



An
Bord
Pleanála

Inspector's Report

ABP-300038-17

Development

Demolition of existing 2 no. warehouse structures and the construction of 19 no. two storey detached dwellings, the provision of a pedestrian walkway [U-07] to the east and south of the site leading to Church Road, the provision of footpaths linking the proposed development to Church Road, changes to the access arrangements onto Church Road, a proposed gate to existing slipway and all ancillary site development works and associated landscaping

Location

The Boatyard, Church Road,
Carrigaline Middle, Carrigaline, Co.
Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

16/06621

Applicant(s)

Into the Future (South) Limited

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal	Three number Third Party
Appellant(s)	1. Vincent Barrett. 2. Joe and Marian Hughes 3. Jim and Jo Collins
Observer(s)	None
Date of Site Inspection	22 nd February 2018
Inspector	Fiona Fair

1.0 Site Location and Description

- 1.1. The site covers an area of some stated 1.368 ha and is located on the eastern periphery of the settlement of Carrigaline, just over 1 Km of the main street, and within the development boundary of Carrigaline.
- 1.2. Carrigaline is located 12 Km south of Cork City, at the Head of the Owenabue Estuary which forms part of Cork Harbour. The 'village' of Carrigaline has undergone a period of significant change over the last number of years radically transforming from a small rural village of 971 persons in 1970 into one of Corks largest satellite towns with a population of approx. 15,000 people (the population increased by 15% between 2006 and 2011).
- 1.3. The site is accessed via a right of way from the north off Church Road. The access road is a cul de sac road which terminates at the existing entrance to the site. It presently serves 3 number private dwellings and the Coolmore pumping station. The site currently consists of two large double height warehouse units which, it is stated in submitted information on the file, are in use as offices / light industry. It is also stated on file that the site was a 'former' boatyard site. From my site visit it appears that the site is an established boatyard site with numerous boats moored on the site actively being worked on, it was also evident that a number of established businesses also operate from the structures on the site.
- 1.4. The appeal site is bound to the north and west by low density residential development with the Owenabue Estuary located directly to its south and east. The three houses directly to the north (the appellants houses) comprise self-build / detached houses while the houses to the west form part of 'The Estuary' housing estate, all detached dormer / two storey.
- 1.5. There are mature trees / vegetation / hedgerow on the northern and western site boundaries. There is an existing slipway to the south-western corner of the site with a wire mesh fence along the southern water's edge boundary of the site. Ground levels fall generally from north to south towards the estuary.
- 1.6. Coolmore sewage works is located on the eastern side of the right of way access to the north east of the site.

2.0 Proposed Development

2.1. The proposal comprises permission to:

- Demolish two no. existing warehouse structures (GFA stated as 1,492 sq. m)

The construction of:

- 19 no. two storey detached dwellings:
 - 2 no. House Type A 157 sq. m four bed detached
 - 1 no. House Type A2 161 sq. m
 - 8 no. House Type B 202 sq. m five bed, three storey, detached
 - 6 no. House Type C 191 sq. m five bed detached
 - 2 no. House Type D 191 sq. m five bed detached
- A pedestrian walkway [U-07] to the east and south of the site leading to Church Road,
- Footpaths linking the proposed development to Church Road,
- Changes to the access arrangements onto Church Road,
- A proposed gate to existing slipway and
- All ancillary site development works and
- Associated landscaping

The following reports were submitted with the application:

- A Planning Statement
- Ecological Impact Assessment
- Engineering Planning Report
- Two Photomontages
- Letter of consent from solicitor detailing particulars relating to possessory title.
- Copy of letter of consent from the following landowners of the site:
 - B.F.T.A Ltd.

- Cork County Council; and
- Irish Water

Inspectors Note: Following F.I the proposed amenity walkway was omitted from the proposed scheme. This followed a change in the zoning objective for the site in the new Ballincollig Carrigaline Municipal District LAP 2017 which omits the requirement for a sea wall and an amenity walkway.

3.0 Planning Authority Decision

3.1. Decision

Following a request for Additional Information with respect to submission of a Flood Risk and Coastal Erosion Assessment, Requirement for an NIS, Requirement for a CEMP, revised layout of the proposed amenity walkway / cycleway and revised plans for continuous footpath provision And a request for Clarification of Additional Information with respect to mitigation of the risk of surface water ponding on the access road and within the rear gardens of adjoining dwellings to the north of the site; planning permission was granted subject to 47 number conditions.

Conditions Include:

C2. Relates to the design, finish and use of materials shall be strictly in accordance with the details submitted.

C3. Finished floor levels of the proposed structures shall be in accordance with the details lodged with the Planning Authority on the 26/07/17 as per the proposed site levels drawing no. 4370-101 unless otherwise agreed in writing with the Planning Authority.

C4. A permanent boundary fence shall be erected along the line of the proposed hedgerow separating the development site from the shoreline..

C6. Details of the treatment of all boundaries within and on the external boundaries of the development, shall be agreed in writing with the Planning Authority before any development commences.

C9. Construction and Demolition Environmental Management Plan shall be submitted and agreed in writing with the Planning Authority.

C10. Prior to the commencement of development, the developer shall submit a detailed plan for the repair of the embankment wall for agreement with the Planning Authority.

C11. All demolition, excavation and sea embankment repair works shall be supervised by an Ecological Clerk of Works who will report on compliance with the Construction and Demolition Environmental Management Plan.

C29. Relates to surface water management controls shall be in place to prevent the discharge of sediment contaminated water to adjacent water courses.

C31. A method statement for the management of the construction phase shall be submitted to and agreed in writing with the Planning Authority.

C33. All road and footpath works specified from the R613 to the site shall be completed by the developer at their expense, prior to first occupation of any dwelling.

C45. Bond in the amount of €50,000 to guarantee the satisfactory completion of embankment reinstatement and landscaping proposals for the site as required.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Planners Report:** The S.P.'s final report concludes that 'this is a high-quality proposal for 19 residential units, it is considerably more acceptable than any of the previous residential proposals. Furthermore, given the current activity and buildings on site the proposal represents an enormous improvement in the amenities and residential amenities of the area. All issues have been addressed'.
- **Area Engineer.** Initial report requires F.I. in relation to provision of a footpath link and recommends that the application be referred to a number of internal departments. Report subsequent to CFI recommends conditions in the event of a grant of planning permission. Concern is raised that a low point is being

created outside an adjoining dwelling, which could lead to ponding in extreme rainfall events.

- Estates Engineer: No objection subject to compliance with conditions.
- Commissioned Flood Risk Assessment Consultant: No Objection subject to condition. Final report recommends maintenance of gullies in order to minimise the blockage risk to the drainage system and hence the risk of surface water collecting at the low point in the road.
- Ecologist: Initial report requested that a full NIS of the site be carried out. Report subsequent to CFI recommends conditions to be attached to any grant of planning permission.
- Environment Department: No objection subject to compliance with conditions.
- Part V Officer: No objection subject to agreement.
- Public Lighting- F.I requested and conditions recommended in the event of a grant of planning permission.

3.2.2. Other Technical Reports

- Irish Water (IW) – No objection
- Inland Fisheries Ireland: No objection subject to condition.

3.3. Prescribed Bodies

- None submitted.

3.4. Third Party Observations

4 number submission were received by the planning authority. The issues raised are similar to the issues raised in the three number third party appeals summarised in detail below.

4.0 Planning History

4.1. Four planning applications have been previously submitted proposing development on the site; one is a historic permission (1992) where permission was granted for a commercial garage.

4.2. The more recent applications in 2004 and 2005 proposed high density residential development on the site, all three applications were subsequently withdrawn.

- **Reg. Ref. 05/5566 Withdrawn** - Permission sought for 48 apartments in 3 no. blocks of 16 apartments each over 3 floors plus penthouse level, a separate caretakers apartment with reception area, workshop, refuse store, plant room and associated car parking.
- **Reg. Ref. 05/4882 Withdrawn** - Permission sought for 48 apartments in 3 no. blocks of 16 apartments each over 3 floors plus penthouse level, a caretakers apartment and associated car parking.
- **Reg. Ref. 04/9416 Withdrawn** - Permission sought for demolition of existing buildings and construction of 101 bedroom hotel with car parking and associated works
- **Reg. Ref. 98/2642** Permission granted for a Commercial Garage. (planners report states: 'Appealed and withdrawn ref. PI04.109365', no details of this case on the ABP website)
- **Reg. Ref. 95/2693 / PL04.097238** Permission refused by ABP for a residential development of 5 number houses. This planning application is referred to in the planning authority report, on file, dated 09/12/2016. However no details of the application are available on the Cork County Council website or ABP Website.
- **Reg. Ref. 92/2133** Permission granted by ABP for a Commercial Garage. This permission is referred to on the file, however, no detail of the application is available on the Cork County Council website or ABP website.

5.0 Policy Context

5.1.1. Sustainable Residential Development in Urban Areas, 2009

5.1.2. Quality Housing for Sustainable Communities, 2007

5.2. Development Plan

5.2.1. The site is governed by the policies and provisions contained in the Cork County Development Plan 2015 - 2021.

5.2.2. The following sections of the County Development Plan are of relevance:

Policy HOU 3-1 Sustainable Residential Communities

Policy HOU 3-3 Urban Design

Policy HOU 5-1 Reserved Land for Social Housing

Policy SC 5-2 Quality Provision of Public Open Space

5.2.3. The planning application for the Boatyard site was submitted on the 20th October 2016 and at that time the Carrigaline Electoral Area LAP 2011 (Updated 2015) was the statutory Plan governing this area. **The Ballincollig – Carrigaline Municipal District LAP 2017** came into force on the 21st August 2017 and was the statutory Plan in place at the time of the p.a. draft decision which is dated 9th November 2017. The zoning objective for the site changed and the requirement for a sea wall and amenity walkway was omitted in the new Ballincollig – Carrigaline Municipal District LAP 2017.

5.2.4. The Boatyard site (1.08 ha) is identified as being within the settlement boundary of Carrigaline and zoned for 'residential' in the Ballincollig – Carrigaline Municipal District LAP 2017. The southern boundary of the site abuts the Proposed Natural Heritage Area: Owenboy River (Site Code 001990) and Special Protection Area: Cork Harbour SPA (Site Code 004030). The appeal site also abuts lands identified as Flood Zone A to its southern and eastern boundary.

5.2.5. The appeal site is subject to Objective CL-R-04 'Medium A Density', residential development.

- 5.2.6. The approach to housing density used in the LAP is set out in Section 3.4 Housing Density of Chapter 3 Housing, Volume One of the Cork County Development Plan, 2014. Objective HOU 4-1, Housing Density on Zoned Land in Section 3.4 sets out the housing density standards applicable to each category, High, Medium A and Medium B, along with an accompanying guide to the densities in Table 3.1 Settlement Density Guide.
- 5.2.7. The Vision for Carrigaline is set out, in the Ballincollig – Carrigaline Municipal District LAP 2017, as follows: ‘Under the Cork County Development Plan 2014 Carrigaline is defined as one of nine Metropolitan Towns within the Cork Gateway. The strategic aim for Carrigaline is to consolidate the rapid growth of recent years broadly within the town’s existing development boundary, protecting its important green belt setting while maintaining its distinctiveness as a self-contained Metropolitan Town with improvement of the town centre and the town’s residential amenities’.
- 5.2.8. **Carrigaline Electoral Area Local Area Plan (CELAP) 2011 (Updated Jan 2015)**
The site was zoned for residential development and as per Figure 07. A site specific zoning objective pertained to the site.
- 5.2.9. Specific Objective ‘R-04’, states: ‘Medium B density residential development. Development proposals in this zone will require the provision of an ecological impact assessment report (Natura Impact Statement) in accordance with the requirements of the Habitats Directive and may only proceed where it can be shown that they will not have significant negative impacts either alone or in combination with other projects on the adjacent SPA. A sea wall will be required along the eastern / southern boundary of the site. The timing and provision of appropriate drinking water and waste water disposal services for the development must be agreed with the Council before the layout and design of the development is commenced. This may include the provision of off-site and onsite infrastructure. Specific arrangements shall be made for the provision and construction of an amenity walk (U-07)’.
- 5.2.10. Medium B residential density on zoned land equates to a minimum net density of 12 units per hectare and a maximum net density of 25 units per hectare. The Plan states: ‘** The maximum density for ‘Medium B’ zonings can be extended to 35 dwellings per ha in smaller towns outside Metropolitan Cork where considered appropriate i.e. on sites near the town centre. Densities of < than 12 dwellings per ha

will also be considered where an exceptional market requirement has been identified’.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located within any designated site. However, it is located directly abutting the northern banks of the Owenboy Estuary which forms part of the Cork Harbour Special Protection Area (SPA), Site Code 004030 and is a Natura 2000 Site. There is a direct connection between the development site and the shoreline via a small stream on the eastern boundary of the site.
- 5.3.2. The Owenboy River itself is designated as a proposed Natural Heritage Area (pNHA) site code 001990. A designation which covers nationally important natural habitats, landforms, and wild animal and plant species. The estuary’s inter-tidal mudflats support a wide variety of wintering wildfowl, including internationally important species.
- 5.3.3. The site itself is located within Landscape Character Type - ‘Indented Estuarine Coast’ and is a High Value Landscape of considerable scenic beauty and the land north and south of the estuary is designated as Scenic Landscape (see 2014 County Development Plan). On the south shore, the road between Carrigaline and Crosshaven is designated a Scenic Route.

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised within the third party appeals from Vincent Barrett, Joe and Marian Hughes and Jim and Jo Collins have been collated under the following headings:

Note: All three appellants give an address of Church Road, Carrigaline.

Procedural Issues and Validity of the Application

- A Natura Impact Statement is required for a valid Planning submission on this site
- Specific Zoning Objective R-04 requires that an environmental report in the form of a Natura Impact Statement will be required for any development on the site and this must be advertised accordingly for a Planning submission to be valid.

- Failure by the applicant to advertise in accordance with the current Planning and Development Regulations/Act is in breach of the Planning and Development Act
- The Prescribed Bodies and the local community have not been given the opportunity to make observations/submissions on the significant further information, which was not deemed significant by the p.a.
- The application is in-valid.

Flood Risk:

- The site is on the north shore of the Owenabue estuary and falls within the Carrigaline Electoral Area Local Area Plan (LAP). This Plan includes a flood risk assessment because there have been a number of flood events in the Carrigaline area and some parts have been identified as being vulnerable to flooding.
- The area is susceptible to flooding, Flood Zone A. Immediately adjacent to Cork Harbour Protection Area.
- Residential development would normally be considered inappropriate.
- Submit that CCC Engineering Section supports concerns about the flood risks associated as a result of this development.
- Concern is expressed with respect to Hydraulic Modelling methodology, the effects of surcharging, risk of surface water inundating the surrounding area.
- In the adjoining CCC Pumping Station site to the east of the proposed development a berm to prevent flooding has been constructed. The effects of this berm if flooding occurs will be to channel the flood waters to the west, onto the neighbouring adjoining properties.
- The proposed development, increasing ground level, will negatively Impact on adjoining properties and cause flooding locally.
- The matter of underground streams / springs is not addressed.
- Although it is said, for the Justification test, that the development will not increase flood risk elsewhere, this has not been clearly demonstrated, particularly in relation to the potential for local flooding along the access road.

- Given the sites sensitivity, planning permission has been refused on 3 occasions, 04/08/2005, 20/12/2014 and 10/07/1992.
- The precautionary principle should have been applied.

Sight Lines On Church Road

- The new proposed junction re-alignment will create a blind spot, causing a driving hazard.

Footpath

- The proposed footpath along the Western side of access road would be dangerous for both the pedestrians and the motorists of the 3 existing properties.
- The road along the western side of the access road adjacent to appellants wall (Dooneen – middle house bungalow) is owned by appellants. No permission / consent has been given for construction of a footpath as proposed.

Traffic

- Additional 19 houses would increase traffic volume in the area

Non Compliance with Part V of the Planning and Development Acts 2000-2006

- No details as required have been supplied.
- A pre planning notional agreement of 2No. units, appears to have been reneged on.

Density / Mix

- This development is not a mix of affordable housing types for which there is need (2 + 3 bedroom homes), it is a mix of housing type styles (mainly 5 bedroom homes) for which there is less demand.
- The density should be decreased to somewhere in the order of 8 No. homes
- There is more of a need for starter homes (2 and 3 bedroom).
- The density, number and two-storey height of the houses proposed would be unduly obtrusive on this Scenic Landscape and when viewed from the Scenic Route on the south shore.

Sustainability

- The proposed development is on the outskirts of Carrigaline Town, far from schools, shops, bus routes and all the other local services and amenities that contribute to sustainability.
- The parking provision for 4/5 bedroom houses and road layout alone is unsustainable

Landscape / Scenic Route

- Concern with respect to impact upon views from the Crosshaven/Carrigaline designated scenic route.
- Mass of the proposal would read as a monolithic blot on the landscape
- Proposal would be substantially taller than adjoining existing buildings given the levels shown.

Negative Impact Upon Natural Heritage

- This proposed development is located in an NHA (001990) and SPA (004030) area.
- The construction phase in the breeding off-season (April-August) with strict/enforceable mitigation measures might limit the damage to the NHA/SPA.
- The Ecologist's report on this application states that "The primary concern to this office is possible implications of this proposed development for bird species using inter-tidal and subtidal areas in the adjoining Cork Harbour Special Protection Area. There is direct hydrological connection between the development site and the shoreline via a small stream on the eastern boundary of the site."
- Conclusion of no significant negative effects on the Cork Harbour SPA is not supported.
- Risks remain that it could have a significant negative impact on waterfowl, wildlife, and their habitats.
- Negative impacts for roosting Bats.

Negative Impact Upon Existing Natural Environment

- Cork County Council revised the local area plan and omitted the once proposed riverside walk to protect and preserve the integrity of the NHA/SPA.

- The destruction of the existing bio-diversity corridor (designated intact hedge J2.1; GA2) along the eastern side of the entrance roadway should not be allowed.
- The existing mature trees along the eastern side of the entrance roadway are in the adjoining CCC property. Any works along this boundary should ensure that these trees are protected.
- The NHA/SPA most sensitive breeding season is September to March. To ensure the integrity of the NHA/SPA construction works should not be carried out during this time.
- Working hours should be 08:00 - 16:00 Mon - Fri, 09:00 - 13:00 Sat only, no work should take place on Sundays or bank holidays.
- Existing services to all adjoining properties should be protected and maintained at all times. A before and after conditional survey should be undertaken to ensure this.
- Access/egress to be maintained to all adjoining properties at all times.

Appeals Accompanied with:

- Observations and submissions submitted to the p.a.
- Photographs from Google Street View
- Excerpts from the Planning application form
- Correspondence from the p.a.

6.2. Applicant Response

Responses to the third-party appeals were received. They are summarised as follows:

- The response sets out the background with respect to pre-planning and that the subject planning application was submitted to the p.a. in Jan 2016.
- Sets out the relevant Development Plan Policy
- An NIS is not required for the project and this matter was dealt with by the p.a.
- In particular given that the sea wall and amenity walkway were omitted from the development an NIS is not required.

- An Environmental Consultancy (Noe Environmental) was involved with the project from the outset.
- An Ecological Impact Assessment report and a CEMP were prepared and submitted as part of the RFI response.
- The applicant will abide by specific conditions attached in terms of the CEMP
- A Flood Risk Assessment (FRA) was carried out by the applicant and ARUP Engineers were appointed to carry out an assessment of the FRA on behalf by the council.
- The issue of flood risk assessment has been assessed in detail and it has been concluded by ARUP, as the external consultant, that the proposals (to provide additional gullies, to dish kerbs and to reduce the road level in the site to 3.32 m OD) are sufficient to deal with any flood risk associated with the site and surrounding area.
- In order to further increase sightlines and visibility the first party have prepared updated drawings for consideration by the Board.
- JODA drawing 4205-102 rev P2 has been updated to include the SSD to indicate the forward visibility in accordance with the design criteria (50 km/h design speed yields a forward visibility distance between 45 – 49m)
- When the road was assessed for larger safe stopping distances in excess of 50 m requirement a blind spot is created. It is possible to further realign the roadway at the entrance to Estuary Estate to accommodate this if required. The area of Church Road to the entrance to Estuary Estate has been previously widened and sufficient space is available for possible roadway alignment.
- The Statutory Plan changed during the course of the planning application and the subject site is 'R-04' – Medium A residential density as opposed to Medium B density in the previous Carrigaline LAP 2011
- The proposed development, at 17 units per ha, was within the range outlined in the previous LAP 2011 (min 12 unit / ha and max density of 25 units / ha) and is just under the density range as prescribed by the new LAP 2017 (min 20 unit / ha and max density of 50 units / ha).

- The appeal site is within the development boundary of Carrigaline, within walking distance of the town and all local services, community facilities and places of work.
- A revised visual impact assessment accompanies the submission it sets out before and after views from the scenic route (R612) located across the estuary to the south of the site.

6.3. **Planning Authority Response**

A response to the third-party appeals was received from Cork County Council. It is summarised as follows:

- The Flooding Consultant was satisfied with the clarification response submitted subject to a condition requiring the maintenance of road gullies (see C. 12 of draft grant of permission).
- The Ecologist was satisfied that outstanding details can be dealt with subject to the strict implementation of recommended conditions. Conditions on the timing of works (C.13) and the submission of a CEMP (C.9) and final surface water details (C.22)
- The removal of the sea wall and walkway elements lessens potential impacts.
- Density – 19 dwellings within the identified zoning range (12-25/ha) for Medium B zoned sites
- The development is considered to represent a considerable visual improvement on the existing use of the site.
- The area engineer is satisfied with the entrance. A special contribution of €25,000 was applied to improve footpath links in Carrigaline (C.46)

6.4. **Observations**

- None received.

6.5. **Further Responses**

No further Responses received

7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- **Principle of Development on the Site and Compliance with Policy**
- **Visual Impact**
- **NIS / Natural Heritage / Nature Conservation**
- **Traffic / Access / Connectivity**
- **Flood Risk**
- **Appropriate Assessment**
- **Other Issues**

7.2. Development Plan and Principle of the Development

7.2.1. Carrigaline is identified as one of nine 'Metropolitan towns' within the Cork Gateway in the Ballincollig – Carrigaline Municipal District LAP 2017. The strategic aim for Carrigaline is to consolidate the rapid growth of recent years broadly within the town's existing development boundary, protecting its important green belt setting while maintaining its distinctiveness as a self-contained Metropolitan Town with improvement of the town centre and the town's residential amenities.

7.2.2. The site was previously zoned in the Carrigaline Electoral Area LAP 2011 (Updated 2015) – Medium B density residential development and as per Figure 07 a site specific zoning objective pertained to the site. Specific Objective 'R-04', stated: 'Medium B density residential development. Development proposals in this zone will require the provision of an ecological impact assessment report (Natura Impact Statement) in accordance with the requirements of the Habitats Directive and may only proceed where it can be shown that they will not have significant negative impacts either alone or in combination with other projects on the adjacent SPA. A sea wall will be required along the eastern / southern boundary of the site. The timing and provision of appropriate drinking water and waste water disposal services for the development must be agreed with the Council before the layout and design of the development is commenced. This may include the provision of off-site and onsite

infrastructure. Specific arrangements shall be made for the provision and construction of an amenity walk (U-07)'.

- 7.2.3. The Medium B residential density on zoned land equates to a minimum net density of 12 units per hectare and a maximum net density of 25 units per hectare. This was the policy in place at the time the subject planning application was made back in 2016.
- 7.2.4. However, the LAP changed and the current statutory Plan is the Ballincollig – Carrigaline Municipal District LAP 2017, which came into force on the 21st August 2017. This LAP was in place at the time of the p.a. draft decision. The appeal site is again identified as being within the settlement boundary of Carrigaline and zoned for 'residential'. It is subject to Objective CL-R-04 'Medium A Density', residential development, regard being had to the Cork County Development Plan (2014) Objective HOU 4-1: Housing Density on Zoned Land, this equates to a minimum density of 20 units / ha and a maximum density of 50 units / ha
- 7.2.5. I note that under section 3.4.95 of the Local Area Plan, 'Specific Development Objectives for Carrigaline', that Flood Risk Obj. IN-01 is 'not' identified as being required for the appeal site and that the site is 'not' identified as requiring a TIA or RSA.
- 7.2.6. The Boatyard site (1.368 ha) is situated in the settlement of Carrigaline, within the settlement boundary of the town on serviced lands, zoned residential. The site is within walking distance of the town centre and local services and facilities. The proposed development for 19 number houses, therefore, accords with the zoning.
- 7.2.7. Overall, I consider the density of 17 units / ha low and below the recommended density as set out under HOU 4- 1 Housing Density on Zoned Land, as per the Cork County Development Plan for Medium A zoned lands. In agreement with the planning authority, however, I am of the opinion, that given the current buildings and activity on the site and the sites constraints in terms of geographical challenges, the density is acceptable and the layout as proposed would provide a development which respects the sensitive nature of the site and would be in keeping with the established existing pattern of residential development of adjoin development within the Estuary housing estate (Seaview Court and Seaview Avenue) which immediately adjoins the appeal site.

7.2.8. I would be satisfied that the principle of a housing development on this site is in accordance with policies and objectives of the Cork County Development Plan, Ballincollig – Carrigaline Municipal District LAP 2017 and the Planning Guidelines for Sustainable Residential Developments in Urban Areas and thereby acceptable.

7.3. Visual Impact

- 7.3.1. Two large warehouse units and numerous boats presently occupy the site. The site is bounded by residential development to its west and north and by the Owenabue Estuary to the east and south. It is in close proximity to an Irish Water owned sewerage treatment facility which is located to the north east. The site is accessed via the R613 (Church road).
- 7.3.2. It is submitted by third parties that the proposed development would impact upon views from the Crosshaven/Carrigaline designated scenic route (R612) to the south.
- 7.3.3. I highlight the planning authority final report on file which concludes that this is a high-quality proposal for 19 residential units, it is considerably more acceptable than any of the previous residential proposals. Furthermore, given the current activity and buildings on site the proposal represents an enormous improvement in the amenities and residential amenities of the area.
- 7.3.4. Having reviewed the revised visual impact assessment submitted to the Board in response to the appeal which sets out before and after views from the scenic route located across the estuary to the south of the site. I am of the opinion that the proposal is acceptable from a visual perspective.
- 7.3.5. Given the established pattern of development on the site and in the immediate vicinity. I am of the opinion, that in principle, the two-storey houses, which are architecturally designed to a high standard with aesthetically pleasing finishes (incorporating a mix of smooth plaster finish /selected brick, black ridge and roof tiles / slate effect), will not have a detrimental impact on the visual amenities of the area.
- 7.3.6. Cognisance being had to the current use of the site, screening in place, which is to be retained and enhanced to boundaries, and the separation distance to the designated scenic route (R612) to the south, the development would not be unacceptable from a visual amenity perspective.

7.4. NIS requirement / Natural Heritage / Nature Conservation

- 7.4.1. Carrigaline's attractive location where the Owenboy River enters the Estuary has produced a variety of important areas of local biodiversity. There are two natural heritage designations at this location, namely, the Cork Harbour Special Protection Area (Site Code SPA 004030) and the Owenboy River proposed Natural Heritage Area Designation (Site Code pNHA 001990). The appeal site is not located within a designated site, however, the southern boundary of the site abuts the pNHA: Owenboy River and Cork Harbour SPA. There is a direct hydrological connection between the development site and the shoreline via a small stream on the eastern boundary of the site.
- 7.4.2. Third party concern is raised with respect to ecological impact of the proposal and the requirement for a Natura Impact Statement (NIS). While no NIS has been submitted with this application an Ecological Impact Assessment (by Neo Environmental) was submitted. It concluded that the proposed development would not give rise to significant negative effects on the Cork Harbour SPA and as such there is no requirement for the proposal to be subject to AA. The F.I request sought an NIS, however, the proposal was revised to omit the cycleway / amenity walkway along the shoreline boundary, as a result of a change to the zoning objective. Through discussion with the p.a. it was agreed that given the amendments to the proposal and the change in policy that there was no requirement for an NIS. The planning authorities Ecologist notes this in her report on file dated 15/08/2017. Having carried out an assessment it is open to the p.a. to conclude that the development does not require an NIS and that sufficient information is available to rule out the potential for significant impacts on the adjoining Natura 2000 site. I note the screening for impacts upon Cork Harbour SPA carried out by the p.a. ecologist within report dated 03.10.2017. Albeit there is a possible hydrological connection via the stream the development does not propose to discharge to the stream or materially impact the stream.
- 7.4.3. A revised Ecological Impact Assessment report and a CEMP were submitted as part of the F.I. The report sets out that the primary issue of concern is possible implications for bird species using intertidal and subtidal areas in adjoining Cork Harbour SPA.

- 7.4.4. The county ecologist is satisfied that possible disturbance to birds associated with the construction phase can be managed. This to be achieved by installing appropriate screening at the outset, by controlling timing of works, by ensuring that no machinery or equipment is stored or used along the shoreline and by ensuring that activity along the shoreline is strictly controlled during the overwintering period. These requirements need to be strictly enforced and I agree with the recommendation that the works would be supervised by an Ecological Clerk of Works, a condition in this regard to be attached should planning permission be forthcoming from the Board.
- 7.4.5. The plans to construct a sea wall have been modified. It is now proposed to repair the embankment, removing concrete blocks and other C and D waste and replacing it with 'appropriate' material. The county ecologist has concern relating to the materials to be used and details in terms of profile of the repaired embankment. It is recommended by the ecologist that a condition be attached to any grant of planning permission requiring the final details of this element of the scheme to be agreed in writing with the planning authority prior to the commencement of works.
- 7.4.6. A fence with hedging, is proposed along the southern boundary of the site to ensure that no dogs or persons could gain access to the estuary and therefore protecting the natural environment, during and post construction.
- 7.4.7. Post construction, Arup (on behalf of CCC) has assessed the surface water drainage / attenuation system and is satisfied that it is appropriate for the site and that there is a low risk that future flooding incidents would result in release of pollutants from the site to the estuary. I highlight that the area engineer requires details for ongoing maintenance of the drainage system to minimise risk that road gullies would become blocked, thereby minimising risk of overtopping of the system and direct discharge to the adjoining watercourse.
- 7.4.8. The storm water drainage network for the proposed development contains a bypass separator that treats the surface water from the site before it outfalls into the estuary, removing liquid hydrocarbons and silt. The bypass separator is designed to treat all flows generated by rainfall rates of up to 6.5mm/hr and is deemed appropriate, by Arup, for the development. The separator will be bypassed during extremely high

flow events which have a low probability of occurrence. Arup conclude that the likelihood of untreated surface water runoff discharging into the estuary is low.

7.4.9. Sanitary wastewater from this development will be treated at the new WWTP at Shanbally. Treated effluent from this plant will be discharged to deep water at Dog Nose Point in the mouth of the Harbour, some distance away from the SPA.

7.4.10. The subject appeal site is not within a designated site. The site comprises a brownfield, zoned, serviced site located within a suburban area. It is proposed to connect to public foul sewer and use a bypass separator to treat surface water and storm water removing liquid hydrocarbons and silt. I note that wastewater treatment proposals are satisfactory and no impacts have been identified arising from general impact assessment. The applicant's response indicates that the developer is willing to abide by specific conditions attached in terms of the CEMP. Subject to strict implementation of the conditions I am satisfied that the proposed development is acceptable from an ecological impact perspective. I have carried out AA screening under a separate section of this report.

7.5. Traffic, Access and Connectivity

7.5.1. Concern is raised that the new proposed junction re-alignment would create a blind spot, on Church Road, causing a driving hazard. It is submitted that the proposed footpath along the western side of access road would be dangerous for both the pedestrians and the motorists of the 3 existing properties. The ownership of the ground where the footpath is proposed is disputed. It is submitted that no permission / consent has been given for construction of a footpath as proposed. Generation of additional traffic volume in the area is also raised as a concern.

7.5.2. The site is served by a narrow cul de sac road from Church Road (R613). It is proposed to widen this access road to 6m and to provide a 2m wide footpath. It is also proposed to improve the junction with the Church Road so that 90m sightlines are provided in both directions at a 2.4m set back – letters of consent to carry out the works have been provided. These works are broadly acceptable to the area engineer, subject to details and consent to the proposed continuous footpath link between the development and Carrigaline town centre.

- 7.5.3. In order to further increase sightlines and visibility the first party have prepared updated drawings for consideration by the Board. JODA drawing 4205-102 rev P2 has been updated to include the SSD to indicate the forward visibility in accordance with the design criteria (50 km/h design speed yields a forward visibility distance between 45 – 49m). The design was assessed in accordance with the requirements set out in the Design Manual for Urban Roads and Streets and the design submitted satisfied the requirements for both sightlines at the junction and safe stopping distances on the east bound lane. When the road is assessed for larger safe stopping distances in excess of 50 m requirement a blind spot is created. It is submitted that it is possible to further realign the roadway at the entrance to Estuary Estate to accommodate this if required. The area of Church Road to the entrance to Estuary Estate has been previously widened and sufficient space is available for possible roadway alignment.
- 7.5.4. It emerged that the applicant is unable to provide a continuous footpath link between the proposed new entrance and the Estuary Estate, as the lands are not in their ownership and no right of way exists. The owners of the lands have not responded to the applicants written request to discuss possibilities to access the lands and construct a footpath link. The area engineer's report of the 08/08/2017 notes the need for a pedestrian link along Church Road (from the Estuary Estate) can potentially be resolved by condition and would require a CPO. A special contribution of €25,000 to improve the footpath links to Carrigaline is recommended to be levied by way of condition to any permission forthcoming. I consider this contribution reasonable.
- 7.5.5. I consider, that subject to, the proposed new footpath along the cul de sac road and other related works to the junction with Church road being carried out, in accordance with the area engineer's requirements, that the subject development would not give rise to a traffic hazard. The matter raised with respect to legal entitlement to construct the footpath along the cul de sac is not a material planning consideration in this instance. The applicant has demonstrated sufficient legal entitlement in the subject lands for the purposes of applying for and being granted planning permission.

- 7.5.6. I am of the opinion that the proposed junction should be designed to the highest standard and that the proposal now submitted to the Board to further realign the roadway at the entrance is desirable. This can be dealt with by way of condition.
- 7.5.7. I see no evidence to suggest that the existing road network does not have sufficient capacity to accommodate the proposed development. I agree that the conditions and contributions imposed in the grant of permission would result in the necessary upgrades and maintenance of the surrounding road network which would improve the road network for all current and future residents in the Church Road area.
- 7.5.8. In terms of traffic safety, I highlight the following notable conditions attached to the draft decision to grant by the p.a. Condition 46 requires a special contribution of €25,000 in respect of a footpath link to Carrigaline along the public road. Condition 42 requires a bond to ensure satisfactory completion of the development. Condition 32 requires traffic calming. Condition 33 requires all road and footpath works specified from the R613 to the site shall be completed by the developer. Condition 31 relates to wheel washing, adequate on-site provision for construction traffic and delivery of materials to the site also that deliveries are minimised at the morning or evening periods of peak flow. I agree that the conditions are relevant and necessary, said conditions should be reiterated in any grant of planning permission forthcoming from the Board in the interest of traffic safety.
- 7.5.9. Overall, I am of the opinion it would not be justifiable to refused planning permission on grounds of traffic hazard.

7.6. **Flood Risk**

- 7.6.1. Concern is expressed by third parties that the site is identified as within Flood Zone A and therefore is highly vulnerable to flooding. Also concern is raised that the development as proposed has potential to cause flooding to adjoining residential properties and roads. The LAP 2017 sets out that Carrigaline has been subject to recurring flood events due to the low-lying nature of the town centre and the tidal influences on the Owenboy River. A large section of the town centre is within the “flood risk” zone and any proposals here will need to follow the approach required under National Guidelines relating to flood risk management. The specific objective for the appeal site, ‘Boatyard site’, does not require a site-specific Flood Risk Assessment (FRA), albeit one was submitted. The proposal has been the subject of

various submissions and responses in relation to flood risk. Cork County Council commissioned Arup to undertake an assessment / review of the FRA and development proposal.

- 7.6.2. The site is brownfield it contains a concrete slipway to the south allowing direct access to the Owenabue Estuary waters. The existing levels of the site range from approx. +2.0m OD to +3.82m OD, an embankment surrounds the area around the perimeter of the site which is bounded by the Owenabue Estuary. There have been no flood events recorded within the development boundary, as per www.floodmaps.ie. However, based upon predicted flood levels and existing site levels, with the majority of the site has a level of circa 3.2 m OD. The site of the proposed development is in a 1 in 10 flood to 1 in 200 flood zone i.e. Flood Zone A, as per section 2.32 of the DoEHLG/OPW Guidelines. Under the Guidelines a 'Highly Vulnerable Development' in a 'Flood Zone A' is required to satisfy the justification Test.
- 7.6.3. It is submitted that pluvial flooding would be controlled by a dedicated surface water drainage system. The justification test concludes that the current site does not form part of a flood plain for a nearby watercourse, it does not contribute to any flood storage, therefore its development would not affect flow conveyance or flood storage of the Owenabue River. It is submitted that the proposed development would not cause flood risk elsewhere. The FFLs would be increased above +3.82m OD to ensure no flooding would occur for the most extreme predicted flood event using Mid-range future scenario flood levels. An additional freeboard of 340mm would also be provided. The site would be raised, including access roads. A coastal defence breakwater in the form of a rubble / rock armour breakwater sea wall embankment would be constructed. It is concluded that mitigation measures including proposed FFL would reduce the flood risk to an acceptable level.
- 7.6.4. Following a request for F.I. a further FRS was prepared by Hydrodata Ltd. The mid range future 0.1% AEP extreme estuary water level is estimated to be 3.48m Malin (OPW LeeCFRAM and ICPSS). This is the principle flood risk for the site and adjoining properties. The three properties along the entrance road all have FFLs above 3.85m. Approx. 50% of the internal site area including roads would need to be raised to bring it above this level.

- 7.6.5. A minor water course runs parallel to the eastern boundary of the access road. It is submitted that the infill would not impact on the stream channel or its ability to convey flood waters. The storm water outfall discharges directly to the estuary and does not impact the stream. The stream channel is deemed sufficiently wide and deep to convey the predicted 0.1% AEP flood flow ($1.08\text{m}^3/\text{s}$) when tide levels are low. The flow has no measurable impact on water levels when the estuary levels are high.
- 7.6.6. It is contended the rising of the ground levels within the site would not impact the stream channel or estuary water levels. Analysis of wave climate has shown that there is no significant risk to the development from wave overtopping.
- 7.6.7. The rip-rap embankment around the estuary perimeter of the site provides protection against coastal erosion. This is constructed of boulders that are generally of sufficient size and quality. Some localised areas constructed with rubble will be replaced with rock armouring boulders with a mass of $>15\text{Kg}$ to ensure stability.
- 7.6.8. I have reviewed the additional information and clarification of additional information, I have also had regard to other technical reports, in particular, the reports from the area engineer and Arup who have assessed the surface water drainage system and flood risk on behalf of Cork County Council. I note that the final report from the area engineer has one concern with respect to a low point being created, on the access road outside a dwelling, which could lead to ponding during extreme events or tidal overtopping.
- 7.6.9. It is submitted by the first party that it is not possible to alter the road levels in order to address the ponding issue. If the levels of the roadway behind the entrance to the site are reduced Part M compliance cannot be achieved on site. If road levels are reduced this resulted in the road being too low below floor level. The FL of the houses are set above the flood level and they cannot be adjusted downwards. The following alternative proposals were suggested;
- Construction of additional road gullies, in pairs, at the low point and provision for extra road gullies upslope of the low point to provide additional locations for storm water collection and discharge;
 - Dish kerbs on the eastern side of the access road at the low point to facilitate an overflow to the existing open drain channel

- Reduce the road levels in the site to 3.32m OD to reduce the level difference and gradients approaching the low point closest to the site entrance, It still maintains the requested minimum road level (by CCC) within the development of 3.27 m OD whilst maintaining the existing road and access levels to the adjoining dwellings.

7.6.10. I highlight that Arup who assessed the surface water drainage system and flood risk are overall satisfied with the proposal and that the final proposals to overcome the issue of ponding on the access road were deemed acceptable. Their report states: 'the proposed road level at the site entrance is to be set at 3.22m OD, which is lower than the 3.27m OD minimum. This, however, is only for a very short section of road at the site entrance. We note that this level is elevated above the 1 in 1000 year tidal level for the existing scenario from the lee CFRAMS. The risk of this section of road flooding due to tidal inundation is therefore very low.' It is recommended the gullies along the access road to the site, and in the site itself, are regularly maintained and kept free from any debris. In this regard C. 12 of draft grant of permission requires gullies to be regularly maintained.

7.6.11. The issue of flood risk associated with the development has been assessed in detail and it has been concluded (by the external appointed consultant) that the proposals are sufficient to deal with any flood risk associated with the site and its surroundings. I therefore, can see no justifiable reason to refuse planning permission on such grounds. Therefore, in conclusion to my assessment I recommend that permission be granted subject to certain conditions being attached.

7.7. Appropriate Assessment (AA)

7.7.1. Cork Harbour Special Protection Area (SPA) (site code 4030) is located adjoining the southern and eastern boundaries of the appeals site. There is a direct hydrological connection between the development site and the shoreline via a small stream on the eastern boundary of the site. However, it is not proposed that storm water or surface water would be directed into this watercourse.

7.7.2. Cork Harbour SPA is designated for the occurrence of nationally or internationally important numbers of the following species: Cormorant, Shelduck, Oystercatcher, Golden Plover, Lapwing, Dunlin, Blacktailed Godwit, Bar Tailed Godwit, Curlew, Redshank, for breeding population of Common Tern and for the regular occurrence of >20,000 wintering water birds.

- 7.7.3. The Planning Authority have concluded that the development does not require an Appropriate Assessment due to the nature of the proposed development, the measures proposed during construction phase and post construction phase to protect birds and to ensure adequate waste water and surface water drainage is in place to ensure that there is low risk of pollutants from the site entering the estuary. The planning authority assessed the ecological report submitted and considered in detail the impact of the proposed development on the adjoining Natura 2000 site Cork Harbour SPS, it concludes that potential for significant impacts on the SPA can be ruled out.
- 7.7.4. The subject appeal site is not within any designated site. The site comprises a brownfield, infill, zoned, serviced site located within a suburban area. It is proposed to drain all paved areas and roof areas of the new development by means of a main storm sewer in the developments internal roads. The runoff will flow north of the site and discharge to an existing storm sewer located to the north east. The storm water, having passed through a hydrocarbon interceptor, will discharge directly to the estuary. It is proposed to connect to public foul sewer. I note that wastewater treatment proposals are satisfactory and no impacts have been identified arising.
- 7.7.5. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of Cork Harbour Special Protection Area (SPA) (site code 4030) having regard to the nature and scale of the proposed development, infrastructure services in place, lack of hydrological connectivity and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

7.8. Other Matters

7.8.1. Validity of the Application

The issue of validity of the application was raised by third parties. However, I see no grounds to consider that the application is invalid. The LAP for Carrigaline changed and was updated by the Ballincollig – Carrigaline Municipal District LAP 2017. The zoning changed to ‘Medium A density residential development’ and the local

objective pertaining to it was also amended to omit the U-07 amenity walkway and specific requirement for an NIS.

7.8.2. **Non- Compliance with Part V of the Planning and Development Acts 2000-2006**

Third party concern has been raised with regard to lack of provision of social housing. From information on file the applicant proposes to provide one number unidentified unit, for the purpose of social housing. Condition 44 requires that prior to commencement the applicant shall enter into an agreement with the planning authority in relation to the provision of social housing. I consider this matter can be resolved by way of condition and agreement with the p.a.

7.8.3. **Bats**

Third party concern has been raised regarding possible negative impacts for roosting Bats. Give the zoning of the appeal site, its location, existing established development and brownfield nature I consider this matter can be adequately dealt with by way of condition. I recommend that a condition be attached to any grant of planning permission which requires a bat survey to be carried out by a bat specialist, in respect of ascertaining the presence, if any, of bats or bat habitats within the structures or trees. Should any bats or bat habitat be found, NPWS shall be notified, and appropriate mitigation (removal/roost replacement) measures implemented in accordance with their guidelines and under licence. No demolition or felling shall take place without this survey.

8.0 **Recommendation**

I recommend that permission be granted for the Reasons and Considerations set out below and subject to the attached Conditions.

9.0 **Reasons and Considerations**

Having regard to the location of the site on zoned lands within the town boundary of Carrigaline, the layout of the proposed development and the provisions of the Ballincollig – Carrigaline Municipal District Local Area Plan 2017, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would be

acceptable in terms of flood risk and traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 29/11/2016, 07/12/2016, 12/12/2016, 02/06/2017, 26/07/2017, 08/09/2017 and as amended by further plans and drawings submitted to the Board on the 16/02/2018 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. That this permission authorises 19 residential units, only. Each proposed residential unit shall be used as a single dwelling unit.

Reason: In the interests of development control

3. Finished floor levels of the proposed structures shall be in accordance with the details lodged with the Planning Authority on the 26/07/17 as per the proposed site levels drawing no. 4370-101 unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of development control

4. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass.

Reason: In the interests of proper planning and sustainable development of the area

6. A permanent boundary fence shall be erected along the line of the proposed hedgerow separating the development site from the shoreline. The details of this fence shall be agreed with the Planning Authority prior to construction, and the fence and hedgerow shall be in place prior to occupation of any dwelling within the development. The purpose of the fence is to act as an effective physical and visual screen between the development and the shoreline.

Reason: In the interest of visual amenity.

7. Details of the layout, the materials, and external finishes of the screen walls and all boundaries within and on the external boundaries of the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwellings.

Reason: In the interest of residential and visual amenity.

8. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped to the agreed satisfaction of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In the interest of residential and visual amenity.

9. (a) The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

(c) The delivery of materials to the site during the construction phase shall be organised so that deliveries are minimised and do not cause traffic hazard, deliveries are not permitted at peak times of traffic 8.00am to 9.30am and 16.30 pm to 18.00 pm.

(d) During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road or footpath.

(e) That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

(f) The plan shall include a detailed and timed programme of works, taking account of timing restrictions required on certain phases of development, to prevent risk of impact on birds.

(g) The Plan shall include details of environmental and ecological monitoring and supervision, providing for a permanent presence of an Ecological Clerk of Works on site during periods of demolition, ground clearance and excavation and to oversee embankment repair works.

(h) The plan shall be prepared to accord with recognised standard best practice - CIRIA Guidance No C532 - Control of Water Pollution From Construction Sites and shall be prepared by a person/persons with appropriate expertise in this area, the qualifications of whom shall be cited in the plan.

Reason: In the interests of public safety and amenity

10. Prior to the commencement of development, the developer shall submit a detailed plan for the repair of the embankment wall for written agreement with the Planning Authority. The plan shall identify the quantities and nature of material to be removed from the existing wall, and provide details of the quantities and nature of material which is to be used to replace same. Detailed drawings of the final profile of the embankment wall shall be provided in the plan. The plan shall include details in relation to ecological monitoring, timing and works, and details relating to the proposed method for disposing of all materials removed from the site and all measures contained in the plan should be fully incorporated into the Construction and Demolition Environmental Management Plan.

Reason: In the interests of protection of Cork Harbour Special Protection Area.

11. All demolition, excavation and sea embankment repair works shall be supervised by an Ecological Clerk of Works who will report on compliance with the Construction and Demolition Environmental Management Plan. The clerk of works shall be empowered to halt works where he/she considers that the continuation of the works is likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to the foreshore, these reports will be made available to the relevant statutory authorities, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report, prepared by the clerk of works will be submitted to the planning authority at the end of the main construction period.

Reason: In the interests of protection of Cork Harbour Special Protection Area.

12. Prior to the commencement of development, the applicant shall submit details of a proposed periodic maintenance arrangement to ensure that blockages of road gullies does not occur.

Reason: In the interest of public health.

13. The development shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority. The entire development shall be maintained by the developer until such time as it is taken in charge by the planning authority. No private management company shall be established to maintain the estate.

Reason: In the interests of ensuring that the development is carried out to appropriate standards, and to comply with national policy in relation to the taking in charge of housing estates.

14. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets.

(b) The road junction at the entrance to the estate from Church Road shall be in accordance with the detailed standards of the planning authority for such works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets.

(c) Exact details of proposed paving and internal road surfacing shall be submitted to the Planning Authority and agreed in writing prior to commencement of development.

(d) Footpaths at entrances shall be designed to the satisfaction of the Planning Authority.

(e) Prior to the commencement of development works on site, proposals / details for road layouts, road finishes and suitable speed control measures shall be submitted and agreed with the planning authority.

(f) All road and footpath works specified from the R613 to the site shall be completed by the developer at their expense, prior to first occupation of any dwelling.

(g) Traffic Calming measures shall be identified and agreed with the Planning Authority, prior to commencement of construction. A ramp shall be provided at the entrance to the estate.

(h) Proposals for the relocation of any existing overhead cables and/or utility poles within the site shall be submitted and agreed in writing with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.

Reason: In the interest of amenity and of traffic and pedestrian safety.

15. Any and all demolition and/or tree felling work shall only be carried out in the period from September to February (inclusive). Prior to demolition or felling/ a bat survey shall be carried out by a bat specialist, in respect of ascertaining the presence, if any, of bats or bat habitats within the structures or trees. Should any bats or bat habitat be found, NPWS shall be notified, and appropriate mitigation (removal/roost replacement) measures implemented in accordance with their guidelines and under licence. No demolition or felling shall take place without this survey.

Reason: In the interests of sustainable and orderly development

16. (a) 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 and services.

(b) Surface water drainage shall be discharged via full retention Class 1 hydrocarbon interceptor and grit trap to (IS EN 858) prior to discharge to the surface water drain as per application. An inspection chamber with sump to be provided between hydrocarbon interceptor and discharge point. The inspection sump shall be of a minimum size of 500mm by 500mm and 400mm deep and shall be of watertight construction. A high-level alarm shall be fitted to the oil storage chamber of the hydrocarbon interceptor. The interceptor and sump shall be installed and operated to the satisfaction of the Planning Authority.

(c) Prior to any construction work (including site clearance, grading, well boring, levelling etc.) at the proposed development site, appropriate surface water management controls shall be in place to prevent the discharge of sediment contaminated water to adjacent water courses. Unvegetated slopes shall be temporarily scarified during construction to minimise runoff velocities. Controls shall be inspected daily and maintained regularly, and achieve a discharge standard of less than 25m q/l suspended solids.

(d) Storm attenuation measures shall be incorporated into the proposed storm water system. Fully detailed storm water attenuation proposals shall be submitted and agreed in writing with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing. These proposals shall include detailed, site specific design, layout and section drawings and construction details. as well as detailed proposals for the operation, maintenance and silt management of the system.

Reason: In the interest of public health.

17. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

18. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for

the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials in the interest of protecting the environment.

19. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

20. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act,

as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of embankment reinstatement

and landscaping, 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

24. The developer shall pay the sum of €25,000 (twenty five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of specific exceptional costs not covered in the Council’s General Contributions Scheme, in respect of works proposed to be carried out for the provision of a footpath link to Carrigaline along the public road. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

Fiona Fair
Planning Inspector

23.03.2018