

## John Crean

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**From:** Adrienne Rodgers <adrienne\_rodgers@corkcity.ie>  
**Sent:** 17 December 2019 13:17  
**To:** John Crean  
**Cc:** John Stapleton; Edith Roberts; Melissa Walsh  
**Subject:** FW: Draft Section 47 Agreement  
**Attachments:** Appendix G Draft Section 47 Heads of Terms for Application Rev Final.docx

**Importance:** High

John,

Many thanks and I wish to confirm the attached is in order.

**Adrienne Rodgers,**  
**Director of Services,**  
**Community Culture & Placemaking.**  
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Comhairle Cathrach  
Cork City Council



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**From:** John Crean [mailto:[John.Crean@temporis.ie](mailto:John.Crean@temporis.ie)]  
**Sent:** 17 December 2019 11:13  
**To:** Adrienne Rodgers  
**Subject:** Draft Section 47 Agreement  
**Importance:** High

Adrienne

Further to our discussions please find attached draft Section 47 Heads of Terms in relation to development at Ballyvolane as discussed on Friday. Thank you for your team's time and input on this.

We intend to submit this to ABP as part of the application package. I note that the Council position is that this draft document is for discussion purposes only and subject to final agreement pending a decision of An Bord Pleanála.

I would appreciate it if you can you confirm that all is in order to submit?

**John Crean**

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## **Proposed Heads of Terms of Draft Section 47 Agreement between Cork City Council and Longview Estates Limited**

It is proposed that Long View Estates Limited (the “Applicant”) and Cork City Council (the “Council”) enter into an Agreement pursuant to Section 47 of the Planning and Development Act, 2000 (“Section 47 Agreement”) with respect to the regulation of the use of lands, and any consequential provisions, that form part of a planning consent that is being sought from An Bord Pleanála under the Strategic Housing Development (“SHD”) process.

The Lands in question include folio CK12755F (Waterrock View Ltd & Crystal County SPV Ltd) and folio CK39713 (Longview Estates Ltd).

Section 47 of the Planning and Development Act 2000 provides that:

- (1) A planning authority may enter into an agreement with any person interested in land in their area, for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be specified by the agreement, and any such agreement may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the planning authority to be necessary or expedient for the purposes of the agreement.

The purpose of these Heads of Terms for the proposed draft Section 47 Agreement is to offer certainty as to the regulation of the use of lands which are in the ownership of the Applicant to An Bord Pleanála. The lands, and adjacent lands, form part of an application area and landholding. They are in the ownership of the Applicant and its associated companies. It is acknowledged by both the Applicant and the Council that these heads of terms are not a legally binding agreement but merely a summary of what is proposed for inclusion in a section 47 agreement which may be entered into in due course. The proposed Section 47 Agreement pertains to;

- a) lands that are zoned as Passive Amenity Space in the Cobh MD Local Area Plan in the Ballyvolane Urban Expansion Area (lands zoned Objective NE-O-04),
- b) the Mayfield Kilbarry Link Road
- c) lands that form part of an upgrade to the Ballyhooly Road,
- d) a proposed distributor road to serve third party lands and later phases of the Urban Expansion Area.
- e) Proposed services (foul and surface water) that are to be developed.

### **Land zoned as Passive Amenity Space in the Cobh MD Local Area Plan in the Ballyvolane Urban Expansion Area (lands zoned Objective NE-O-04).**

The northern portion of NE-O-04 zoned area comprises an area of land in the ownership of Longview Estates Ltd and Waterrock View Ltd. Waterrock View Ltd and Longview Estates Limited are “sister companies” and Waterrock View Limited has consented to Longview Estates Limited entering into a Section 47 Agreement in respect of its land. (see Appendix A – Land Ownerships and Consents).

Zoning Objective NE-O-04 states that it is to provide for “Open Space for public recreation as an Urban Park. The amenity parkland should provide passive amenity for residents of the North Eastern suburbs and the site. It should also contain the necessary walkways and cycle-ways for accessibility between residential, business, retail and community uses”.

It is proposed by Longview Estates Ltd, in an application to An Bord Pleanála under the SHD process, to commence the development of a public park as part of the delivery of open space/amenity in the area. It is proposed by the Applicant to provide an area designed as a public parkland area, consistent with its pro rata population generation, as part of its proposed housing scheme. This will be called the “Application Park Area”.

This land, approx. 2.6 – 3.0 Ha (“Application Park Area”) will form part of the proposed “Urban Park” – a 20 Ha area, to be delivered by Cork City Council. The Application Park Area is part of an area zoned as part of NE-O-04 which provides for a 20 Ha. public park in total. There are approx. 60 Ha of lands zoned as Passive Open Space in the Urban Expansion Area including 35.4 Ha in the NE-O-04 zone.

The Applicant retains an additional area of land, also zoned as part of NE-O-04 objective on the Cobh MD Local Area Plan. The two areas within the applicant’s ownership amount to approx. 20 Ha. in total.

The southern boundary of the NE-O-04, located within the residual lands of the Applicant are defined by the alignment of the Mayfield – Kilbarry Link Road. The exact alignment of this road is likely to be defined in due course following the adoption of the Cork Metropolitan Area Transport Strategy (CMATS) - currently in Draft - but the lands affected by it are within Folio CK12755F (Waterrock View Ltd) – see Appendix A attached. Also refer to Appendix B.

Under the terms of a Section 47 Agreement, or as otherwise agreed, the Applicant will;

- a) Maintain open access to the “Application Park Area” from its completion until such time as the park is taken in charge by the Council.
- b) Maintain the residual c. 17 Ha of lands zoned NE-O-04 in the ownership/control of the Applicant in an open grassland use as specified by the area’s zoning designation. This will continue until the lands are required to form part of the 20 Ha Park objective for the UEA, or their use is otherwise defined with the resolution of the alignment of the Mayfield -Kilbarry Link Road to the satisfaction of the Council.

### **Roads Infrastructure**

- **the Mayfield-Kilbarry Link Road**
- **lands that form part of an upgrade to the Ballyhooly Road,**
- **a proposed distributor road to serve third party lands and later phases of the Urban Expansion Area.**

The proposed development is located in an area where the Cobh MD LAP identifies road enhancements and new roads infrastructure.

The roads objectives identified the LAP include:

- NE-U-02 – A Local Distributor Road that part traverses the site.
- NE-U-03 – The Local Distributor Road route traversing the site.
- NE-U-04 – A Local Distributor Road that part traverses the site.
- NE-U-05 – Upgrade of the Ballyhooly Road in tandem with the development of the Ballyvolane Urban Expansion Area.
- NE-U-06 – The Mayfield Kilbarry Link Road – what will be part of the City Inner Orbital route identified in the Cork Metropolitan Area Transport Strategy (CMATS).

The proposed development provides roads connectivity/routes that comply with and deliver all the connectivity and distribution provisions sought by objective NE-U-03 & part of NE-U-04 in opening up the Ballyvolane Urban Expansion area from the west.

Under the terms of an agreed Section 47 Agreement, or as otherwise agreed, the Applicant will;

- a) Make the internal roads constructed available to service adjacent lands and deliver the internal distributor road at a width to service the Ballyvolane UEA; satisfying Objective NE-U-02 / 03 & 04 of the Cobh MD LAP.
- b) retain lands to the southern extent of its landholding free from development, or as otherwise allowed by Cork City Council, so as to allow for the detailed alignment of the Mayfield-Kilbarry Link Road to be defined and to engage with the Council on the detailed design process and any associated relocation of ESB infrastructure, including 38kv and 110kv lines. The exact alignment of this Mayfield Kilbarry Link Road is likely to be defined in due course following the adoption of the Cork Metropolitan Area Transport Strategy (CMATS) but the lands affected by it are within Folio CK12755F (Waterrock View Ltd) – see Appendix A attached. Also refer to Appendix B.
- c) Retain lands bounding the Ballyhooly Road in its ownership and control (east of the Ballyhooly Road) free from development, save and except to provide road enhancements and Irish Water Infrastructure and to allow the lands' inclusion in the design and delivery process for the road upgrades; satisfying Objective NE-U-05 of the Cobh MD LAP . The lands so affected are the western boundary of Folio CK12755F (Waterrock View Ltd) – see Appendix A attached. Also refer to Appendix B. This is an area of land where proposed pedestrian and cyclist corridors are proposed in a set back position so as to accommodate the widened road corridor.

The Council will, under the BALLYVOLANE STRATEGIC TRANSPORT CORRIDOR PROJECT: NORTH RING ROAD TO BALLINCOLLY, JUNE 2019 will progress designs to deliver:

- a. Upgrading the intersection of Ballyhooly Road and the North Ring Road with enhanced bus, pedestrian and cyclist facilities plus additional turning lanes, as required.
- b. Upgrading the Fox and Hounds Junction including new traffic signals and controller, widened and new lanes, improved bus, cyclist and pedestrian facilities.
- c. Upgrading the intersection of Clonard and the North Ring Road.
- d. Review the current bus routes through the project area to determine the optimum provision of a bus corridor.
- e. Review of existing bus stop locations and recommend an appropriate number of bus stops at optimal locations.
- f. Provide cycle facilities in accordance with the network identified in CMATS, designed in accordance with the National Cycle Manual.
- g. Provide improved pedestrian facilities along the corridor.

It is planned that the above necessary enhancements, could potentially be delivered by 2022-2023 along with phased development of the scheme.

#### **Proposed Services (Foul and Surface Water)**

Under the terms of an agreed Section 47 Agreement, or as otherwise agreed, the applicant will;

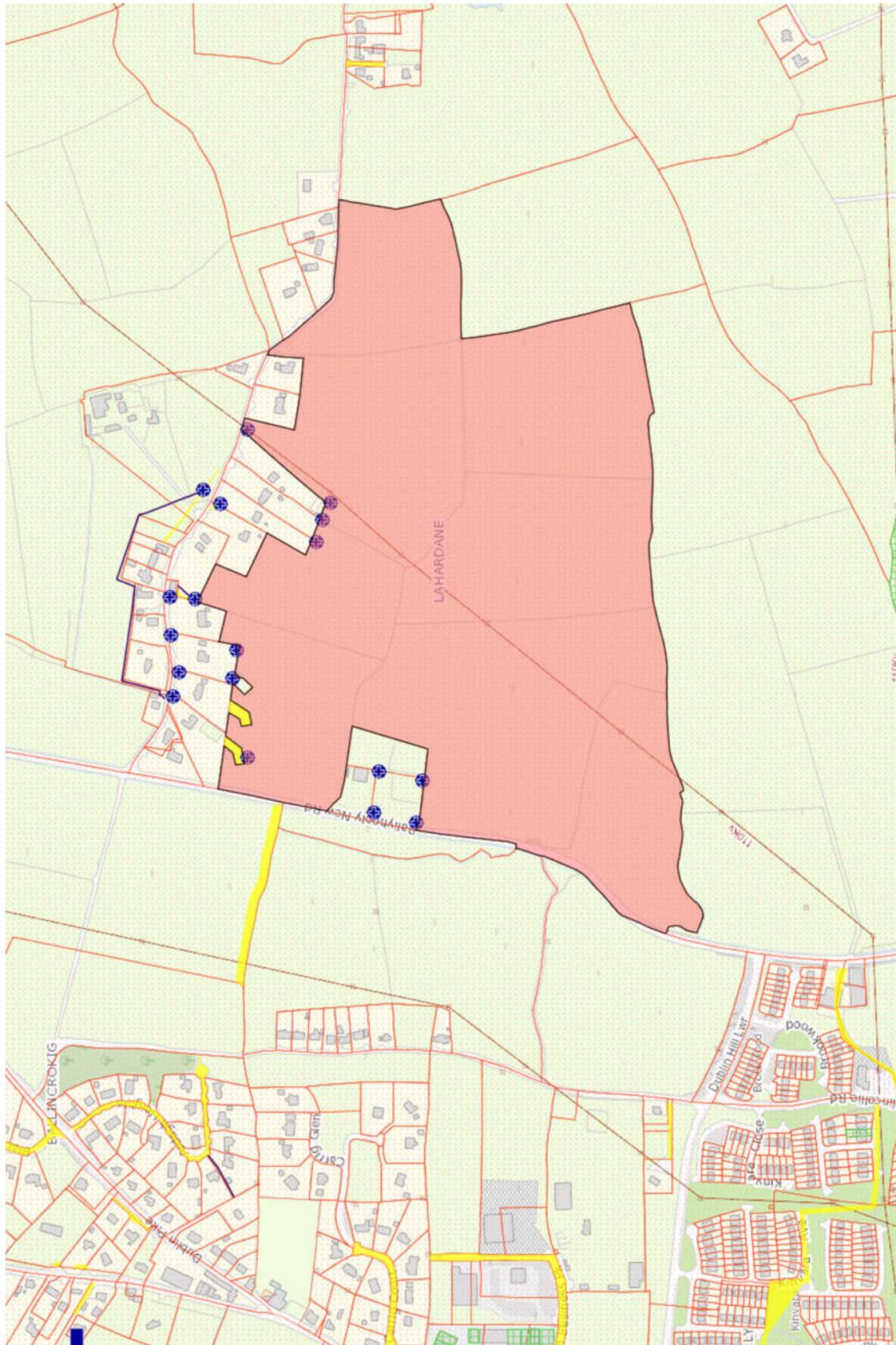
- a) Deliver the proposed Foul Pumping Stations via any PWSA agreed between the Applicant and Irish Water.
- b) Engage with Cork City Council in respect of any surface water management measures that they consider necessary to deliver to support the UEA as the area progressively develops on a phased basis.

- c) Not unreasonably withhold consent for third party or Cork City Council access to the residual lands to facilitate development.

DRAFT

**Appendix A – Land Ownerships and Consents**

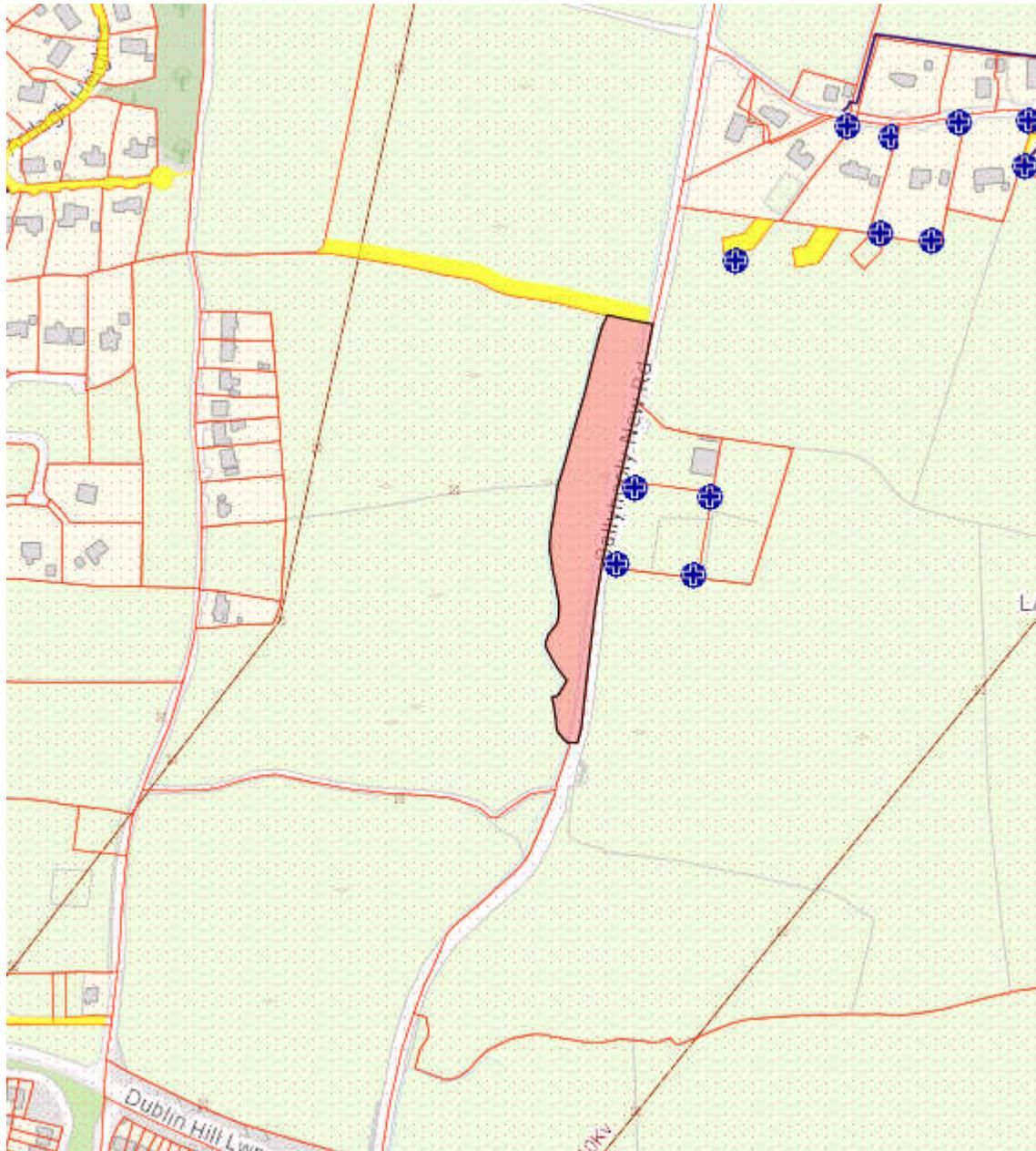
CK39713 (Longview Estates Ltd)

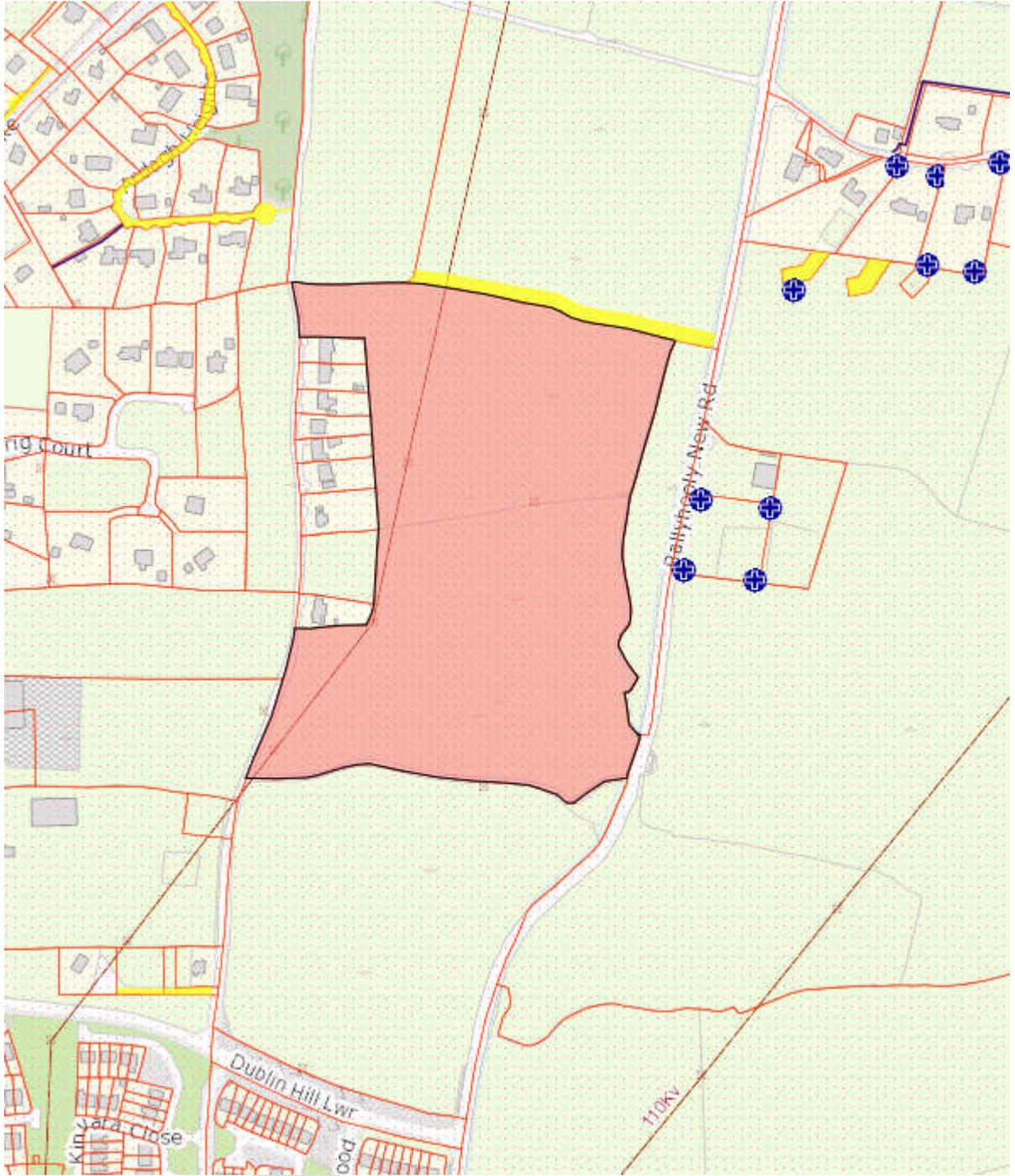






CK12755F (Donky Aters SPV Ltd)



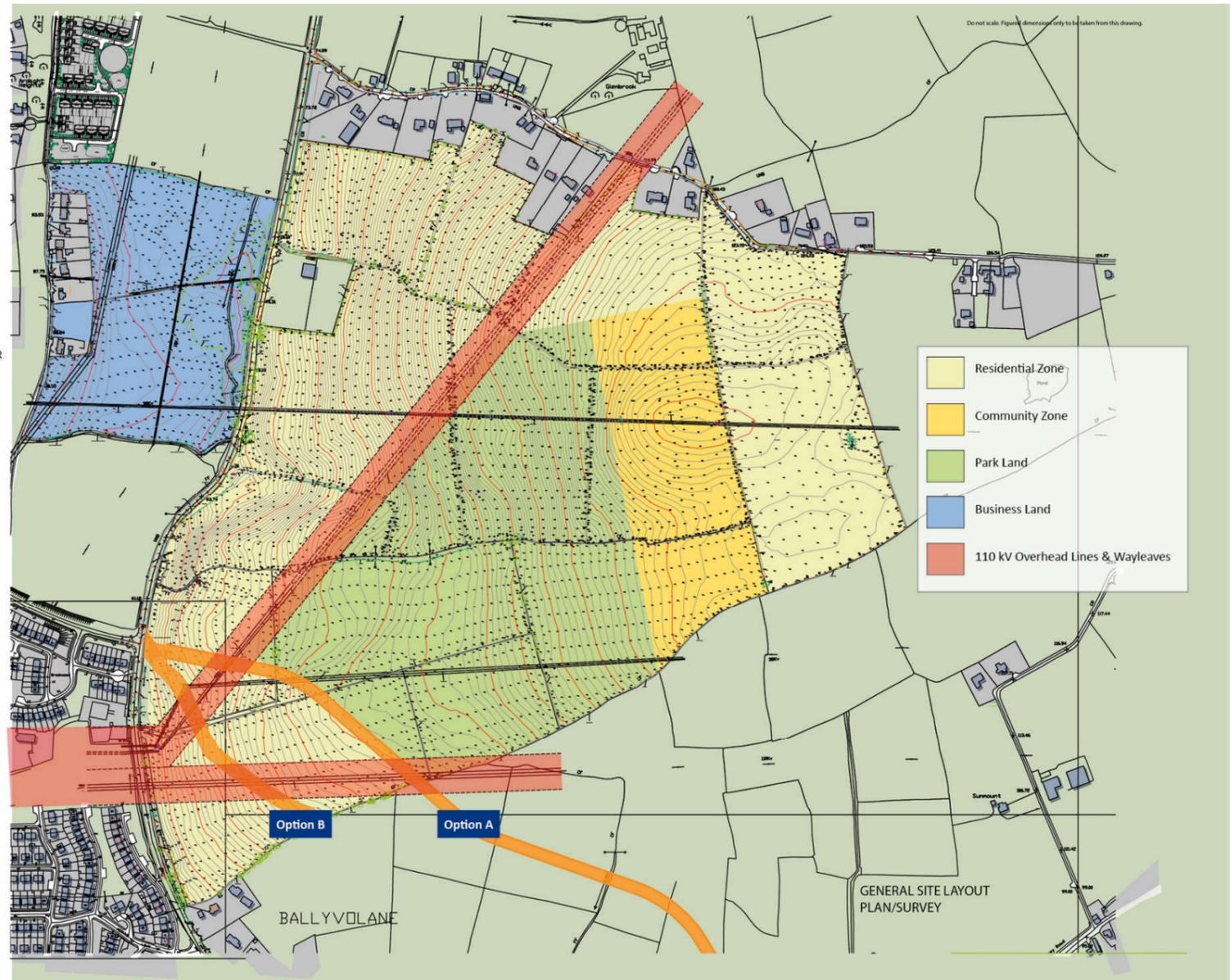
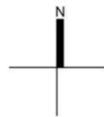


**Appendix B– Potential Mayfield Kilbarry Link Routes**

**LEGEND**

These standard symbols will be found in the drawing.

- AJ=AJ
- ◆ BUILDING LEVELS
- ⊠ CBR=INSPECTION CHAMBER
- DP=DOWNPIPE
- EBX=ELECTRICITY BOX
- ECR=ELECTRICITY CHAMBER
- ⊕ EPE=ELECTRICITY POLE
- ⊕ FHT=FIRE HYDRANT
- ⊕ G=GULLY
- + LEVEL
- x LEVEL
- ⊕ LPE=LAMP POLE
- MCT=METER CABINET
- MHE=MANHOLE SQUARE OR CIRCULAR
- ⊕ MKR=SERVICE MARKER
- MTE=MATURE TREE TRUNK > 0.150
- ◆ PHL= PLINTH LEVEL
- ⊕ POLE=POLE
- △ STN=STATION/T.B.M.
- ◆ THL=THRESHOLD LEVEL
- ◆ TOF=TOP OF FENCE
- ◆ TOH=TOP OF HEDGE
- ◆ TOW=TOP OF WALL
- ⊕ TPE=TELEPHONE POLE
- ⊕ TREE=TREE
- ⊕ VP=VENT PIPE
- x WAL= WIRE ANCHOR LINE
- WMR=WATER METER
- ⊕ WVE=WATER VALVE
- BLOCKWALLS
- BOTTOM OF BANK
- BUILDINGS
- CONCRETE
- HEAVY DUTY FENCE
- HEDGE
- KERBLINE
- POST & WIRE FENCE
- ROAD EDGE
- ROOFLINES
- STONEWALLS
- TIMBER FENCE
- TOP OF BANK
- TREELINES



Note, that Plate 1 shows two alignment options for the Mayfield Kilbarry Link Road. Option A is the LAP identified route; this creates a large cut through the hillside. Option B is a route that more naturally follows contours and has less of an impact (less cut).

These, and other options would naturally be assessed as part of the detailed design of the Mayfield Kilbarry Link Road but the choice options do highlight the constraint presented by the route at this stage.