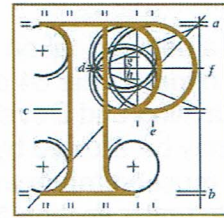


Our Case Number: ABP-312222-21



An
Bord
Pleanála

Terence Fleming
Cedar Lodge
Annmount
Glounthaune
Co. Cork
T45DK79

Date: 20 April 2022

Re: 289 residential units (201 no. houses, 88 no. apartments), creche and associated site works. Lackenroe and Johnstown (townlands) Glounthaune, Co. Cork. (www.LackenroeSHD.ie)

Dear Sir / Madam,

An Bord Pleanála has made a decision in respect of the above mentioned Strategic Housing Development. A copy of the Board Order and Direction are enclosed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please mark in block capitals "STRATEGIC HOUSING UNIT" and quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Hereunder contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended.

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

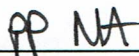
The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website,
www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Yours faithfully,



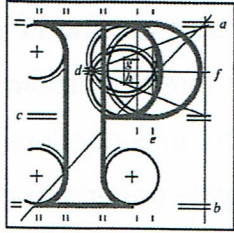
Hannah Cullen
Executive Officer
Direct Line: 01-8737246

SHA32

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An
Bord
Pleanála

Board Order
ABP-312222-21

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th day of December 2021 by Bluescape Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork.

Proposed Development comprises of the following:

The construction of a mixed-use residential development of 289 number residential units consisting of 201 number dwelling houses and 88 number apartment and duplex units, a two storey creche, four number Electricity Supply Board substations and all ancillary site development works. The proposed development will be constructed on lands to the north and south of the public road, L-2970 Road, known locally as 'the Terrace'. A portion of the site to the south of 'the Terrace' was formerly within Ashbourne Garden and is considered to be within the curtilage and attendant grounds of Ashbourne House, which is a Protected Structure (Record of Protected Structure Reference Number: 00498).

The proposed development to the north of 'the Terrace' provides for 260 number residential units comprising of 196 number dwelling houses, 64 number apartment and duplex units and a two storey creche. The 196 number dwelling houses includes five number four-bedroom detached dwellings, 44 number four-bedroom semi-detached dwellings, 12 number four-bedroom townhouses, two number three-bedroom detached dwellings, 22 number three-bedroom semi-detached dwellings,

47 number three-bedroom townhouses and 64 number two-bedroom townhouses. The 64 number apartment and duplex units contains five number three-bedroom units, 32 number two-bedroom units and 27 number one-bedroom units contained in six number three storey apartment buildings, with ancillary bicycle parking and bins stores.

The proposed development to the south of 'the Terrace' provides for 29 number residential units comprising of five number dwelling houses and 24 number apartments. The five number dwellings include one number three-bedroom detached dwelling, two number three-bedroom townhouses and two number two-bedroom townhouses. The proposed apartments are provided in a four storey mixed-use building containing a ground floor community unit and a commercial unit with apartments at ground and upper floor levels comprising three number three-bedroom units, seven number two-bedroom units and 14 number one-bedroom units with ancillary rooftop terrace, car parking, bicycle parking and bin stores.

Vehicular access to two number dwellings in the lands to the north of 'the Terrace' will be provided via an upgraded entrance from 'the Terrace' with vehicular access to the remainder of dwellings in the lands to the north of 'the Terrace' via the signalised junction from the L-2968 Road and internal road network permitted by Cork County Council Register Reference Number: 17/5699 and An Bord Pleanála Reference Number ABP-300128-17. A separate secondary emergency access is also proposed from the L-2969 Road to the north.

Vehicular access to the five number dwellings to the south of the 'the Terrace' will be via a new entrance from 'the Terrace' and the proposed apartment building will be accessed from Johnstown Close. The proposed development also makes provision for a pedestrian link from the proposed development north of 'the Terrace' to Johnstown Close via 'the Terrace' which will include a signalised pedestrian crossing and associated traffic calming measures on 'the Terrace'.

Ancillary site works include the demolition of one number existing derelict dwelling house and associated outbuildings, landscaping and servicing proposals including the realignment of the existing pedestrian and cycle route on Johnstown Close, the undergrounding of existing overhead lines, upgrade of the storm and foul sewer network to the south and east of the subject lands along 'the Terrace' and Johnstown Close (L-3004 Road) all located at Lackenroe and Johnstown (townlands), Glounthaune, County Cork.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

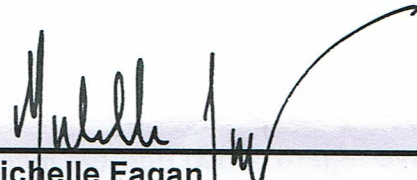
Matters Considered

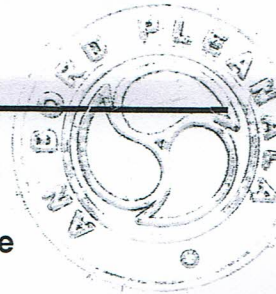
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

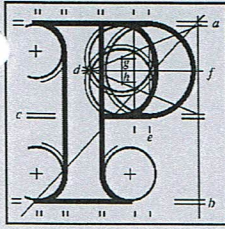
1. Having regard to the existing local road network which is substandard in terms of suitable pedestrian and cyclist facilities, it is considered that the increased demand generated by this development would result in future residents walking and cycling along the local roads and would lead to conflict between vehicular traffic, pedestrians, and cyclists. The proposed development would, therefore, endanger public safety by reason of traffic hazard.

2. Having regard to the topography of the site, and in particular the steeply sloping nature of the site, it is considered that the provision of suitable and useable pedestrian and cyclist facilities cannot be achieved to an acceptable level, and that consequently, the proposed development would be dominated by car use for most journeys, including local trips to Glounthaune village, schools, and the railway station. The development would, therefore, generate a significant volume of traffic which the road network in the vicinity of the site is not capable of accommodating safely due to the restricted width and capacity of the L-2968 Local Road in the vicinity of the site and the restricted capacity of its junction at the 'Dry Bridge' with the L-2970 Local Road. The proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard.


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



Dated this 19th day of April 2022



An
Bord
Pleanála

Board Direction
BD-010532-22
ABP-312222-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/04/2022.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the existing local road network which is substandard in terms of suitable pedestrian and cyclist facilities, it is considered that the increased demand generated by this development would result in future residents walking and cycling along the local roads and would lead to conflict between vehicular traffic, pedestrians, and cyclists. The proposed development would, therefore, endanger public safety by reason of traffic hazard.
2. Having regard to the topography of the site, and in particular the steeply sloping nature of the site, it is considered that the provision of suitable and useable pedestrian/ cyclist facilities cannot be achieved to an acceptable level, and that consequently, the proposed development would be dominated by car use for most journeys, including local trips to Glounthaune village, schools, and the railway station. The development would therefore generate a significant volume of traffic which the road network in the vicinity of the site is not capable of accommodating safely due to the restricted width and capacity of the L-2968 Local Road in the vicinity of the site and the restricted capacity of its junction at the 'Dry Bridge' with the L-2970 Local Road. The

proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard.

Note: In not agreeing with the Inspector that, the proposed development would be out of character with the pattern of development in the area due to,

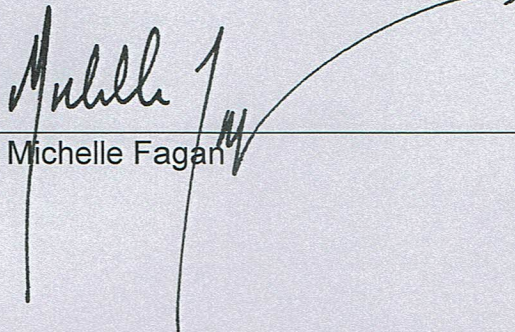
- the poor disposition and quantity of public and private/ communal open space which is restricted by the sloping nature of the site,
- the loss of locally important trees, the provision of a large area of residential units on a sloping site, the need for heavy engineering features to accommodate the development, would all substantially change the views of the site and have an adverse impact on the character of the area which is designated as having a High Landscape Value,

the Board considered that, sufficient areas of varied and high quality public open space had been proposed given the sloping nature of the site and the advantageous orientation towards the south of that slope, the layout and design of the proposed development which worked with the contours available on the site, so that notwithstanding the necessary roads infrastructure, the quantity of cutting proposed would be relatively modest given the topography of the site and the engineering interventions would not be excessive, the loss of a relatively small number of locally important trees proposed to be removed could be justified given the benefits that could accrue, including increased connectivity, access to the existing grotto and rock garden, and extensive new tree and hedge planting that would improve the setting over time. The Board did not consider that the proposed development which is within the development boundary and in proximity to a railway station, would have a negative impact on the character of the area designated as High Value, given the extent of development in the vicinity, the topography of the area, and the existing trees to be retained and proposed to be planted as part of the proposed development.

Furthermore, in not agreeing with the Inspector with regard to the negative impact on visual amenity and cultural heritage of the area, by the removal of 8 potential heritage trees associated with the gardens and woodlands of Ashbourne House, a Protected Structure (RPS no. 00498), it is considered that the mitigation

recommended in the Historic Landscape Assessment provided by the applicant which would provide for an appreciation of the existing overgrown rock garden and grotto, and where the trees proposed to be felled would be replaced with the same species within the area of the proposed development, would be acceptable.

Board Member


Michelle Fagan

Date: 19/04/2022