



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-301197-18

Strategic Housing Development

174 no. residential units, crèche, doctor's surgery, provision of landscaping and amenity areas, provision of pedestrian/cyclist facilities lanes along L3004 public road connecting to Glounthaune rail station/village centre, new link/distributor road connecting L3004 with adjoining lands to north-west and associated works.

Location

Johnstown/Killahora, Glounthaune, Co. Cork

Planning Authority

Cork County Council

Applicant

O'Mahony Developments Ltd.

Prescribed Bodies

The Minister for Culture, Heritage and
the Gaeltacht

The Heritage Council

An Taisce

Inland Fisheries Ireland

Irish Water

Transport Infrastructure Ireland

Coras Iompair Éireann.

Observers

BirdWatch Ireland (Cork Branch)

Glounthaune Tidy Towns

Helen Turner

Residents of 21 The Woods

Derek Elliott

Roger Finn & Claire Buckley

Damien Donovan

Eveliina & Diarmuid Calderwood

Richard Cuddy

Sharon Kennedy Nugent

Lena Uí Dhubhghaill and Cuimín Ó

Dubhghaill

Aoife & Garry Fitzgerald

Dr Jim Murphy

James Barrett

Ronan O'Connor & Claire Ann Flynn

Kathryn Russell

David Sweeney

James Gallagher

Alf McEvoy

Sean McDonnell & Dyane Hanrahan

Rónán Ó Dubhghaill

Dillon Burke and Laura Burke

Hugh O'Donnell

Michelle and William Cashman

Seamus and Carolyn Bugler

Mary and William Byrne

Chris Reardon

Edward Tanner and Eleanor Tanner

Derek Elliott

Miriam & Kyle Murphy

Geraldine and Martin O'Neill

Michael and Fiona Madigan

Brendan Russell

Date of Site Inspection

24th May 2018

Inspector

Stephen J. O'Sullivan

Contents

1.0 Introduction	5
2.0 Site Location and Description	5
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation	7
6.0 Applicant’s Statement.....	8
7.0 Relevant Planning Policy	10
8.0 Third Party Submissions	12
9.0 Planning Authority Submission	14
10.0 Prescribed Bodies	15
11.0 Assessment.....	17
12.0 Recommendation	28
13.0 Reasons and Considerations	29
14.0 Conditions	29

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site has a stated area of 8.2ha. It is comprised of a fallow field and part of the public road L3004 . It is at the eastern edge of the village of Glounthaune c600m from the train station. It lies c11km east of the centre of Cork. A main public road runs along the southern boundary of the site. It was formerly the national primary route N25, but is now designated as the L3004. The carriageway of that road is c.8m wide and there is a hard shoulder on its southern side that is c.2m wide. There are stretches of footpath interspersed with a soft shoulder on its northern side. A minor road runs along the eastern boundary of the site. The boundaries of the site are marked by substantial hedgerows with mature trees. There is also a stone wall on the southern boundary to the L3004. The adjoining land to the west is occupied by a detached house set back c150 from the L3004. The railway and shore lie on the other side of that road. There are two detached, single storey houses on the far side of the road, as well as the access to the Wetland Centre at Harbour Island. The village of Glounthaune had 506 houses in 2015, according to the relevant LAP. There is a village core c1.5km west of the site which provides various lower order services including shops, a post office, a church and a public house. There is a national school c2km west of the site. The settlement includes a large number of detached, 20th century houses on rural type roads around that core. More recently housing estates have been built between the current site and the village core, including that at Johnstown Close and the Woods.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to build 174 dwellings consisting of 164 houses and 10 apartments. The apartments would be in a three-storey building, the ground floor of which would

contain a creche and a doctor's surgery. The total floor residential floor area of the development is given as 21,698m² (include optional annexes for the three- and four-bedroom houses), with the non-residential floorspace given as 715m².

- 3.2. The houses would include 16 two-bedroom units of 89.9m²; 100 three-bedroom units of between 106.5m² and 111.2m² ; and 48 four-bedroom units of between and 143.3m² and 165.3m². 56 of the three-bedroom houses and all of the four-bedroom houses would have an optional ground floor extension of between 11.8m² and 15.1m². There would be 2 one-bedroom apartments of 51.4m² and 8 two-bedroom apartments of between 79.7m² and 84.8m². It is proposed to provide 17 houses under Part V, comprising 6 two-bedroom houses, 9 three-bedroom houses and 1 four-bedroom house.
- 3.3. The floor area of the creche would be 339m², that of the surgery would be 148m².
- 3.4. 352 parking spaces would be provided, including 2 for each house on its curtilage, 10 spaces for the apartments and 14 for the creche and doctor's surgery.
- 3.5. The housing would be served by a public watermain and a foul sewer along the public road to the south. The foul sewer discharges to the waste water treatment plant at Carrigrennan. It is proposed to install a pumping station for foul sewage as part of the development. Surface water runoff would be to an existing storm sewer to the south east of the site, after passing through a grit chamber and hydrocarbon interceptor. On site attenuation is proposed in a storage tank with a hydrobrake. The storm sewer discharges to the harbour
- 3.6. The application site includes the part of the public road in front of the site and from there to the train station, a distance of c800m. The proposed development includes works to that road to provide a 2m footpath on its northern side, 2x2m cycle lanes on its southern side, with two lanes of 3.25m on the carriageway in between them and a signalised pedestrian crossing of the road at the railway station.

4.0 Planning History

- 4.1. On the site

Reg. Ref. 06/13608, PL04. 223799 – The board granted permission on 23rd January 2008 for a development of 256 dwellings on the site, including 155 apartments and

101 houses, as well as a creche and community centre. The planning authority had decided to grant permission.

Reg. Ref. 14/6679, PL04. 244987 – The board refused permission on 29th September 2015 for 40 houses on part of the current site measuring 2.4ha in size. The planning authority had decided to grant permission.

4.2. Elsewhere in Glounthaune

Reg. Ref. 17/5699, ABP-300128-17 – The planning authority decided on 16th October 2017 to grant permission for 40 houses on a site c1.5km north-west of the site of this application. The decision was appealed.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on the 27th November 2017. The documentation submitted for the consultation showed a development of 159 houses on the site. The main topics discussed at the meeting were –

- Principle of Proposal, Scale and Phasing
- Development Strategy for the Site including: Density, Layout and Open Space
- Connectivity, Transportation, Access and Traffic
- Boundary Treatment
- Any other matters

5.2. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a synopsis of the issues noted in the Opinion that needed to be addressed –

- Density, with regard to the urban residential guidelines as they refer to small towns and villages
- Connectivity, with regard to pedestrian and cycle links to the train station

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application including a phasing plan; details of boundary treatments; a construction management plan; and a site layout plan showing areas to be taken in charge by the council.

6.0 Applicant's Statement

- 6.1. In response to item no. 1 of the board's opinion which relates the density, the applicant submits that it has significantly increased the number of proposed homes to 174. The net developable area of the site is calculated at 5.62ha by omitting parts of the site including the spine road and the buffers along hedgerows. Thus the net density of the proposed development is 31 dph which is within the range of 20-35 dph set out in section 6.11 of the urban residential guidelines edge of centre sites in small towns and villages. A lower range is set for sites on the edge of such settlements, but the proximity of the application site is relevant under section 6.3c of the guidelines. The proposed density is within the 'Medium A' range of 20-50 dph applicable to rail corridors under policy HOU-1 of the development plan. The proposed density is therefore consistent with government policy and the development plan.
- 6.2. In response to item no. 2 relating to connectivity, a 2m wide footpath will be provided from the proposed housing along the public road to the train station. A 2x2m cycle lane is also proposed. These works are included within the application site and the proposed development.
- 6.3. With regard to specific details cited in the board's opinion, a phasing plan, drawings of boundary treatments, a plan of areas to be taken in charge by the council and a construction management plan have all been provided to the required level of detail. The details indicate that phase 1 of the development would comprise 52 houses, the apartments, childcare facility and the surgery, as well as the footpath and cycle track along the L3004.
- 6.4. The applicant's statement of consistency with policy also states that the proposed housing mix would comply with policy HOU-3 of the development plan by providing 14.9% of the development as one- or two-bedroom units. The proposed pedestrian and cycle facilities along the L3004 would comply with objective U-02 of the local

area plan. Parking would be in keeping with the standards at appendix D of the development plan. The layout of the development conforms with the design principles in the urban design manual issues with the 2009 guidelines, and with objective 3-2 of the development plan. Tables are submitted with declarations that the proposed development complies with various matters raised in the guidelines and design manual, as well as with DMURS and the 2018 apartment design guidelines, although these are mainly based on general assertions rather than specific statements of compliance. Further tables are provided with declarations of compliance with provisions of the development plan and the local area plan. With regard to educational facilities and chapter 5 of the development plan, it was not considered necessary to undertake a separate assessment of the demand for school plans because the site is close to the city and numerous metropolitan towns and the schools there. The proposed creche would have 35 places. Existing trees and hedges on the site will be protected in accordance with objective GI 3-1 of the development plan. The provision of 174 homes over 7 years would represent 44% of the target of 400 homes set in objective DB-01a) of the local area plan.

- 6.5. The planning and design statement submitted with the application also referred to compliance with objective U-01 of the LAP by providing a link road through the site that could be joined to the roads to the west in the Woods if development occurs on the intervening land. It also referred to the design of the development in clusters of c40 units each off a spine road with regard to the provision in the LAP that individual schemes should not normally be bigger than 40 houses. 1.4ha of the site would be open space, of which .8ha would be active open space including a multi-use games area, and the rest linear open space including walkways. This is equivalent to 21% and 11.5% of the site area respectively, and so the requirement of objective SC 5-2 of the development plan would be met. The statement expands upon the applicant's design approach, and refers to the variety of building types proposed across four character areas in the development

7.0 Relevant Planning Policy

7.1. National

- 7.1.1. The government published the National Planning Framework in February 2018. Objective 13 is that, in urban areas, planning and related standards in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments. Objective 15 is to support the sustainable development of rural areas. Objective 18a is the secure development in small towns and village of proportionate scale and appropriate design. Objective 36 is to establish an evidence base for housing provision. Objective 57 is to enhance water quality and resource management.
- 7.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 6.11 states that densities of 20-35 dph would be appropriate on sites at the edges of the centres of small towns and villages with a variety of housing types including terraces and apartments, while section 6.12 states that densities of 15-20 dph might be considered at the edge of such settlements as an alternative to rural housing so long as it does not represent more than 20% of the planning housing stock. Section 6.3(c) refers to public transport corridors as an appropriate location for higher densities for smaller towns and villages. Section 6.3(e) states that the scale of new residential development should be in proportion to the pattern and grain of existing development.
- 7.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. The minimum floor area

for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two bedroom apartments and 9m² for three-bedroom apartments.

- 7.1.4. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 4.4.3 states that radii on turns from a link street to a local street may be reduced to 4.5m. A maximum radius of 1-3m should be used on local streets. Section 4.4.1 states that the standard carriageway width on local streets should be 5-5.5m, or 4.8m where a shared surface is proposed.

7.2. Local Policy

- 7.2.1. The Cork County Development Plan 2014-2020 applies. Glounthaune is identified as a key village in the Cork Metropolitan Area. The core strategy estimates that 2,137 houses would be provided in such villages. Objective HOU-4 relates to housing density. It describes high density as over 35 dph which is applicable in town centres or close to high quality public transport corridors, Medium A is 20-50dph which would be applicable in city suburbs, large towns and rail corridor locations, and Medium B which is 12-25dph which is applicable to smaller towns.
- 7.2.2. A local area plan was made for the Cobh Municipal Area for the period of 2017-2023. Objective GO-01 of the LAP outlines general objectives for Key Villages in the Municipal District, Objective GO-01 b) states: 'The number of houses in any particular individual scheme should have regard to the scale and character of the existing village and will not normally exceed the provision of the number of units set out in Table 4.2.1'. That table states that there were 506 houses in Glounthaune in 2015, and increase of 31 since 2010. The appropriate scale of development would be 400, with a normal recommended scale of 40 in any individual scheme. The table states that individual schemes in excess of that size may be considered where they

reinforce the character of the village and which are laid out, phased and delivered so as not to reflect a residential housing estate more suited to a larger settlement. Section 4.5 of the LAP refers to Glounthaune. The current site is just within the eastern settlement boundary set out in the plan. Section 4.5.13 states that development should generally be in the Medium B density range described in the development plan. Objective DB-01a) is to encourage the development of up to 400 additional dwelling units up to 2023. Objective U-01 is for a link road that would cross the current site from the public road to the estate at the Woods. Objective U-02 is for a pedestrian and cycle path along the public road from the site to the train station.

7.3. Natural Heritage Designations

- 7.3.1. The wetlands to the south of the railway are part SPA for Cork Harbour and the SAC at Great Island Channel.

8.0 Third Party Submissions

- 8.1. Numerous submissions were made by third parties under section 8(1)(vii) of the Act which raised concerns with the proposed development that can be summarised as follows –

- Many of the submissions objected to a proposal to provide a link road through the development to the existing housing estate at the Woods. They stated that this would give rise to traffic hazards within the latter development, as well as noise, which would alter its character as a self-contained residential estate that was suitable for families with children. It would also give rise to congestion and traffic conflicts within the estate and its entrance which were not adequately addressed in the transport assessment submitted with the application.
- An excessive amount of housing is proposed. It would breach the limit of 40 houses for each development set down in the LAP and would be likely to contribute to a breach of the overall limit of 400 additional houses in the village. The site is on the edge of a small village and the proposed density of development would breach the range of 15-20 dph for such sites set down in section 6.12 of the 2009 urban residential guidelines, as well as the range of

12-25 dph for Medium Density B development specified in the development plan and the LAP. The basis for the calculation of the net site area was questioned.

- The density, design and layout of the development would be out of keeping with the low density rural character of Glounthaune, and as such would be obtrusive and contrary to the guidance for the village set out in the LAP. In particular the proposed metal railings on the stone boundary walls would be out of keeping with the character of the area, while the internal appearance of much of the development would be dominated by hardstanding and car parking, unlike the rest of the village. The hedges and walls at the front of the site are of value in terms of amenity and natural heritage. The layout of the development should have a spine road with cul-de-sacs as specified in section 3.18 of the urban residential guidelines. Three storey buildings would be alien to the village, and the proposed one would spoil to eastern approaches to it.
- The site is isolated from the village and would be a car dependent form of development. The reasons for the board's refusal of permission remain relevant.
- There are inadequate schools or sports facilities in the village to support the development. Part of the site should be designated to provide social infrastructure supported by levies on development in the village. The development should include bungalows to cater for elderly and disabled residents. The Part V units should not be clustered.
- The area has been prone to flooding which the proposed development would exacerbate. Adequate consideration has not been given to the capacity and condition of sewers that run beneath the road and the railway. An EIS is required. The submitted drawings show connections to sewers outside the site boundary.
- The development would threaten the cSAC and SPA in the harbour due to the runoff of contaminants and light pollution. It would also impinge on the amenity provided by the Wetland Centre at Harper's Island and the parking

there. Adequate consideration was not given to the impact of road works on the Natura 2000 sites or to Japanese Knotweed.

- The public road in front of the site has high traffic speeds and additional accesses to it would not be safe. The proposed footpath and cycleway would interfere with existing parking in front of commercial premises in the village and with beech hedges. It was not specified that a pedestrian crossing would be provided across the road. The proposed cycle lane would not be safe due to conflicts with parked cars and the absence of safe crossings. Bus stops and parking should be provided near the station.
- The proposed development would be contrary to objectives 15, 18a, 36 and 57 of Ireland 2040. It was not subject to adequate public consultation.

9.0 Planning Authority Submission

9.1. The Chief Executive advised that permission should be granted for the development and suggested 65 conditions, none of which would significantly alter the proposed development. The density of the development would exceed the Medium B range specified in the LAP. However this is justified by the housing shortage and proximity to the train station. The latter also justifies higher density under section 6.3(c) of the urban residential guidelines. So the density of the proposed development is acceptable. The size of the development exceeds the 40 unit threshold, so its acceptability depends on the criteria in the footnote on table 4.2.1 of the LAP which refers to reinforcing character and phasing. The site is one of the key undesignated sites within the village and the building 174 units would make a significant contribution to the target to provide 400 houses there. The proposals to provide footpaths, a cycleway and a pedestrian crossing at the train station, as well as to facilitate the link road sought by objective U-01 of the LAP across the site, ensure proper connectivity for the proposed development and distinguish it from that refused permission by the board. The layout defines four character areas and has a clear road hierarchy. Landscape features around the site are retained. The result is a model for good housing design. The phasing proposal is considered acceptable and, in conjunction with the layout, satisfies the criteria for a housing scheme over 40 units set out in table 4.2.1 of the LAP. The recreational facilities are acceptable. The

drainage and water supply proposals are acceptable. The board needs to determine whether an appropriate assessment is required

9.2. The reported views of the members of the council's municipal district can be summarised as follows-

- The principle of development was welcomed as there is a need for housing. There was concern that the board was not bound by the statutory plans for the area. Glounthaune should not sprawl into a larger settlement. There should be low density development including serviced sites. The road through the site to Johnstown Close should be continued. Provision needs to be made for community and recreational facilities for the additional residents of the village. Additional car parking is also needed at Harper's Island.

9.3. The submission included various internal report from sections of the council. The housing section reported that the Part V provision had been agreed in principle. The county architect referred to the proposals as a positive essay on place making. An engineer from the traffic department stated that the entrance would be in the 50kph zone and the traffic impact assessment and road safety audit were satisfactory. There was no objection to the development subject to conditions, including one that the footpath to the train station was constructed in phase 1 of the development. The Water Quality Section recommended conditions. The report of the Heritage Officer summarised submissions from the applicant and recommends that the proposed mitigation measures be implemented in full, as should an alien species management plan.

10.0 Prescribed Bodies

10.1. Irish Water confirmed that the proposed connections to its networks can be facilitated.

10.2. Transport Infrastructure Ireland stated that the recommendations of the Transport Assessment and the Road Safety Audit should be followed in the development

10.3. The Department of Arts, Heritage and the Gaeltacht made a submission which recommended that archaeological testing be required before construction by a condition on any grant of permission. It also recommended that an appropriate

assessment of the development be carried out under the Habitats Directive due to the risk of pollution of the Great Island Channel SAC and disturbance to birds in the Cork Harbour SPA.

- 10.4. Iarnród Éireann stated that the development would connect to the council's stormwater pipe which runs under the railway before it discharges to the estuary. The houses on the coastal side of the road are known to flood. The surface water drainage assessment submitted with the application does not fully assess the use of the existing pipe. Assurance is required that the existing drain and its outlet is sufficient to meet the needs of the development. Any proposal for a new outlet would require a wayleave across the railway.
- 10.5. An Taisce expressed concern over the scale of the proposal and stated that it did not meet the criteria for a scheme of more than 40 units set out in table 4.2.1 of the local area plan. Development of the village should proceed on the basis on small sites around the village core, in accordance with section 6.3(e) of the sustainable urban residential guidelines. The development would not provide pedestrian or cycle connections to the village centre, and the link to the train station would not be an attractive route. The proposed development would be a car dependent development contrary to objective 27 of the National Planning Framework.

11.0 Assessment

11.1. The planning issues arising from the proposed development can be addressed under the following headings –

- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIA)
- The principle of development
- The scale and form of development
- Impact on the character of the area
- Impact on residential amenity
- Access
- Drainage
- Natural Heritage
- Planning history

11.2. Screening for Appropriate Assessment (AA)

11.2.1. The proposed development is not within any Natura 2000 site and would not be likely to have a significant direct effect on any such site. It is near two such sites – the Special Protection Area at Cork Harbour, sitecode 004030, and the Special Area of Conservation for Great Island Channel, sitecode 001058 – the boundaries of which are within 30m of the southern site boundary on the other side of the railway. The application site drains to the sea that contains those designated sites. The proximity and hydrological connection between the application site and the Natura 2000 sites means that an appropriate assessment screening process should be carried out to determine if the proposed development would be likely to have significant indirect effects upon them. The potential effects arise from a possible impact on water quality, and thus the aquatic habitats that are protected in the SAC and SPA, or from the disturbance due to noise or light of bird species that are protected in the SPA. These matters were cited in the submission from the Department of Arts, Heritage

and the Gaeltacht which recommended that an appropriate assessment. There are no other Natura 2000 sites that the proposed development could potentially affect.

11.2.2. The conservation objectives for the Great Island Channel SAC are

- Maintain the favourable conservation status of Mudflats and sandflats not covered by seawater at low tide (1140) and
- To restore the favourable conservation status of Atlantic salt meadows (*Glaucopuccinellietalia maritimae*) (1330)

11.2.3. The conservation objectives for the Cork Harbour SPA are –

To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it, and to maintain the favourable conservation condition of the following species –

A004 Little Grebe *Tachybaptus ruficollis*

A005 Great Crested Grebe *Podiceps cristatus*

A017 Cormorant *Phalacrocorax carbo*

A028 Grey Heron *Ardea cinerea*

A048 Shelduck *Tadorna tadorna*

A050 Wigeon *Anas penelope*

A052 Teal *Anas crecca*

A054 Pintail *Anas acuta*

A056 Shoveler *Anas clypeata*

A069 Red-breasted Merganser *Mergus serrator*

A130 Oystercatcher *Haematopus ostralegus*

A140 Golden Plover *Pluvialis apricaria*

A141 Grey Plover *Pluvialis squatarola*

A142 Lapwing *Vanellus vanellus*

A149 Dunlin *Calidris alpina alpina*

A156 Black-tailed Godwit *Limosa limosa*

A157 Bar-tailed Godwit *Limosa lapponica*

A160 Curlew *Numenius arquata*

A162 Redshank *Tringa totanus*

A179 Black-headed Gull *Chroicocephalus ridibundus*

A182 Common Gull *Larus canus*

A183 Lesser Black-backed Gull *Larus fuscus*

A193 Common Tern *Sterna hirundo*

11.2.4. There is a potential for the proposed development to have an effect on the habitats and species to which the conservation objectives of the SAC and SPA refer arising from impacts on water quality. The foul effluent from the proposed development would be drained to the public sewer and thence to the wastewater treatment plant at Carrigrennan. Irish Water have reported that the treatment plant has adequate capacity to cater for the foul effluent that would be generated by the proposed development. It is therefore unlikely that the foul effluent from the proposed development would have a significant effect on water quality in the SPA or SAC. Stormwater runoff from the proposed development would be discharged to the harbour near the site via a public sewer. The volume of stormwater runoff would be attenuated by tanks on the site. The runoff would be diverted through a grit chamber and hydrocarbon interceptor, which would be sufficient to ensure that the stormwater effluent from a housing estate did not have a negative effect on water quality downstream. The operation of the development would not be likely, therefore, to have a significant effect on the quality of waters in the SAC or SPA. The application includes a Construction and Environmental Management Plan which describes methods to avoid the discharge of sediments and chemical pollutants to waters during construction with respect to the movement and storage of soils, fuel and lubricants, including the installation of sediment traps and settlement ponds and bunded areas to store hydrocarbons. These are standard procedures that represent good construction practice and whose efficacy is established. They would ensure that the construction of the development would not be likely to have a negative effect on water quality in the SAC or SPA.

11.2.5. The proposed development would provide housing on a site within the boundaries of an established settlement which is separated from the SPA by a railway and a main road. The use of the development would not give rise to significant additional noise or light pollution in the SPA, given the physical features between the SPA and the application site and the predominantly residential use that is proposed, which would not involve processes or activities that would cause impulsive sounds. The noise of the additional vehicular traffic generated by the development would be negligible compared to that which already occurs along the road and railway by the SPA. The emissions of noise emanating from the construction of the proposed development would be subject to standard limits to protect residential amenity, along with restrictions on the hours of work. Compliance with these limits would ensure that no noise emissions were likely to occur that would have caused disturbance to birds in the SAC.

11.2.6. Therefore, upon consideration of the particular circumstances of the application site in relation to the SAC at Great Island Channel and the SPA at Cork Harbour, and of the characteristics of the proposed development, it is apparent that it would not be likely to have significant effects on the Natura 2000 sites due to its impact of water quality or the disturbance of birds or otherwise. Significant effects are not likely to arise from the proposed development in combination with any other plan or project either. It is therefore reasonable to conclude, on the basis of the information available on the file, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Special Protection Area at Cork Harbour sitecode 004030 or the Special Conservation Area at Great Island Channel sitecode 001058 or any other European site in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment and the submission of an NIS is not therefore required.

11.3. **Screening for Environmental Impact Assessment (EIA)**

11.3.1. The current proposal is an urban development project that would be in the built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 174 dwellings on 8.8ha

which is below the threshold, although the site area is a substantial fraction of the threshold. The criteria set out in schedule 7 of the regulation, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU, should therefore have been applied with regard to the characteristics and location of the proposed development, and with regard to the type and characteristics of its potential impact. The proposed development would be located on greenfield land at the edge of a settlement. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 site. The development would result in the loss of some agricultural land, but this resource is not scarce and its impact would be negligible in a regional context. The larger part of the development would be in residential use, which is the predominant land use on the lands to the west within the village. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. In these circumstances the application of the relevant criteria to the proposed development indicate that it would not be likely to have significant effects on the environment and that an environmental impact assessment of it is not required before a grant of permission was considered.

11.4. The principle of development

- 11.4.1. The site is zoned for residential development under the applicable local area plan. The proposed development is predominantly residential, along with some ancillary childcare and small scale medical uses that are compatible with the main residential use. The provision of ancillary childcare facilities within a residential development is in keeping with the advice in the Guidelines for Planning Authorities on Childcare Facilities issued by the minister in 2001. The site adjoins the established settlement at Glounthaune. It is serviced by a public water supply and foul sewer. It has access to a public road within a speed limit zone, and is near a train station. The proximity of the train station and the proposal to provide a better pedestrian link to it means that the residents of the proposed housing would have access to a wide range of social and commercial facilities by a sustainable mode of transport, even if the village centre is beyond a comfortable walking distance from the site. The proposal would not represent a car dependent form of development, nor would the absence of a particularly wide range of facilities in the village justify refusing

permission. The proposal to provide a creche and doctor's surgery in the proposed development would itself widen the range of facilities within the village, albeit to a small extent. The planning authority and the board have previously granted permission for residential development on this site. The development would not be contrary to objectives 15, 18a, 36 and 57 of the national planning framework, or any of the rest of them. In these circumstances the principle of the proposed development is acceptable.

11.4.2. The application seeks permission for an appropriate period of 7 years, rather than the normal period of 5 years set down by section 40(3)(b) of the planning act. The board may grant permission with such a longer period under section 41 of the act, after having regard to the nature and extent of the proposed development and any other material consideration. The proposed development is a residential scheme whose size and form are entirely unexceptional. There is no material consideration that would prevent the site's timely development in accordance with its zoning. So a grant of permission for more than 5 years is not justified under section 41 of the act. Granting permission for developments for period in excess of 5 years can have undesirable implications. Having permission with lifespans longer than those set down in the planning act for developments plans and local area plans reduces the extent to which new or reviewed plans can actually influence development on the ground, which reduces the effectiveness of the planning system. The same issues arise if national policies or standards are altered to reflect changes in public policy or extrinsic circumstances. The persistence of unimplemented permissions on land can frustrate and complicate the coherent development of adjoining land. This is particularly the case when the old permission has been subject to applications for amendment, which is likely to occur when the appropriate period is more than five years. It is therefore poor planning practice to grant permission for an appropriate period for longer than 5 years unless there is a clear and compelling justification to do so under section 41 of the act. In the present case there is no such justification. Rather, various proposed departures from the provisions of the county development plan are justified by reference to a pressing current demand for housing. It would then be somewhat perverse to authorise such departures by a permission that would facilitate the non-development of the site for a longer than normal period.

11.5. **The scale and form of development**

- 11.5.1. The applicant has submitted a drawing showing the net site area which it used to calculate the density of the scheme. The excluded areas include the public road to the train station, the spine road through the scheme and buffer strips around the trees and hedges on the field boundaries around the edge of the site. The preservation of those trees and hedges would contribute to the visual character and natural heritage of the village as a whole, as well as to that of the proposed development. The spine road through the scheme would be part of a link serving the village as a whole whose provision is an objective of the local area plan, U-01. The proposed use of a net site area of 5.62ha is therefore acceptable, and the density of the proposed development would be 31 dwellings per hectare.
- 11.5.2. The applicant has submitted a drawing showing the net site area which it used to calculate the density of the scheme. The excluded areas include the public road to the train station, the spine road through the scheme and buffer strips around the trees and hedges on the field boundaries around the edge of the site. The preservation of those trees and hedges would contribute to the visual character and natural heritage of the village as a whole, as well as to that of the proposed development. The spine road through the scheme would be part of a link serving the village as a whole whose provision is an objective of the local area plan, U-01. The proposed use of a net site area of 5.62ha is therefore acceptable, and the density of the proposed development is therefore 31 dwellings per hectare.
- 11.5.3. Different policies that are material to this application support different densities of development on this site. Section 6.11 of the sustainable urban residential guidelines provide a range of 20-35dph for sites on the edge of villages, within which the development would lie, but section 6.3(c) advises higher densities where the villages are on public transport corridors. The application site is in both categories. Policy HOU-4 of the development plan states that medium density A (20-50dph) would be the applicable range along rail corridors, but that medium density B (12-25dph) would be applicable in small towns and villages. The local area plan specifies that medium density B should apply in Glounthaune. This provision of the local area plan is not consistent with the village's location on a railway corridor, or with the advice in the sustainable urban housing guidelines. The density and amount of housing proposed in this application would comply with those guidelines and with the policy of the county development plan to provide development along

public transport corridors in the medium A range of 20-50dph. Given this compliance, the density and quantity of residential development proposed in this application is acceptable, notwithstanding its departure from a provision in a local area plan which itself is not consistent with higher level planning policy.

11.5.4. The local area plan includes a provision that, although an additional 400 houses should be provided in the village up to 2023, no individual scheme should be bigger than 40 houses unless it reinforces the character of the village and is laid out, phased and delivered so as not to reflect a residential housing estate more suited to a larger settlement. Given the amount of housing that the local area plan seeks in the village by 2023, it is not clear that requiring that it be provided in at least 10 separate schemes would ensure a timely order of development, or one that improved the character of the village. Nevertheless, as discussed below, the current proposal is designed and laid out in a manner that respects the scale and character of the settlement at Glounthaune, including the extensive housing around the original village core. It would therefore comply with the provisions of table 4.2.1 of the local area plan, even though the proposed number of houses is more than 40. The contrary assertion in the submission from An Taisce is not well founded. The proposed development would contain some terraced houses and apartments in three storey buildings over commercial premises. Terraced houses, three storey buildings and residential uses above ground floor commercial premises are all common features of traditional villages and small towns, and their use on the current site is appropriate.

11.5.5. Having regard to the foregoing, the scale and form of the proposed development are considered acceptable.

11.6. Impact on the character of the area

11.6.1. The site is some distance from the village core. Its context is set by the extensive, 20th century housing to the west of the site towards around that core, by the denser 21st century development between the site and the core, by the pastoral lands to the north of the site and by the shore to the south. The proposed development responds appropriately to this context. It would retain the larger part of the trees, hedges and walls around the edge of the site, which would properly respect the adjoining rural areas. The retention of those features at the front of the site removes the

opportunity for frontage development along the main road, but this would be acceptable given the visual amenity which those features provide and their location at the edge of a village. It is noted that the several submissions objected to the installation of railings along the top of the stone wall. I would regard such a feature as acceptable inside the defined boundaries of a village, but the board could omit the railing by condition if it thought otherwise. The submitted drawings should the outer face of the railing coloured black. The situation of the proposed three storey building would help to establish define the front of the development and the entrance to the village.

11.6.2. Internally, the layout defines a clear route through the scheme that facilitates the link required by objective U-01 of the local area plan. It also provides enclosure along several lesser streets and around small open spaces. The standard of detailed design and landscaping is high, and the proposed parking would not dominate the appearance of the estate. Appropriate house types are used on narrow plots and at corners.

11.6.3. It is noted that several of the submissions advocated a less concentrated form of development on the site, resembling the detached houses that were built around the village core in the latter 20th century. However this approach would represent an unsustainable use of land within walking distance of the train station. It would imply that a greater amount of rural land would have to be incorporated into the village to accommodate the same number of people, which would undermine its distinction from the various other settlement in the environs of Cork. This approach would not protect the form and character of the village, therefore.

11.6.4. Having regard to the foregoing, it is considered that the proposed development would provide a pleasant residential environment and would make a positive contribution to the character of Glounthaune.

11.7. Impact on residential amenity

11.7.1. The proposed development would not overlook, overbear or overshadow other dwellings or otherwise seriously injure their amenities. The proposed houses and apartments would be provided with adequate internal accommodation and private open space. The apartments would comply with the requirements of the 2018 apartment design guidelines, including its specific planning policy requirements. A

series of open spaces would be provided throughout the scheme of various types, including linear areas along the site boundaries, a central space along the spine road and smaller spaces adjacent to the houses and apartments, with the latter including a games area. The proposed development would therefore provide a proper level of amenity for its occupants.

11.8. Access

- 11.8.1. The existing road along the front of the site is a former national primary route. Its width and alignment facilitate traffic speeds that are dangerous within a village, despite the imposition of a speed limit. The proposed development would reduce the width of the carriage and provide pedestrian and cycle facilities along that road in accordance with the standards set out in DMURS and the National Cycle Manual. This would provide proper pedestrian connectivity to the train station and would also improve traffic safety within the village. The development would therefore improve the character of the roads in the settlement and promote sustainable transport in accordance with objective 27 of the NPF. The arguments to the contrary in the submission from An Taisce are not accepted.
- 11.8.2. Many of the submissions from the third parties objected to the development due to the provision of a connecting road to the housing estate at the Woods and thus to Johnstown. Park and Close. Such a link is provided for in the local area plan, and would improve the permeability and character of the village. This provision is rational and in keeping with the proper planning and sustainable development of the area. However the proposed development would not complete this link as it requires work outside the site. The submitted plans merely indicate how the proposed development would facilitate its future completion. The matter would not justify refusing permission or requiring substantial alterations to the development. However to avoid future confusion and contention, it would be prudent to continue the line of the link road up to a gate on the site boundary. This can be required by condition.
- 11.8.3. The internal layout of streets would facilitate pedestrian movement and constrain traffic speeds, and would generally comply with the principles and standards set out in DMURS. Parking would be provided for the proposed development in line with the standards set out in the development plan. The proposed access to the public road is within the speed limit zone and has adequate forward visibility. As stated above,

the proposed narrowing of the carriageway in the village would improve road safety there. The contribution of the traffic generated by the proposed development to overall traffic volumes in the area would be minimal. The proposed development would therefore be acceptable in terms of traffic safety and convenience.

11.8.4. The construction of the cycle lane which is part of the proposed development would prevent informal parking along the hard shoulder of the L3004 in the vicinity of Harper's Island and the train station. This part of the cycle lane would not prevent parking in the vicinity of commercial premises. Although the submitted drawings show a future extension of the cycle lane past such premises, this would not be authorised by a grant of permission on foot of this permission. While the loss of parking arising from the proposed cycle lane would be an inconvenience to certain people, it is considered to be justified by the facilitation of a more sustainable travel mode in accordance with local and national policy.

11.9. **Drainage**

11.9.1. Irish Water has reported that adequate capacity is available in the public water supply and foul sewerage system to serve the proposed development. This advice is accepted.

11.9.2. The site is outside the area subject to a risk of tidal flooding of more than 0.1%AEP and so is in flood zone C under the Flood Risk Management Guidelines. The development itself is therefore unlikely to be at undue risk of flooding. The applicant has submitted quantified proposals to attenuate the runoff of stormwater from the development to a greenfield rate of 4.36l/s/ha, using a tank with a hydrobrake on the outlet, designed to cater for a 1 in 100 year event. Such attenuation measures are widely used and their effectiveness is established. It is therefore unlikely that the development would cause a significant increase in the stormwater runoff from the site and so it would not exacerbate the risk of flooding downstream of the site on the public road or the houses on the other side, or at the railway, notwithstanding the comments made in submissions from Iarnród Éireann and other parties regarding the capacity of the storm water drain that runs to the estuary. The development would not relieve the existing drainage problems below the site, but this would not provide a valid planning reason to refuse permission for it.

11.9.3. The board is therefore advised that the proposed drainage proposals are acceptable, and that the proposed development would not be likely to cause a deterioration in the quality of waters, and it would not suffer from an undue risk of flooding or exacerbate a risk of flooding on other land.

11.10. Natural Heritage

11.10.1. As stated in the screening for appropriate assessment above, the proposed development would not be likely to cause disturbance to the birds at Harper's Island or to injure the quality of waters there. The main part of the site is agricultural land which is not of particular ecological value. The layout of the proposed development protects the larger part of the trees and hedges on the site's boundaries. The application was accompanied by details of measures to ensure that the development did not encourage the spread of invasive species. It is therefore concluded that the proposed development would not seriously injure the natural heritage of the area.

11.11. Planning History

11.11.1. The board has previously granted and refused permission for residential development on this site, under PL04. 223799 and PL04. 244987 respectively. The planning history of the site would therefore support diverse positions on the current proposal. The assessment in this report does not attempt to reconcile them. The previous refusal was cited in several submissions which objected to the proposed development including that from An Taisce. The board may therefore wish to consider its relevance to the current application.

12.0 Recommendation

I recommend that permission be granted subject to the conditions set out below.

13.0 Reasons and Considerations

Having regard to the site's location within the boundaries of Glounthaune as defined in the Local Area Plan for the Cobh Municipal Area 2017-2023, to its proximity to a railway station and the proposal to provide pedestrian and cycle links to that station, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2015 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The appropriate period for this permission shall be 5 years from the date of this order. The development shall be carried out within that period in accordance with a phasing plan that shall be agreed with the planning authority prior to the commencement of development. In particular, this plan shall stipulate that none of the authorised dwellings may be occupied until the proposed footpath and cycle lanes on the L3004 public road from the eastern boundary of the site to the railway station, as well as a signalised pedestrian crossing of that road in front the station, have been constructed to the satisfaction of the planning authority

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure

3. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development and the landscaping of the site shall be in accordance with the details submitted with the application, unless the prior written agreement of the planning authority has been obtained for any minor departures from the submitted details.

Reason: In the interests of visual and residential amenity

4. The design and construction of the streets in the authorised development shall comply with the provisions of the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013. All streets within the main part of the site shall be designed as local streets or shared surfaces as described in the manual, while the L3004 may be designed as an arterial street.. The spine road through main part of the site shall be constructed to the western boundary of the site and a gate installed there to facilitate its future extension in accordance with objective U-01 of the local area plan. .

Reason: To provide safe and convenient streets within the development in accordance with the applicable standards.

5. The footpath and cycle lanes between the main part of the site and the railway station and the signalized pedestrian crossing shall be constructed in accordance with the appropriate standards and specifications set down in the Design Manual for Urban Roads and Streets issued in 2013 and the National Cycle Manual issued by the National Transport Authority. The footpath and cycle lanes shall be continued across the accesses to properties with such ditching as may be necessary but without compromising the priority given to pedestrians and cyclists. The combined width of the cycle lanes shall be 4m, but this may be reduced to no less than 2m with appropriate road markings at the pinch point near the bridge to Harper's Island. No road signs or other features shall be erected which interfere with the safe travel of cyclists along the lanes, and any existing signs or features which do so shall be removed prior to the occupation of any of the authorised houses.

Reason: To provide safe and convenient access to the development by sustainable travel modes in accordance with the applicable standards.

6. Secure and sheltered bicycle parking with a minimum of 24 spaces shall be provided for the authorised apartments, childcare facility and doctor's surgery which shall be conveniently situated near their entrances in a supervised location. Revised plans showing compliance with this condition shall be submitted to the planning authority prior to the commencement of development.

Reason: To provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Guidelines for New Apartments issued by the minister in March 2018.

7. Proposals for street names, 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 signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be

based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. 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.

Reason: In the interest of public health

10. The construction of the development shall be managed in accordance with a Construction 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- (b) Location of areas for construction site offices and staff facilities;

- (c) Details of site security fencing and hoardings;

- (d) Details of on-site car parking facilities for site workers during the course of construction;

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels, which shall be sufficient to avoid disturbance of birds at the adjacent SPA;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: To protect residential amenity, public safety and natural heritage

11. 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 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.

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

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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 proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge

15. 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

16. The developer shall pay to the planning authority a financial contribution in respect of Cobh/Midleton to Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by

the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

17. 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

Stephen J. O'Sullivan
Planning Inspector

May 25th, 2018