4.14 of the CDP highlights that a number of submissions were received during the preparation of the Development Plan suggesting that the tendency for those seeking larger/lower density dwellings will be to resort to more rural locations where the provision of essential services is more difficult and costly and the opportunities to use public transport are more limited.

Cork County Council's stated aim is to achieve more efficient land utilisation through higher densities was therefore recognised in the Plan. However, the need to broaden the range of house types was given equal weight in the detailed planning of the areas within the County². In order to accommodate these competing policy objectives a range of density guidelines including "High", "Medium A" and "Medium B" are outlined in County Development Plan Objective HOU 4-1

Section 3.4.21 of the CDP defines Medium Density 'B' (Low Density Development) as follows:

The upper limit for this category is proposed at 25 dwellings/ha (35 in smaller towns outside Metropolitan Cork) allowing a wide range of densities to be constructed and creating an overlap between the upper limit of this category and the lower limit to the Medium Density 'A' category. There is no lower limit suggested for this category but proposals for densities of less than 12 dwellings/ha will need to be supported by a justification of the market demand for the finished units. Also, in order to encourage a broader mix of dwelling types a reduction in the public open space requirement where larger private gardens are provided is proposed.

¹ Section 3.4.6 Cork County Development Plan 2014

² Section 3.4.15 Cork County Development Plan 2014

2.2.2 Car Parking Standards

Car parking standards are outlined in Table 1a, Appendix D of the County Development Plan. While maximum standards are assigned for the majority of development types, the residential standards are set as minimum values as follows:

Dwelling House – 2 spaces per dwelling

Apartments – 1.25 spaces per dwelling

Note 4 under Table 1a states that:

A reduction in the car parking requirement may be acceptable where the planning authority are satisfied that good public transport links are already available and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development.

2.3 Ballincollig Carrigaline Municipal District Local Area Plan 2017 - 2023

The subject lands are zoned for residential development in the Ballincollig Carrigaline Municipal District Local Area Plan 2017 – 2023. Zoning objective SE-R-10 as specified below applies to the lands

Medium B density residential development which will be restricted to the low-lying northern portion of the site and will include appropriate improvements to the local road network. Development will be serviced by a single estate road access and there will be no access from individual properties on to the local road. The southern portion of the site should be landscaped and developed as a usable public or private open space.

National Policy

The key National Policies of relevance to the proposed development are considered to be

- Project Ireland 2040: National Planning Framework;
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009);
- Sustainable Urban Housing: Design Standards for New Apartments (2018 & 2020); and
- Urban Development and Building Heights Guidelines for Planning Authorities (December 2018).

2.4 Project Ireland 2040: National Planning Framework

One of the principal goals of the NPF is to deliver compact growth through the activation of strategic areas and achieving effective density and consolidation. Promoting the compact growth approach rather than a continued sprawl of urban development, is listed as the Framework's top priority and will be achieved by future developments complying with the following National policy Objectives

National Policy Objective 2A - A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

National Policy Objective 4 - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 3A- Deliver at 40% of all new homes nationally, within the built up footprints of existing settlements.

National Policy Objective 3B - Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 8- To ensure the targeted population growth of Ireland’s cities to 2040 is in accordance with the targets set out in Table 4.1:

Table 4.1 | Ireland 2040: Targeted Pattern of City Population Growth

City	Population 2016	Population Growth to 2040 ²⁷		Minimum Target Population 2040
		% Range	People	
Dublin - City and Suburbs	1,173,000	20-25%	235,000 - 293,000	1,408,000
Cork - City and Suburbs	209,000	50-60%	105,000 - 125,000	314,000
Limerick - City and Suburbs	94,000	50-60%	47,000 - 56,000	141,000
Galway - City and Suburbs	80,000	50-60%	40,000 - 48,000	120,000
Waterford - City and Suburbs	54,000	50-60%	27,000 - 32,000	81,000

National Policy Objective 11

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 35 seeks to:

Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

2.5 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009)

The Guidelines, which would have informed the preparation of the Current County Development Plan define appropriate locations for increased densities³. In accordance with the Guidelines the subject site can be defined as an Outer Suburban / ‘Greenfield’ location. In terms of appropriate densities in such area, Paragraph 5.11 indicates that

³ Section 5.3

Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

2.6 Sustainable Urban Housing: Design Standards for New Apartments (March 2018 & 2020)

The Guidelines suggest 3 broad types of locations suitable for apartment developments as

- central accessible urban areas;
- intermediate urban areas; and
- peripheral or less accessible urban areas.

Section 2.4 of the Guidelines define intermediate urban areas as follows

Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net) including:

- *Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;*
- *Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.*

As the proposed development is located within reasonable walking distance of the 208 bus route, which is a high frequency urban bus service (min 10 minute peak hour frequency), we consider that the proposed development site is located within an Intermediate Urban Location.

The Guidelines indicate that such areas are suitable for higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent, but broadly in excess of 45 dwellings per hectare net.

In terms of car parking requirements, the Guidelines indicate a removal of “requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs”⁴.

⁴ Section 1.10

In terms of development within intermediate urban locations Section 4.21 of the Guidelines indicate that “*planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard*”.

2.6.1 Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)

These Guidelines which were adopted in December 2018 reinforced Government’s policy and advice in respect of increasing densities at suitable locations. The 2020 Guidelines are unchanged from the previous 2018 Guidance except in relation to the introduction of Specific Planning Policy Objective 9 which provides for a presumption against granting planning permission for shared accommodation/co-living development.

The Guidelines introduced Special Planning Policy Requirements (SPPRs) which were broader in focus than those contained in the *Sustainable Urban Housing: Design Standards for New Apartments (2018)*. SPPR 4 supported the previous *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* and specified

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

03. Possible Material Contravention

3.1 Provisions in the Act

In accordance with Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board may grant permission for a proposed strategic housing development that materially contravenes the Development Plan or Local Area Plan, other than in relation to zoning. Section 9(6)(a) states:

“Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under Section 4 even where the proposed development, or a part of it, contravenes materially the Development Plan or Local Area Plan relating to the area concerned.”

Section 9(6)(c) of the 2016 Act, states that the Board may only grant permission for a development that materially contravenes a Development Plan (other than in relation to the zoning of the land) where it considers that, if section 37(2)(b) of the Planning & Development Act of 2000 were to apply, it would grant permission for the proposed development.”

Section 37(2)(b) of the Planning Act, 2000, states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

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

3.2 Justification for the Proposed Development

The policies and objectives of the Cork County Development Plan and Ballincollig Carrigaline Municipal District Area Local Area Plan, which the proposed development may

contravene are outlined below followed by an interpretation of how Section 37(2)(b) considerations apply to this case.

3.2.1 Density

The proposed development represents a density of 38.7 units / ha, which is in excess of the Medium B density range of 12-25 units per hectare defined in the Ballincollig Carrigaline Municipal District LAP for the subject lands and the Cork County Development Plan. The Current County Development Plan was adopted in 2014 and the Ballincollig Carrigaline Municipal District LAP was adopted in 2017 with the residential density policies in the LAP reflecting and respecting those contained in the 2014 County Development Plan.

We note the rationale in the County Development Plan for introducing the Medium B residential zoning objective was to ensure that the market demand for lower density housing could be accommodated and met.

Both the County and Local Area Plan pre-date the *National Planning Framework*, The *Regional Spatial Strategy for the Southern Region (2020)* and various Section 28 Ministerial Guidance documents such as the *Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)*. These Guidelines contain unequivocal support for higher density, compact developments, particularly in accessible urban areas. SPPR 4 of *Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)* make compliance with the minimum densities outlined in the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* a requirement.

In accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, the subject site would be considered to be an Outer Urban location. In such locations the Guidelines indicate net residential densities in the general range of 35-50 dwellings per hectare would be encouraged and development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency.

The *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018)*, contains similar guidance, but does not contain any Special Planning Policy Requirements in terms of density. In accordance with these Guidelines the proposed development site would be considered to be an *intermediate urban area* based on the fact that it is within reasonable walking distance of a high frequency urban bus service (208 City Service). The Guidelines indicate that development in such areas should be broadly exceed 45 dwellings per hectare net.

The density of the proposed development is 38.7 units per hectare, which is in excess of the Medium B density recommendations of 12-25 units per hectares. This density is however consistent in an accordance with SPPR 4 of *Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)*, which make compliance with the density range of 35-50 units per hectare outlined in the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* a requirement.

We consider that the proposed density of 38.7 unit per hectare is the most appropriate scale of development for the site given the site specific topography and locational factors. This density complies with the ambition contained in *The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018)* to achieve densities of approximately 45 units per hectare in intermediate urban locations.

The appropriate scale and density of development on the site was considered by the Planning Inspector on the previously refused SHD at the site (ABP 301818-18) who considered that:

The site is located within the Cork Metropolitan area and is approx. 5kms from the city centre. As such this is an area where increased densities should be encouraged and therefore, I consider should be at minimum 35 units per hectare on the developable area of the site.

Local policies and objectives in relation to housing density on the subject site are defined by the 2014 Cork County Development Plan and the 2017. Both of these local plans have been superseded by national policy in the form of the National Planning Framework and Section 28 Guidelines. The requirement to adhere to national policy objectives on density issues has been continually reinforced by precedence from SHD cases and which includes the recent SHD application on the subject site. Based on this the applicants consider they have a requirement to lodge an application which favours national policy guidance over local policy on the issue of housing density.

3.2.2 Car Parking Provision

The proposed development provides for the minimum 2 spaces per house as specified in the County Development Plan (274 no.) and 7 no. spaces dedicated to the proposed Creche. The remaining parking spaces (130) to serve the apartments and duplexes within the scheme equate to a ratio of just over 0.9 spaces / unit.

This is below the minimum requirement of 1.25 spaces per apartment specified in the Development Plan. However, in accordance with the 2018 Apartment Guidelines the proposed development site is deemed to constitute an intermediate urban location, which is within reasonable walking distance of a high frequency urban bus service. The Guidelines indicate that in such locations, a reduced overall quantum of parking is appropriate.

The proposed development provides for significant upgrades to the local network which will provide for improved connectivity to existing urban areas and existing public transport services. Therefore, we consider that a reduction in the parking provision to serve the proposed apartments is justified.

3.3 Application of Section 37 (2)(B) Considerations to the Proposed Development

Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, provides the Board with the ability to permission for a proposed strategic housing development that materially contravenes the Development Plan or Local Area Plan, other than in relation to land use zoning. As demonstrated in the accompanying Statement of Consistency the proposed development is consistent with the zoning objective for the site in that it provides for a residential development restricted to the lower northern portion of the site and makes provision for improvements to the local road network, which have been agreed with Cork City Council.

The proposed development will be serviced by a single estate road access and there is no access proposed from individual properties on to the local road. The southern portion of the site has been designed to function as a Biodiversity Park, which will be accessible and usable public open space.

The proposed development does not provide for a residential development within the density range of 12-25 units per hectare as defined by the 2014 Cork County Development Plan 2014 and repeated in the Ballincollig Carrigaline Municipal District Area Local Area Plan 2017.

Section 9(6)(c) of the 2016 Act, states that the Board may only grant permission for a development that materially contravenes a Development Plan where it considers that, if Section 37(2)(b) of the Planning & Development Act of 2000 were to apply, it would grant permission for the proposed development. Section 37(2)(b)(iii) of the Planning Act, 2000, provides the Board with the ability to grant permission for a proposed development, which materially contravenes the Development Plan, where the Board considers that:

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

The proposed development is considered to be consistent with current Government policy for the sustainable delivery of housing to meet population growth projections, as articulated in NPF and RSES objectives for the Southern Region. The proposed development is consistent with National Policy Objectives 2(a) and 3(b) of the National Planning Framework which set a target of half (50%) of future population and employment growth to be focused in the existing five cities in and their suburbs and National Policy Objectives 33 and 35, which prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increase densities in settlements; and

The proposed development complies with Objective RPO 10 of the Regional Spatial and Economic Strategy for the Southern Region, which support compact growth in metropolitan areas by prioritising housing development in locations within and contiguous to existing city footprints, as is proposed in this case.

The proposed development is consistent with relevant Ministerial Guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000 and which are

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009);
- Sustainable Urban Housing: Design Standards for New Apartments (2018 & 2020); and
- Urban Development and Building Heights Guidelines for Planning Authorities (December 2018).

The proposed development is in accordance with SPPR 4 of *Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)*, which specifies that adherence to the minimum densities outlined in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas is a requirement.

In accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, the subject site would be considered to be an Outer Urban location. In such locations the Guidelines indicate net residential densities in the general range of 35-50 dwellings per hectare would be encouraged and development at net

densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development at a density of 38.7 units per hectare complies with this national policy requirement.

In relation to the car parking standards for apartment developments, as contained in table 1a, Appendix D of the County Plan, while the development standard is stated as a minimum required value, it is also stated that a relaxation in these standards may be accepted where a development is accompanied by a mobility plan and a shift to sustainable modes of transport can be demonstrated.

The parking standard outlined County Plan for apartment is 1.25 spaces per apartment and the proposed provision is 0.9 spaces per apartment. Section 4.21 of the Apartment Guidelines indicate that *"planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard"* in intermediate urban locations such as this.

Given the locational advantages of the proposed development site and the significant improvements in the transport network that will result in the improved connectivity to the high frequency urban bus service, compliance with a reduced parking standard suggested by national guidelines is justified in this instance.

04. Conclusion

On the basis of the reasons and considerations set out in the report above, we consider that sufficient justification is available for An Bord Pleanála to grant permission for the proposed development in accordance with Section 37(2)(b)(iii) of the Planning Act, 2000, if the Board considers the development contravenes the density and parking policies of the 2014 Cork County Development Plan or Ballincollig Carrigaline Municipal District Local Area Plan 2017.

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