



An
Bord
Pleanála

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

Inspector's Report ABP-302780-18

Strategic Housing Development

7 year permission for 176 residential units, a 2 storey childcare facility.

Location

Maple Woods, Ballynacorra, Midleton, Cork.

Planning Authority

Cork County Council.

Applicant

Glenveagh Homes Limited.

Prescribed Bodies

1. Transport Infrastructure Ireland
2. National Transport Authority
3. Minister for Culture, Heritage and the Gaeltacht
4. Heritage Council
5. An Taisce — the National Trust for Ireland

6. Irish Water
7. Cork County Childcare Committee

Observer(s)

Gerard O'Brien.
Allan J Navratil.

Date of Site Inspection

21 November 2018.

Inspector

Stephen Rhys Thomas.

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 Relevant Planning Policy	10
6.1. National Policy	10
6.2. Development Plan.....	11
7.0 Observers Submissions.....	13
8.0 Planning Authority Submission	14
9.0 Prescribed Bodies.....	18
10.0 Assessment.....	20
10.2. Principle of Development.....	20
10.3. Density.....	21
10.4. Infrastructural Constraints.....	21
10.5. Design and Layout.....	25
10.6. Residential Amenity	26
10.7. Traffic and Transport.....	28
10.8. Childcare and Part V Social Housing Provision	29
10.9. Ecology	30
10.10. Development Contributions	31
10.11. Screening for Environmental Impact Assessment (EIA).....	31
10.12. Appropriate Assessment.....	32

11.0 Recommendation 37

12.0 Reasons and Considerations 38

1.0 Introduction

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 proposed development is located at Ballinacurra, south of Midleton in County Cork. Ballinacurra, originally a small rural village, it is now an area of significant urban expansion, south of the N25 dual and single carriageway national road. The village provides a number of local services such as small shops, takeaways and a public house. More essential services, such as schools, clinics and larger shops are to be found about two kilometres to the north in Midleton.
- 2.2. The subject site is located south of an area of suburban housing known as Maple Woods. This estate comprises a standard mixture of detached, semi-detached and terraced housing with some apartments designed around a standard cul-de-sac layout with interspersed public open spaces. The estate is well maintained and most, if not all, dwellings are occupied. Six houses at the south western portion of the existing estate have recently been completed.
- 2.3. In broad terms, the subject site and the developed area occupy an area of former agricultural lands amidst large arable lands. The subject site, however, is largely disturbed from the previous phases of development that occurred during the construction of Maple Woods to the north. Consequently, the subject site is mostly level but with a noticeable trough at the centre of the site, a haul road and mounds of earth. The field boundaries to the south west and south east comprise mature trees and hedgerow.

3.0 Proposed Strategic Housing Development

The proposed development is for a seven year permission to construct 176 dwellings, the detail comprises:

- 5 no. House Type A (4-bed 2 storey detached dwelling)

- 24 no. House Type B (4-bed 2 storey semi-detached dwelling)
- 20 no. House Type C (3-bed 3 storey semi-detached dwelling)
- 24 no. House Type D (3-bed, 2 storey semi-detached dwelling)
- 38 no. House Type E (2-bed, 2 storey terrace dwelling)
- 9 no. House Type F (3-bed, 2 storey semi-detached/terrace dwelling)
- 56 no. House Type G (46 no. 2-bed apartments, 10 no. 1-bed apartments) in 2 Apartment Blocks across 4 floors.

A 2 storey creche / childcare facility of 632.75 sqm

The provision of landscaping, amenity areas and play areas. Four raised pedestrian crossings along the spine road of the existing Maple Woods estate.

Improved pedestrian facilities such as dropped kerbs and tactile paving, new pedestrian crossings and the realignment of the Spa Road junction is included.

The stated total site area is 5 Hectares and yields a residential density of 35.22 dwellings per Hectare.

An additional area of 0.6 Hectares on the R630 is also proposed to provide for enhanced connectivity provision, to include all necessary build-outs at junctions, a two-way off-road cycle facility, a Toucan Crossing linking to Ballinacurra Village, the provision of a new bus-stop on both sides of the road and a footpath connection to 'The Grotto' junction.

4.0 Planning History

Subject site

PA reference **04/6917**. Construction of 257 dwellings.

PA reference **06/12085**. Crèche/childcare facility.

PA reference **12/4879**. Extension of duration of permission granted under 04/6917 – 257 dwellings.

5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 pre-application consultation took place at the offices of Cork County Council on the 16 July 2018 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP- 301758 -18. An Bord Pleanála issued notification that, it was of the opinion, 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 brief synopsis of the issues noted in the Opinion that needed to be addressed:

- Infrastructural Constraints - documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints, whether such constraints require statutory consent and/or may be subject to a compulsory purchase process and if such consent has been received or CPO completed, who is going to undertake the works required and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development.
- Density – proposals to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to existing rail connections and to established social and community services in the area.
- Design and Layout – amendments to the configuration of the layout particularly as it relates to the creation of high quality open spaces with maximum surveillance and amenity.
- Childcare Facilities – Justification for the lack of childcare facilities, this should have regard to the existing development at Maple Woods as well as the proposed development.

Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.1.2. The Board considered that the documentation submitted by the applicant did not constitute a reasonable basis for an application to be made. In addition, and pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing

Development) Regulations 2017, the prospective applicant was notified that specific information should be submitted, a summary of which is as follows:

- Connectivity and works to the public road and a detailed design of same, the report should detail who is going to undertake the works required and the timelines involved relative to the construction and completion of the proposed development.
- A materials and finishes report, in light of the requirement to provide high quality and sustainable finishes and details.
- A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
- A residential amenity report (both existing residents of adjoining properties and future occupants), specifically how the proposed apartment building will limit the potential for overlooking and overshadowing.
- A layout plan that details the location and appropriate quantity of bicycle parking spaces.
- A plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces.

5.1.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

Transport Infrastructure Ireland

National Transport Authority

Minister for Culture, Heritage and the Gaeltacht

Heritage Council

An Taisce — the National Trust for Ireland

Irish Water

Cork County Childcare Committee

5.2. Applicant's Statement Under Article 297(3)

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

Infrastructural Constraints

Response

Irish Water note that a new pump station and rising main must be constructed at the Midleton WwTP. Irish Water has a project underway which will provide the necessary upgrade works providing additional capacity. Given the timeframes involved in carrying out the necessary upgrade works, a 7 year consent is sought. The proposal, if consented will be to seek to engage with the Council on any compliance matter in Q2 2019 with connection agreements put in place with IW before Q3 2021. On the basis of IW commitments to have the connection agreement in place, the proposal in this instance is that no units will be occupied prior to a valid connection agreement being in place.

Density

Response

The applicant has proposed an additional apartment building within the scheme and this brings the residential density up to 35 units per hectare.

Design and Layout

Response

The layout has been revised to ensure passive surveillance of all open space areas. The revised layout now provides for an additional apartment block and there have been changes to house types in areas overlooking open spaces. The layout now benefits from an increase in unit numbers and achieves a density of 35.2u/Ha, the provision of a creche facility, increased passive surveillance of open spaces and increased amenity space through the provision of an additional Local Play Area. The existing Maple Woods estate is well connected to the proposed scheme through open space links. The proposed units will comprise a mix of brick and render finish that is similar to what is used in the existing estate.

Childcare Facilities

Response

A two storey childcare / crèche facility is now proposed at the entrance to the site. The crèche has a GFA of 632.75 sqm and provides for 75 child places. The crèche

will cater for residents of the proposed development, the existing Maple Woods estate and the wider community.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. **National Planning Framework** - The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks 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, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)
- 'Urban Development and Building Height' (2018)
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001)

6.2. Development Plan

The **Cork County Development Plan 2014** is the operative plan for the area. Table 2.2 and CS 3-1 set an estimated population target of 160,141 for 2022 for the County Metropolitan Main Settlements with the total number of new units required estimated at 24,478. Objective CS 4-1 seeks to maximise new development for both jobs and housing in the Metropolitan towns served by the Blarney-Middleton/Cobh rail routes and enhance the capacity of these towns to provide services and facilities to the needs of their population. Note that the provisions of Variation No. 1, adopted 12th February 2018, that updates the development plan to reflect the revised housing supply figures, approach to Active Land Management and the Metropolitan Cork Strategic Land Reserve arising from the adoption of the Municipal District Local Area Plans in 2017.

Chapter 3: Housing. Policy HOU 3-3: Housing Mix seeks to secure the development of a mix of house types and sizes throughout the county. Policy HOU 4-1: Housing Density on Zoned Land seeks to ensure the delivery of densities between 20-50 units / ha on lands zoned for medium A density residential development. There is an identified need to balance the achievement of higher densities with a broader range of house types. Medium density A development can include apartment units but a broad housing mix is required overall for medium density 'A' and 'B' lands, including detached sites.

Chapter 5: Social and Community. Objective SC3-1: Childcare Facilities seeks the provision of childcare facilities concurrent with development, having regard to population targets for the area. Section 5.7.7 requires a public open space provision of at least 12-18% of a site, excluding areas unsuitable for construction.

Chapter 10: Transport and mobility, includes objectives to improve walking and cycling facilities.

Chapter 13: Green Infrastructure and Environment, the site is located within a High Value Landscape and characterised as fertile plain with moorland ridge.

Chapter 14: Zoning and Land Use. Objective ZU3-2: Appropriate Uses in Residential Areas promotes limited supporting uses in residentially zoned areas.

6.2.1. East Cork Municipal District LAP 2017

The LAP seeks to build on the success of Midleton's rail connections to Metropolitan Cork and manage development in the environs to support the town centre (policy/objective 3.3.1).

Policy Objective 3.3.8 relates to Ballinacurra and states that it has become a major suburb of the town retaining quite a strong character and identity with good range of services except for a local primary school. It states that the R630 divides the village from the traditional quay areas to the west.

Policy Objective 3.4.8 states that in order to accommodate the growth envisaged that an additional 5,243 units are required in Midleton with the plan providing for 180 hectares of lands with the capacity to provide c.4125 units.

Policy Objective 3.3.15 reference the availability of lands south of the N25 at Ballinacurra where it is noted that short term improvements can be made to the local road network to accommodate some development in Ballinacurra including works to the Lakeview roundabout to the N25. It is stated that Cork County Council have recently published Part 8 proposals for upgrade works at the roundabout comprising the provision of a slip lane on the southern approach to the roundabout onto the eastbound carriageway of the N25.

Policy objective 3.3.47 seeks to facilitate a modal shift to walking and cycling for local journeys within the town with new cycle routes provided in the newer estates and significant potential for further routes.

Policies 3.5.53 & 54 refer to water supply and the constraints in the Whitegate Regional Water Scheme and the need to extend the trunk water main from Carrigtwohill to connect with a new reservoir and the towns existing supply network with a new supply network for Ballinacurra required.

6.3. Applicant's Statement of Consistency

- 6.3.1. Section 8(1)(a)(iv) of the 2016 Act provides that the applicant is to submit a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan. A Statement of Consistency with local and national policy has been submitted with the application.

6.4. Designated Sites

- 6.4.1. There are two relevant European sites within 15 kilometres of the site, the Cork Harbour Special Protection Area (SPA), site code 004030 and Great Island Special Area of Conservation (SAC), site code 001058.
- 6.4.2. An Appropriate Assessment Screening Report and a Natura Impact Statement were submitted with the application.

7.0 Observers Submissions

7.1. Gerard O'Brien.

7.1.1. Mr O'Brien resides and farms the lands immediately south of the subject site and wishes the following to be taken into consideration:

- The south, east and western boundaries should comprise a two metre high concrete block wall, as previously agreed under the previous permission and Grangefield Developments.
- The increased density and house design type will significantly overlook the farmyard and dwelling of Mr O'Brien.
- Development will be constructed on land the subject of infill and will therefore be significantly higher than existing ground levels, this will result in increased overlooking. In addition, surface water run-off may be increased and end up on Mr O'Brien's lands.

The submission is supported by a letter from Grangefield Developments Ltd dated 24 April 2004 in relation to boundary treatment and a solicitor's letter confirming same.

7.2. Allan J Navratil.

7.2.1. Mr Navratil resides and farms the lands to the north of the existing Maple Woods development north of the subject site and wishes the following to be taken into consideration:

- A criticism of the planning system in general and the lack of forward planning in County Cork and the Midleton area. Key questions are posed in relation to the basis for housing need and the capacity of infrastructure to accommodate such growth.

- Traffic and specifically the type of traffic that uses the R630 is highlighted, the preponderance of heavy goods vehicles and hydrocarbon fuel tankers are raised as a safety issue.
- Application material including maps, appear to show a school site on the lands in the ownership of Mr Navratil. No contact has been made between Mr Navratil and the Department of Education concerning same and it is unlikely that 36 acres would be required for a school.
- Mr Navratil is willing to accommodate surface water infrastructure on his lands if needed, subject to agreement.
- There are no proposals on the subject lands for social buildings (club/pub).
- The proposed density appears high, given the distance from existing social centres.
- A foul sewer that crosses Mr Navratil's site is referenced and significant problems are highlighted in its construction. The sewer, now taken in charge and maintained by Irish Water, continues to present problems and concern is expressed about future failures and raw sewerage upwellings on Mr Navratil's property. Mr Navratil is supportive of the laying of a new pipe to accommodate existing and proposed development including his zoned lands, at no cost to him or an alternative route for sewerage away from the site and the decommission of the problematic sewer across his lands.

The submission is supported by a map detailing land contours in the area, consultant engineer's correspondences dated March and August 2010 regarding the faulty Forestbrook Sewer Installation across Mr Navratil's lands and a recent newspaper cutting regarding the subject development proposal.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report was received by An Bord Pleanála on the 17 December 2018. The report states the nature of the proposed development, the site location and description, and details the relevant Development Plan and Local Area Plan policies and objectives. The report also included a summary of the points raised by observers, and various internal reports.

8.2. A summary of the views of relevant elected members of the East Cork Municipal District at their meeting of the 5 November 2018, is outlined as follows:

- The principle of the development and the mix of house types is welcomed.
- Traffic congestion in the area is highlighted, improvements to the R630 should be required by condition and be adequate.
- There is a lack of amenities such as playgrounds in the area and the addition of 176 units will worsen the situation.
- Upgrades to the WwTP at Midleton should be looked at rather than pumping to Carrigtohill.
- Part V housing should be provided in accordance with policy.

8.3. The following is a summary of issues raised in the assessment section of the report:

- Principle of Development – given the status of Midleton as a ‘metropolitan’ town, that the site is zoned for residential development and the existence of a previous planning permission (04/6917), Cork County Council is supportive of the application to complete the existing estate and achieve the target population for Midleton and Environs. The development of the site will assist the achievement of a need for 5,243 additional housing units in the town and environs under the East Cork Municipal LAP and identified by the strategic aims of the County Development Plan (Objective CS 3.1).
- There are no objections to the proposed density and quantum of development proposed.
- The layout and quality of public open spaces. Existing and proposed public open spaces have been connected, however, the greens space adjacent to apartments could benefit from some amendments to improve pedestrian connections. Proposed public open spaces are acceptable and accord with the Council’s points system in the recreation and amenity policy. The apartments appear bulky and do not contribute in a positive manner to the character of the area, changes are recommended. The quantum of public open space provision and private amenity spaces (gardens, terraces) are acceptable. Separation distances between dwelling units are broadly

acceptable, however, concern is expressed over apartment block A and its potential for overlooking, additional screens are proposed.

- Servicing/Estate Management – All boundaries to public open spaces should be solid concrete walls and existing ditches/hedges retained and improved. A management company should be formed to manage/operate the apartment buildings and associated facilities such as bins.
- Integration with the character and pattern of development in Ballinacurra – The design proposal is acceptable and fits in with the pattern and grain of existing development, that of Maple Woods. Improvements to the road network in the area by way of pedestrian and cyclist facilities are welcomed. Connections to future development lands, un-zoned at this time, should extend to the site boundary.
- Housing Mix – The housing mix is acceptable and the floor areas of houses and apartments meet with the required standards.
- Part V – Given the supply of 20% of social housing provided in the existing Maple Woods development, the Council have agreed that the developer deliver seven units. An appropriate condition should be attached.
- Crèche – This has been proposed and should be provided in the initial phases of the development.
- Water/Wastewater – The Council have prepared a Housing Infrastructure Team Report on the feasibility of servicing the Midleton area in the context of significant infrastructural deficits in terms of water services. In summary, the report acknowledges that the provision of infrastructure, though anticipated through a yet undetermined Part 8 process, is not yet guaranteed in terms of legal agreements and land acquisition. The conclusion is that an appropriate condition be attached to restrict the occupation of development until the required infrastructure is in place.
- Traffic and Transportation – Congestion is recognised as a problem at the Lakeview roundabout to the north of the site, however, there is a Part 8 proposal in place to construct a new slip road. The detail design of the slip road is under way, but the financing of the road will be required by way of

special contributions from developments. An appropriate condition is recommended to ensure the phasing of housing with delivery of the slip road.

- Cycle/Pedestrian Connectivity – The site and Ballinacurra generally, is not well connected with Midleton town centre. A Part 8 proposal is in the early design stages to provide for cycle and pedestrian shortfalls in the area, it is therefore important that the works proposed by the applicant are compatible with the Council's proposals. An appropriate condition to address design compatibility is proposed and no additional contributions should be sought from the developer.
- Parking provision/cycle parking – There is an oversupply of residential car parking spaces, four spaces should be removed from the central green area in front of the apartment blocks. Likewise, there is an oversupply of car parking allocated to the Crèche, these too should be reduced. There is an oversupply of bicycle parking spaces and in order to improve the layout of the scheme and in the context of greater permeability, these spaces could be reduced.
- Engineering Considerations – Traffic calming measures within the existing and proposed scheme are welcomed, in addition a signal controlled pedestrian crossing is deemed more appropriate on the R630. The design of the surface water attenuation tanks requires greater consideration given the karstic nature of the area, reinforced concrete is preferred.
- Appropriate Assessment/Ecological Issues – The Council's Ecologist recommends the preparation of a final CEMP prior to the commencement of construction.

8.4. The planning authority's conclusion considers the proposed development to be consistent with the relevant objectives of the County Development Plan and the East Cork Municipal Local Area Plan. In accordance with the requirements of section 8(5)(b)(ii) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions.

8.5. A total of 37 conditions are recommended should permission be granted. Of note are:

Condition 3 refers to the phasing of development and specifically requires an operational childcare facility prior to the occupation of the 75th dwelling unit, the completion of all footpath and cycleway improvements proposed along the R630 during phase 1, the completion of all traffic calming measures within the existing internal road network and a plan for the construction and occupation of housing regarding the delivery of the slip road to the Lakeview Roundabout.

Conditions 4 refers to written confirmation from Irish Water concerning the capacity of water services sufficient to accommodate the development, prior to the occupation of units.

Condition 5 refers to the finalised design of pedestrian and cycle facilities along the R630.

Condition 7 and 11 refers to design changes to the apartment blocks and installation of screens.

Condition 9 refers to design changes to the public open space in the vicinity of the apartment blocks.

Condition 21 refers to the detailed design of surface water attenuation tanks, reinforced concrete is the preference.

Other standard conditions relate to Part V requirements, boundary treatment, surface water requirements, technical road and footpath standards, management of construction works, waste management, noise management and financial contributions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Transport Infrastructure Ireland
- National Transport Authority
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council

- An Taisce — the National Trust for Ireland
- Irish Water
- Cork County Childcare Committee

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 15 October 2018. Irish Water (IW) and Transport Infrastructure Ireland (TII), provided submissions and a summary of their comments are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated.
- **Transport Infrastructure Ireland (TII)**, note the increase in proposed dwelling units, the submission of a Traffic and Transport Assessment (TTA) and its findings. TII acknowledge the finding that a slip road will alleviate problems at the roundabout on the N25, but that TII will not be responsible for funding same. TII urge the Board to consult with the local Cork County Council Design office in relation to a future national road scheme between Midleton and Youghal as identified in the NDP. Consultation is also urged in relation to motorway maintenance for any works that might impact on the N25.

No comments were received from the remaining statutory consultees.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by any observations on file, under relevant headings. Finally, the issue of appropriate assessment also needs to be addressed. The assessment is therefore arranged as follows:

- Principle of development
- Density
- Infrastructural Constraints
- Design and Layout
- Residential Amenity
- Traffic and Transport
- Childcare and Part V Social Housing Provision
- Ecology
- Development Contributions
- Screening for Environmental Impact Assessment (EIA)
- Appropriate Assessment

10.2. Principle of Development

10.2.1. The subject site is located on lands that are zoned 'Existing Built-up Area' in the East Cork Municipal District Local Area Plan 2017. The proposed development comprises residential units and a childcare facility and so therefore accords with the zoning objective for the lands concerned. The provision of residential development is considered acceptable in principle on the site and generally in accordance with the zoning objectives for the area.

10.2.2. The proposed pedestrian and cyclist environment works along the R630 are also situated on lands zoned Existing Built-up Area. Given that the proposed improvements and provision of a better pedestrian and cyclist environment and a new pedestrian crossing point mainly occur within the alignment of the existing road, I am satisfied that the proposed scope of the works proposed are in accordance with the land use zoning.

10.3. **Density**

10.3.1. Net residential density is stated as 35 dwellings per hectare. The planning authority identify the site as a location where the zoning objective calls for residential densities of between 20-50 units per hectare. The planning authority are satisfied that higher densities are acceptable.

10.3.2. As a result of the pre-application consultation meeting between the applicant, planning authority and An Bord Pleanála, the initial net residential density of 32 units per hectare has been increased to 35 for the subject site. This has been achieved by the introduction of additional apartment buildings. The applicant has satisfactorily responded to the issue of density raised in the Board's notice of pre-application consultation opinion. Given the location of the development in the context of Midleton town centre and Ballinacurra village centre, the prevailing lower density character of residential development in the vicinity, I am satisfied that the applicant has satisfactorily increased residential density to an acceptable level.

10.4. **Infrastructural Constraints**

10.4.1. One of the key issues in the pre-application consultations with the Board concerning the proposed development was the certainty around the capacity of existing wastewater treatment facilities to accommodate new development at this location. Such is the importance of the capacity constraints of water services in the area that the issue was specifically raised in the Board's notice of pre-application consultation opinion. The issue of localised sewerage network problems has also been identified by an observer.

10.4.2. The matter of wastewater services has been addressed by the applicant in their response to the Board's Opinion. The applicant is satisfied that in time, their proposal

can be serviced and states that Irish Water have confirmed that the development can be facilitated.

10.4.3. Irish Water have stated, in their submission to the Board on this application, that the proposed development can be facilitated.

10.4.4. The planning authority have addressed the matter of wastewater constraints in great detail and have included a report by their Housing Infrastructure Implementation Team (HIIT) dated 29 November 2018. It is this report and the appended Irish Water reply to a Pre-Connection Enquiry (PCE) from the Council for the Urban Expansion Area at Waterrock, Midleton, that I would advise the Board to consider carefully. The principal matters discussed in the HIIT report with reference to the subject site are as follows:

- Local Infrastructure Housing Activation Fund (LIHAF) monies have been secured for a number of infrastructure projects in the Water-Rock Urban Expansion Area, however, none relate to wastewater services.
- A Part 8 proposal has been published, but not yet approved, for a number of projects that include LIHAF projects but that also include a wastewater pump station but not the associated rising main. The wastewater pump station will provide additional capacity, which in turn may accommodate the subject proposal at Maple Woods. The provision of a rising main and the acquisition of lands for the pumping station will fall to Irish Water.
- If approved the Part 8 will require additional section 47 agreements with landowners in tandem with the delivery of houses under the terms of the LIHAF process.
- The Council have received €4 million in funding from Irish Water for network extensions, given the capacity constraints at the Midleton Wastewater Treatment Plant (WwTP), a pump station and network extension to Carrigtohill WwTP would be required. In August 2018, Irish Water replied to a Pre-Connection Enquiry (PCE) from Cork County Council for a 2,460 house LIHAF development at Waterrock, Midleton. The response from IW identifies no real issues with water supply as a project is underway to accommodate up to 1,000 houses and should be completed by Q4 2021. In relation to wastewater, IW state that to accommodate this development, the waste must

be pumped to the Carrigtohill WwTP. This involves the construction of a pump station and rising main. IW currently has a project underway which will provide the necessary infrastructure. This network extension project is scheduled to be completed by Q4 2021 (this may be subject to change) and the proposed connection could be completed as soon as possible and as practicable after this date.

10.4.5. Firstly, it would appear to me that the provision of drinking water to the proposed development is not an issue as a project to increase capacity for the area is due for completion at the end of 2021. However, wastewater services are problematic for a variety of reasons. The existing WwTP at Midleton is at capacity and in order to alleviate this issue it is proposed to divert wastewater to the Carrigtohill WwTP via a new pump station and rising main. This is well known by the planning authority and Irish Water; accordingly steps have been taken to address the issue. To date however, there are no planning consents, either Part 8 or section 34 of the Planning and Development Act 2000 (as amended) in place. I acknowledge, that the proposed pump station comprises a current and yet undecided Part 8, published on the 9 November 2018. In addition, land is yet to be acquired for the pump station, though a site has been identified by a Foul Pumping Station Site Selection Report, that I have not seen. Finally, responsibility for the laying of the rising main falls to Irish Water, though provision has been made by the planning authority to accommodate same within the road network of the Urban Expansion Area.

10.4.6. The applicant has outlined relevant sections from the 'Water Services Guidelines for Planning Authorities Draft January 2018'. Guidance in this document states that after having regard to the views of Irish Water and having satisfied itself that there is a reasonable prospect of the constraint(s) being addressed within the lifetime of the permission, a planning authority or An Bord Pleanála (in the case of a SHD application) may approve, inter alia, this aspect of the development, subject to a condition that requires the applicant to enter into a connection agreement (s) with Irish Water to provide for a service connection to the public water supply and / or wastewater collection networks, as appropriate. I would caution the Board that this advice remains in a draft format at this time. The applicant's proposal is that a seven year permission be granted and a condition be attached so that units are not occupied until the necessary infrastructure is in place.

- 10.4.7. It seems that a clear path forward to deal with wastewater from the Urban Expansion Area around Midleton, in which the subject site is located, has been considered and planned for by the Council/planning authority in combination with Irish Water. The key elements of which have been identified, designed and funding sourced, at least in part. However, there is no certainty around the delivery of key infrastructure and no guarantees in place to ensure wastewater deficiencies will be addressed. Specifically, the relevant planning consents are not yet in place to deliver the pump station and rising main. But perhaps more importantly, the process of land acquisition for the pump station has not yet begun. From the information on the file, land acquisition from third party landowners would appear to fall to Irish Water and may potentially be acquired using their compulsory acquisition powers (CPO) if agreement cannot be reached. The determination of a CPO would rest with the Board, the decision of this application for 176 residential units also rests with the Board. To grant permission for a development dependant on the outcome of a further decision of the Board in relation to lands needed to accommodate key infrastructure is not ideal.
- 10.4.8. Finally, I note that in the Board's Opinion on the pre-application consultation, the issue of wastewater service infrastructure was raised and highlighted as a key consideration. Item 1 of the Opinion referred to Infrastructural Constraints, and the applicant was advised to satisfy themselves that an application would not be premature having regard to the deficiencies identified. Though, the applicant may be satisfied that planned measures are adequate to service the development, I am doubtful of their timely delivery given the consent procedures yet to be negotiated.
- 10.4.9. Even though the need for planned infrastructure is pressing and such infrastructure will unlock a large area of zoned land and provide for a multiple of housing units and commercial/industrial development. Nevertheless, permission should not be granted before the delivery of at the very least the necessary consents (planning and legal) for a pump station and rising main in this instance. I am aware that the most recent IW correspondence on the file states that the development can be serviced. However, I cannot ignore relevant documentation before me that clearly points to an existing deficiency in the provision of foul water services at Midleton WwTP and the irrefutable need for a pump station and rising main to divert and convey waste to Carrigtohill WwTP. It is the lack of certainty in the delivery of key infrastructure in a

timely manner, that I recommend that permission be refused on the basis that the development would be premature by reference to an existing deficiency in the provision of sewerage facilities.

10.5. Design and Layout

- 10.5.1. Open space – In broad terms the quantum and approach to public open space is good. Houses and apartments front onto and overlook public open spaces. This provides a good degree of passive supervision to enable open spaces to function safely and provide an adequate level of amenity. In particular, the four main public open spaces are well proportioned and overlooked. Connectivity between existing open spaces and proposed spaces is welcomed and an open boundary defined by pathways are acceptable. Five play areas are distributed throughout the scheme and again are well overlooked and are intended to provide play opportunities for all age-groups of children. A centralised pedestrian path meanders between and through existing open space and provides a direct pedestrian route between apartment units and the existing access to the R630. The footpath is overlooked by apartments and houses and I consider it a useful and safe amenity.
- 10.5.2. The planning authority do not raise any significant concerns with regard to the distribution and form of public space throughout the proposed scheme, subject to minor amendments. I agree that the provision of open space is adequate and the retention of existing vegetation along the boundaries and where possible is to be welcomed. I am satisfied that the landscape plan, for the most part, addresses the balance between the retention of existing vegetation and the provision of usable and passively supervised open spaces.
- 10.5.3. I note that information within regard to landscape proposals and the clear delineation of different forms of space was highlighted as specific information requested in the Board's notice of pre-application consultation opinion. In this regard, the applicant has submitted a landscape proposal that outlines a hierarchy of functional open spaces populated by play areas and circulation paths. Existing public open spaces are shown as being connected and this is welcomed. The planning authority are satisfied with the proposed landscape plan, subject to further detail regarding specifications and the omission of bin stores and some car parking spaces associated with the apartments, this can be achieved by condition. I am satisfied that

the landscape design approach will provide adequate levels of amenity for future occupants and is acceptable in terms of design and quantum.

10.5.4. Road Hierarchy – The applicant has shown a site that is connected to the wider street network by extending existing connections and utilising the main entrance onto the R630. The main streets are detailed at 5.5 metres in width and shared surface streets are shown with a contrasting surface finish. The road dimensions are broadly in accordance with the Design Manual for Urban Roads and Streets (DMURS) and therefore acceptable. In broad terms, the road layout is satisfactory; however, where future road/pedestrian connections are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges.

10.6. Residential Amenity

10.6.1. Future occupants – The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In the majority of cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. According to the Schedule of Floor Areas and Housing Quality Assessment submitted by with the application, all other house types meet or exceed the relevant floor areas advised.

10.6.2. In terms of private open space, garden depths are provided at a minimum of 11 metres almost all cases and according to the schedule provided by the applicant result in 49 sqm as the minimum across all house types. In reality, the rear gardens associated with dwellings vary in shape and area and provide in excess of 46 sqm. The scale of the proposed dwellings and the large garden spaces are generous. For the most part, the proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

10.6.3. The proposed development includes 56 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on

design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged as 10 one bedroom units and 22 two bedroom units in Block A and 3 one bedroom units and 21 two bedroom units in Block B with balcony or terrace spaces, all to an acceptable standard. Apartment units are located at the mid-point of the site and are provided with adequate public open space and play areas are in close proximity. The vast majority of apartment units are dual aspect, apart from a small number of one and two bedroom apartments at the north east of Block B. The apartment blocks are finished with a combination of brick and painted sand and cement render/pre-coloured pigmented dash, this is an acceptable palette of materials, given the range of materials used nearby.

10.6.4. Section 4.10 of the applicant's Statement of Consistency briefly deals with apartment design and compliance with the relevant standards. The floor to ceiling heights associated with the apartment blocks are not annotated on cross sections, however, they should meet the requirements of SPPR 5 of the guidelines with respect to floor to ceiling heights. The proposed apartments are in excess of the minimum floor area standards (SPPR 3) and all one bedroom apartments are significantly in excess of minimum floor area plus the 10% allocation. I am satisfied that the necessary standards have been achieved and exceeded.

10.6.5. The Apartment Guidelines, require the preparation of a building lifecycle report regarding the long term management and maintenance of apartments. This document has been submitted and includes a variety of strategies with regard to the life cycle of the apartment buildings. As good practice, these items should be included within an overall management plan for the apartment blocks.

10.6.6. Existing Amenity – The proposed development will adjoin the existing Maple Woods housing scheme and has been designed to either follow existing building lines or present a back to back arrangement. I find that a separation distance of 22 metres between opposing first floor windows or greater has been applied by the applicant. The planning authority are also satisfied, that for the most part separation distances between buildings are acceptable. The planning authority have highlighted that separation distances between existing residential units and apartment block A could be problematic given level changes. At this location, the applicant has indicated a separation distance of over 22 metres. I am satisfied that acceptable separation

distances have been provided between existing and proposed development, the proximity of apartment block A to the rear of existing houses across a large area of open space is acceptable.

10.6.7. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing Maple Woods housing estate and other property in the vicinity.

10.7. **Traffic and Transport**

10.7.1. The applicant has proposed improved pedestrian and cyclist infrastructure along the R630 from the entrance of Maple Woods to the junction of the Ballick Road. These improvements are welcomed by the planning authority subject to detailed design adjustments to ensure the applicant's proposals tie in with the Council's own designs further north. I too am satisfied that the pedestrian and cyclist improvements will add essential connections between Maple Woods and Ballinacurra/Midleton and increase a shift away from unnecessary private motor car journeys.

10.7.2. The Traffic and Transport Assessment (TTA) submitted by the applicant and the planning authority identify traffic congestion issues along the R630 at peak times and the resultant issues created at the Lakeview Roundabout on the N25. Transport Infrastructure Ireland also identifies congestion issues on the N25 and warn against the erosion of the N25's effectiveness as a strategic regional transport corridor. The universal answer seems to be the creation of a slip road to act as a bypass lane to alleviate congestion, though other arms of the roundabout will still experience problems. Such a proposal is currently the subject of a Part 8 application (Water Rock Urban Expansion Area Infrastructure Works), published on the 9 November 2018.

10.7.3. Taking a rational view, I accept that the proposed development is an increase of 72 units over and above that previously permitted, of which a proportion were completed. The congestion situation along the R630 and at the Lakeview

Roundabout is problematic and the addition of 72 dwelling units will impact to a greater or lesser extent on the current situation. In that respect, the additional slip road proposal seems to be warranted. I am satisfied that the provision of improved pedestrian and cyclist facilities will attract journeys to local facilities and services away from motor car dependence and result in less car usage and more forms of sustainable forms of transport. However, I acknowledge that the slip road proposal that forms part of the Part 8 application seeks to serve wider development lands and is probably needed.

10.7.4. In summary, the applicant has submitted detailed plans to improve the pedestrian and cyclist environment from the site entrance, along the R630 to a point south of the junction with the R629 and includes: 2 metre wide cycle lanes, grass verges, footpaths, off road bus stops and junction improvements in line with DMURS guidelines. The planning authority are supportive of the proposals and have submitted a letter of consent to make the application. In addition, the planning authority point out that they have plans for further improvements along the R629 and require the applicant's proposals to tie in with their own. To that end, I would suggest that an appropriate condition is attached to ensure the delivery of the works in a compatible manner.

10.8. **Childcare and Part V Social Housing Provision**

10.8.1. Childcare – A crèche is proposed to serve the proposed and existing development. The creche provides for 75 child places which the applicant determines is appropriate having regard to the proposed and existing unit numbers at Maple Woods.

10.8.2. I note the comments made by the planning authority with respect to the size of the facility, its design and delivery. Given the composition and mix of house types proposed, including a large proportion of one and two bedroom units, the profile of existing households in the vicinity, I am satisfied that the provision of a marginally smaller scale childcare facility is acceptable in this instance. Should demand increase, I note that the childcare facility site area is of a sufficient size to accommodate further expansion subject to a future planning application. Finally, given the prominent corner location of the childcare facility and the likely demand for

childcare places, it would be preferable to complete the building in the first phase of construction.

- 10.8.3. Part V Provision – The original Maple Woods development (04/6917) allowed for the construction of 239 units (including 12 no. serviced sites) with a requirement to provide 20% Part V housing. The applicant states that 135 units were constructed. Consequently, 104 units remained unconstructed. The development before the Board now comprises 176 units, where 104 were previously consented. This represents 72 additional units over and above what was previously consented.
- 10.8.4. The initial development has however, seen the construction of all Part V commitments from the previous consent (for the entire scheme, in the already constructed 135 units). The applicant states that this over provision has been discussed with Cork County Council who have agreed an approach with respect to Part V provision in this new scheme whereby additional Part V provision is on a pro rata basis for the additional houses proposed over and above the previously approved 239 units. At 176 units, this represents an increase of 72 units over that originally consented and 7 Part V units are offered as part of this application. Correspondence between Cork County Council and the applicant regarding the provision and location of Part V has been submitted and the approach is accepted in the planning authority's Chief Executive's Report.
- 10.8.5. The Council's Housing Department have stated an agreement in principle in relation to Part V obligations and this will be finalised after the grant of permission. I note that the planning authority have not raised issues in relation to the provision of Part V housing, in any event the matter can be resolved by condition as necessary.

10.9. **Ecology**

- 10.9.1. I note the comments of the Council's Heritage Officer in relation to the submission of a finalised Construction Environmental Management Plan (CEMP) and matters to do with existing trees and hedgerows. I note that the applicant has submitted a Badger Survey Report, in which no badger setts or evidence for badgers was recorded. In addition, an Invasive Species Survey Report was also submitted, in which appropriate mitigation measures were outlined. Given the findings of these reports and other measures outlined in the landscape masterplan and revisions to the

CEMP, I do not anticipate any significant impacts to the ecology of the area as it currently exists.

10.10. Development Contributions

10.10.1. It would appear from documentation submitted by the applicant and specifically detailed in the Statement of Response to An Bord Pleanála Opinion, Planning Report and other documents, that development contributions levied on the previously permitted Maple Woods scheme of 210 units and 12 serviced sites were paid in full, pa reference 04/6917 refers. The planning authority have calculated development contributions and detailed their methodology in sections 5.3 and 5.4 of the Chief Executive's Report. Included in the calculation is an offset for monies already received and for works carried out by the Council. Conditions have been recommended by the planning authority that reflect these calculations.

10.11. Screening for Environmental Impact Assessment (EIA)

10.11.1. The applicant has submitted an Environmental Impact Assessment Report (EIAR) Screening report, in which they conclude that the proposed development does not trigger any requirement for an EIAR.

10.11.2. The current proposal is an urban development project that would be in the built up area of Midleton and zoned 'Existing Built-up Area'. 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 176 dwellings on 5 Hectares which is significantly below the threshold for dwelling units, the site area is also below the stated threshold of 10 Hectares. The proposed development would be located on farmland at the edge of existing development adjacent to Ballinacurra an emerging suburb of Midleton. The site is not designated for the protection of a landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report and a Stage 2 Appropriate Assessment that concludes no direct physical

impacts on Cork Harbour Special Protection Area (SPA), site code 004030 and Great Island Channel Special Area of Conservation (SAC), site code 001058.

10.11.3. The development would result in the sequential expansion of Ballinacurra and by extension Midleton. The majority of the development would be in residential use, which is the predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects are stated as marginal. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

10.12. **Appropriate Assessment**

10.12.1. The subject site is not located within any Designated European site, however the most relevant Natura 2000 sites located within 15km of it are as follows: Cork Harbour Special Protection Area (SPA), site code 004030 and Great Island Channel Special Area of Conservation (SAC), site code 001058, both coincide and are approximately half a kilometre to the south and north west.

10.12.2. A Screening Report and NIS, prepared by Scott Cawley was submitted with the application within a document entitled Screening Report & Natura Impact Statement - Information for Stage 1 Screening & Stage 2 Appropriate Assessments for a Proposed Residential Development at Maple Woods, Ballynacorra, Co. Cork. The information contained within the overall report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

Cork Harbour SPA (site code 004030)

The site synopsis for this site states that Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. It outlines that the SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets. It outlines that the site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays

particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species:

- Little Grebe (*Tachybaptus ruficollis*) [A004]
- Great Crested Grebe (*Podiceps cristatus*) [A005]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Grey Heron (*Ardea cinerea*) [A028]
- Shelduck (*Tadorna tadorna*) [A048]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Pintail (*Anas acuta*) [A054]
- Shoveler (*Anas clypeata*) [A056]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]
- Lesser Black-backed Gull (*Larus fuscus*) [A183]
- Common Tern (*Sterna hirundo*) [A193]

- Wetland and Waterbirds [A999]

The specific conservation objectives for this site seek to maintain the favourable conservation condition of each of the listed features.

Great Island Channel SAC (site code 001058)

As outlined in Site Synopsis for this site, the Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest. Geologically, Cork Harbour consists of two large areas of open water in a limestone basin, separated from each other and the open sea by ridges of Old Red Sandstone. Within this system, Great Island Channel forms the eastern stretch of the river basin and, compared to the rest of Cork Harbour, is relatively undisturbed. Within the site is the estuary of the Owennacurra and Dungourney Rivers. These rivers, which flow through Midleton, provide the main source of freshwater to the North Channel. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive.

[1140] Tidal Mudflats and Sandflats

[1330] Atlantic Salt Meadows

It is stated that the site is extremely important for wintering waterfowl and is considered to contain three of the top five areas within Cork Harbour, namely North Channel, Harper's Island and Belvelly-Marino Point. Shelduck is the most frequent duck species with 800-1,000 birds centred on the Fota/Marino Point area. There are also large flocks of Teal and Wigeon, especially at the eastern end. Waders occur in the greatest density north of Rosslare, with Dunlin, Godwit, Curlew and Golden Plover the commonest species. A population of about 80 Grey Plover is a notable feature of the area. All the mudflats support feeding birds; the main roost sites are at Weir Island and Brown Island, and to the north of Fota at Killacloyne and Harper's Island. Ahanesk supports a roost also but is subject to disturbance. The numbers of Grey Plover and Shelduck, as given above, are of national importance.

The site is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports. Overall, Cork Harbour regularly holds over 20,000 waterfowl and contains internationally important numbers of Black-tailed Godwit (1,181) and Redshank (1,896), along with nationally important numbers of

nineteen other species. Furthermore, it contains large Dunlin (12,019) and Lapwing (12,528) flocks. All counts are average peaks, 1994/95 – 1996/97. Much of the site falls within Cork Harbour Special Protection Area, an important bird area designated under the E.U. Birds Directive.

It is noted that while the main land use within the site is aquaculture (oyster farming), the greatest threats to its conservation significance come from road works, infilling, sewage outflows and possible marina developments. The site is of major importance for the two habitats listed on Annex I of the E.U. Habitats Directive as outlined above, as well as for its important numbers of wintering waders and wildfowl. It also supports a good invertebrate fauna.

The site has specific conservation objectives as follows: to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC, as defined and to restore the favourable conservation condition of Atlantic salt meadows (*Glauco- Puccinellietalia maritimae*) in Great Island Channel SAC as defined.

Potential Impacts

As noted in the AA screening section of the report, the possibility of significant impacts cannot be excluded, as stated by the applicant, the likely significant risks to the European sites identified arise from potential construction-related contaminated surface water discharges, construction related dust emissions from the proposed development and the potential for these effects to reach downstream European sites and the spread of non-native invasive species. The report concluded, that likely significant effects on these two European sites cannot be screened out.

The Stage One screening conclusions note that without relevant mitigation measures then significant impacts on the aforementioned Natura 2000 sites cannot be discounted and in that regard it is recommended that the assessment proceed to Stage 2. Given the mitigation measures outlined and considered necessary I agree with the conclusions of the screening report that a Stage 2 AA is required. I also concur that the Stage 2 AA can be confined to these two sites.

- Great Island Channel SAC (site code 001058)
- Cork Harbour SPA (site code 004030)

Stage 2 Appropriate Assessment

As outlined in the screening undertaken above, this AA relates to the following sites:

- Great Island Channel SAC (site code 001058)
- Cork Harbour SPA (site code 004030)

The features of interest and conservation objectives are outlined above. The NIS notes that in the absence of appropriate mitigation measures that there was a risk of significant impacts as a result of the proposal project on the following conservation interests – Tidal Mudflats and Sandflats, Atlantic Salt Meadows and the waterbird species listed in the Cork Harbour SPA.

In respect of the potential impacts of the proposal which are outlined above in relation to Stage 1 screening, the impacts have been assessed in the NIS in respect of the Construction Phase and the Operational Phase of the Proposal. I will address each in turn.

Firstly, the construction phase, and the potential for contaminants from the site to enter the surface water pathway either from the surface water network or directly overland and ultimately discharge into the Harbour. These related to uncontrolled run-off from the site and accidental spillage of fuels and oils. In addition, dust emissions are identified and so too is the spread of non-native invasive species. Mitigation is proposed by way of a surface water management plan as set out in the drawings and reports prepared by Denis O'Sullivan and Associates and Scott Cawley. It is proposed to employ measures such as surface water run-off to be collected in silt / gravel traps and I note that the NIS outlines a suite of proposed measures to ensure that there is no contamination of surface water. It is also proposed that these measures inform the Draft Construction and Environmental Management Plan (CMP) and Construction Method Statement (CMS). These measures are also set out in the Infrastructure Report in respect of surface water and the measures proposed to protect surface waters from contamination. There are also measures to address the spread of non-native invasive species in documentation submitted by the applicant.

In relation to the operational phase of the proposal, the potential impact also relates to uncontrolled surface water run-off. The NIS includes information from the Stormwater Attenuation Strategy in respect of surface water at operational phase

and the measures proposed to protect surface waters from contamination. Given the mitigation measures proposed both during construction and operational phases and the distance of the site from the Natura 2000 site I do not consider that this potential impact would give rise to an adverse affect on the integrity of the relevant European Sites. The other potential operational impact relates to the treatment of wastewater from the proposal. The lack of capacity at the existing Midleton WwTP is noted in the NIS but as outlined throughout this report, it is proposed that wastewater from the Midleton area is to be directed to the existing Carrigtohill WwTP via a new pump station and rising main, thereby freeing up capacity at the Midleton WwTP.

Stage 2 Conclusion

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites No. 001058 and No. 004030, in view of their Conservation Objectives.

11.0 Recommendation

11.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

11.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is REFUSED for the development, for the reasons and considerations and subject to the conditions set out below.

12.0 Reasons and Considerations

1. There is a lack wastewater treatment capacity at Midleton Wastewater Treatment Plant. There is a lack of certainty around the delivery of a pump station and rising main to divert wastewater from Midleton Wastewater Treatment Plant to Carrigtohill Wastewater Treatment Plant and reduce the loading at Midleton Wastewater Treatment Plant. Having regard to the existing deficiency in the provision of adequate sewerage treatment infrastructure serving the subject site, it is considered that the proposed development would be premature by reference to the existing deficiencies in the provision of sewerage treatment facilities and the period within which this constraint may reasonably be expected to cease and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

23 January 2019