



An
Bord
Pleanála

Board Direction
BD-015216-24
ABP-316013-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/01/2024.

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

Reasons and Considerations

Having regard to

- the nature and scale of the proposed development,
- the consideration of main grounds of appeal and observations in relation to the proposed development,
- the likely significant effects on the environment arising from the proposed development,
- the likely significant effects on European sites arising from the proposed development, including
 - the location of the proposed development and the separation distance from the Natura 2000 sites,
 - the hydrological connection between the site and the European site via an adjacent watercourse,
- the likely consequences for the proper planning and sustainable development in the area arising from the proposed development and the location of the site on lands zoned residential in the Cork County Development Plan 2022-2028, other related policies and objectives and the results of the Strategic

Environmental Assessment and Appropriate Assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),

- the planning application particulars submitted by the applicant including the response to Further Information and submissions on the appeal,
- the submissions made by the CCC and prescribed bodies in respect of the proposed development,
- the report and recommendation of the Inspector.

The Board considered that:

- the proposed development would not be likely to have significant effects on the environment
- the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives
- the proposed development would be in accordance with the proper planning and sustainable development of the area

The Board considered it reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually and in-combination with other plans or projects, would not be likely to have a significant effect on the identified Natura 2000 sites, in view of the conservation objectives of these sites.

Appropriate Assessment

The Board agreed with the screening assessment, Appropriate Assessment and conclusions contained in the Inspector's report that the Great Island Channel SAC (site code: 001058), Cork Harbour SPA (site code; 004030) are European sites for which there is a likelihood of significant effects.

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on the above referenced European site in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and

considered the nature, scale and location of the proposed development, as well as the report of the inspector. In completing the Appropriate Assessment, the Board adopted the report of the inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 6th of May 2022, 23rd of June 2022 and 9th of December 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. All mitigation, environmental commitments and monitoring measures identified in the planning particulars submitted shall be implemented in full as part of the proposed development, including *inter alia*:
 - a) Construction Environmental Management Plan (CEMP)
 - b) Design Process Traffic Management Plan (TMP)
 - c) Flood Risk Assessment (FRA) including Flood Awareness Plan and Flood Emergency Response Plan
 - d) Archaeology Screening Assessment
 - e) Tree and Landscape Plan

Where such measures require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development.

Reason: In the interest of development control, public information, and clarity.

3. All mitigation and environmental commitments identified in the Natura Impact Statement and Ecological Impact Assessment shall be implemented in full as part of the proposed development. All works shall be monitored by an Ecological Clerk of Works to ensure implementation of mitigation and environmental commitments.

Reason: In the interest of environmental protection.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development. Where such measures require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development.

Reason: In the interest of environmental protection and public health.

5. A final boundary treatment and landscaping scheme, in accordance with that submitted, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- c) details of proposed gates, CCTV, street furniture, including bollards, lighting fixtures;
- d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity

6. The final details of the access arrangements, in accordance with that submitted, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The gates shall open inwards only.

Reason: In the interests of traffic safety.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

8. The developer shall facilitate the archaeological appraisal of the mill race and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the historic mill race, and
- b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works at the mill race. The assessment shall address the following issues:
 - i. the nature and location of archaeological material on the site, and
 - ii. the impact of the proposed development on such archaeological material.
 - iii. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

Reason: In order to conserve the archaeological heritage of the mill race and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. Prior to commencement of development, the developer shall lodge with Cork County Council a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion/reinstatement of public roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

10. The developer shall pay a financial contribution to be agreed with the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the Water Rock Local Infrastructure Housing Activation Fund (LIHAF), which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

Board Member



Mick Long

Date: 26/01/2024