



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304000-19**

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<b>Development</b>	Residential development comprising the construction of 9 no. dwelling units, the refurbishment and reuse of the existing 'Hawthorn House' (protected structure RPS46) for residential use.
<b>Location</b>	Navigation Road, Annabella, Mallow. Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/5112
<b>Applicant(s)</b>	SMD Property Group Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	Denis Murphy
<b>Observer(s)</b>	None

**Date of Site Inspection**

13<sup>th</sup> June 2019

**Inspector**

Elaine Power

## 1.0 Site Location and Description

- 1.1. The subject site is located on Navigation Road, approx. 800m west of Mallow Town Centre. The area surrounding the site is generally characterised by low density residential developments and the site is located approx. 300m west of Mallow Train Station
- 1.2. The site has a stated area of 1.55 ha and is irregular in shape. It is elevated and slopes northwards, away from Navigation Road. The site is currently overgrown and accommodates a derelict and partially fire damaged house 'Hawthorn' to the north of site. The two-storey house is a Protected Structure, Ref. RPS46, which was constructed in c. 1840.
- 1.3. The site is bound to the north by an area of public open space associated with Westbury Height Residential Estate, to the south by Navigation Road (N72) and to the east and west by detached houses on large plots.
- 1.4. The site boundaries include a stone wall, mature trees and vegetation. Access to the site is from Navigation Road via a gate.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the refurbishment of a derelict protected structure 'Hawthorn' and an existing outbuilding to provide a 4-bed house with an attached 1-bed granny flat, the construction of 9 no. 4-bedroom houses and the refurbishment of an existing gate lodge to provide an ancillary storage unit.
- 2.2. A variety of house styles are proposed. However all houses are traditional design and have 4 no. bedrooms. The size of the houses varies from 189sqm to 228sqm. The protected structure and outbuilding have a total gross floor area of 392sqm. A neighbourhood play area is proposed to the north of the site.
- 2.3. It is proposed to retain and widen the existing vehicular access from Navigation Road and provide a new internal access road. Driveways have been provided to the front of each dwelling with 2 no. car parking spaces.

- 2.4. The works also include the re-routing of an existing ESB line, which currently transverses the site, and the upgrading of an existing sewer line to the east of the property.
- 2.5. The submission to the Planning Authority included an Architectural Heritage Impact Assessment, an Appropriate Assessment Screening Assessment and an Infrastructure Report.
- 2.6. ***Further Information lodged on 21<sup>st</sup> September 2018***

In response to a further information request the house designs were simplified. The submission also included a revised Architectural Impact Assessment, a Traffic and Transport Assessment, a Stage 1/2 Road Safety Audit, an Archaeological Testing Trenching Report, an Infrastructure Report, an Outdoor Lighting Report and a Tree Survey.

2.7. ***Clarification of Further Information lodged 14<sup>th</sup> December 2018***

In response to a clarification of further information House no. 7 was relocated, approx. 2m away from the eastern boundary. The submission also included a Natura Impact Statement, an Infrastructure Report and a Public Lighting Design Report.

Revised public notices were advertised on the 21<sup>st</sup> December 2019.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was granted subject to 60 no. conditions.

***Condition 4*** requires that a detailed method statement for the Protected Structure be submitted

***Condition 5*** requires a conservation expert be employed during the works.

***Condition 57*** requires a Construction Environmental Management Plan to be submitted and agreed with the Planning Authority.

***Condition 58*** requires a landscaping plan to be submitted and agreed with the Planning Authority.

## 3.2. Planning Authority Reports

### 3.2.1. *Planning Reports*

The initial Area Planners Report and the A/Senior Executive Planners Report raised a number of concerns regarding the proposed development and requested that further information be sought regarding the following: -

- A revised Architectural Impact Assessment
- The design and layout of the scheme
- A Road Safety Audit, a Traffic Impact Assessment. Details of the access onto Navigation Road, the internal road gradient and sightlines.
- Maintenance arrangements for the attenuation tank. Details of surface water management and proposals for existing open drains on site.
- Details of storm water and foul sewer connections. Clarify the location of the foul sewer pipeline and of manholes
- Identify drains on site to establish if there is a hydrological connection to the Blackwater River
- Design of public lighting
- An Archaeological Impact Assessment

The Area Planner and the A/Senior Planner recommended that clarification of further information be sought regarding the following:

- An Natura Impact Statement
- Separation distance between House no. 7 and the site boundary.
- Details of public open space
- The internal road layout and sightlines
- Surface water details and management
- Design of public lighting

The Area Planners and Senior Planners report considered that concerns raised had been fully addressed and recommended that permission be granted subject to conditions.

### 3.2.2. **Other Technical Reports**

**Conservation Officers Report** recommended that further information be sought regarding a revised Architectural Impact Assessment and the Design and Layout of the scheme. No final report on file.

**Archaeologist Report** the Archaeological Impact Assessment submitted by way of further information was considered acceptable. No objection subject to conditions.

**Ecologist Report** Recommended that clarification of further information be sought regarding a hydrological link from the site to the Blackwater River. No final report on file.

**Engineering Report (AA Screening):** No objection subject to conditions.

**Area Engineers Report** Final report recommended that permission be granted subject to conditions.

**Environmental Report** No Objection.

**Public Lighting Report** Final report recommended that permission be granted subject to conditions.

**Water Services Report:** No Objection

**Engineering Report:** Recommended that permission be granted subject to conditions.

**Estates Engineer:** No objection subject to conditions.

### 3.3. **Prescribed Bodies**

**Transport Infrastructure Ireland:** The proposed development would be at variance with official policy in relation to the control of development on / affecting national roads and would negatively impact on the operation of a National Road (N72). Recommends a Road Safety Audit be carried out. Reiterated concerns in response to further information submitted.

**Iarnrod Eireann:** No Objection

**Irish Water:** No Objection

### 3.4. **Third Party Observations**

Submissions were received from (1) Denis Murphy and (2) John Lehane. The concerns raised are similar to those in the third-party appeal submission.

## 4.0 **Planning History**

**Reg. Ref. 08/55035:** Permission was refused in 2008 for the demolition of an existing house, lodge and out buildings and the construction of 39 no. houses. The 5 no. reasons for refusal relate to (1) premature development pending the construction of a link road, (2) premature development pending the upgrading of Mallow Town Water Supply, (3) demolition of a building which is listed in the National Inventory of Architectural Heritage, (4) non-compliance with Residential Density Guidelines and (5) non-compliance with Development Plan policy.

## 5.0 **Policy Context**

### 5.1. **Mallow Town Development Plan, 2010**

The subject site is located within the boundary of Mallow Town and is zoned for residential use. The plan sets out a number of aims and objectives to retain the compact pattern of development and preserve and enhance the town centre as the economic service provider. The Plan also sets out a number of policies to facilitate the circumstances to create quality, liveable residential environments and neighbourhoods. The relevant policies are set out below: -

Policy H1 – New Residential Development

Policy H3 – Residential Density

Policy H5 – House Type and Mixture

Policy H6 – Design Considerations.

### 5.2. **Cork County Development Plan, 2014**

Mallow is identified as a 'Hub' town in the Development Plan and is located within the Greater Cork Ring Strategic Planning Area. The strategic aim for Mallow is to promote

it as a major centre of employment, with appropriate education and cultural facilities and to provide necessary infrastructure to ensure its expansion.

The relevant policies are set out below.

- HOU 3-1: Sustainable Residential Communities
- HOU 3-2: Urban Design
- HOU 3-3: Housing Mix
- HOU 4-1: Housing Density on Zoned Lands
- SC5-2: Quality Provision of Public Open Space
- SC 5-8: Private Open Space Provision
- TM 2-1: Walking
- TM 2-2: Cycling
- TM 3-1: National Road Network
- ZU 2-1: Development and Land Use Zoning
- ZU 3-2: Appropriate Uses in Residential Areas
- HE 4-1: Record of Protected Structures

Cork County Councils Recreation and Amenity Policy Document is also relevant.

### 5.3. ***National Planning Framework (2018)***

The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4
- Policy Objective 6
- Policy Objective 11
- Policy Objective 33

- Policy Objective 35

#### 5.4. **National Guidance**

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- Urban Design Manual, A Best Practice (DOEHLG, 2009)
- Design Manual for Urban Roads and Streets DMURS (2013)

#### 5.5. **Natural Heritage Designations**

The subject site is located approx. 130m north of the Blackwater River (Cork / Waterford) SAC.

#### 5.6. **EIA Screening**

Notwithstanding the proximity of the proposed development to the Blackwater River (Cork / Waterford) SAC and the requirement for an NIS, the nature and small scale of the development within an established urban area would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

6.1.1. A third-party appeal was received from Denis Murphy. The issues raised are summarised below.

- The topography of the site makes it unsuitable for development.
- The development of the site would negatively impact on surface water drainage which could have a negative impact on surrounding properties, especially those at lower levels.
- The density and scale is out of character with the area and would negative impact on existing amenities.

- The proposed development would negatively impact on the protected structure and its setting.
- The proposed development is at variance with TII's official policy. It would negatively impact on traffic flows and cause congestion and would result in a traffic hazard.
- There is no capacity in the existing public stormwater system.
- Concerns regarding capacity of the existing foul sewer.

## 6.2. Applicant Response

The Applicants submission is summarised below: -

- The proposed development is in accordance with national and local policy. It will bring back into use a protected structure which is at risk due to dereliction, theft and damage.
- The proposed density is 8 units per hectare, this is not excessive. The number of units was agreed with the Planning Authority. The density and design of the scheme respects the protected structure and its setting.
- The scheme has been designed to take account of the topography of the site. It also responds to the site and is in keeping with the surrounding area.
- The Road Safety Audit submitted by way of further information confirms the development would not negatively impact on Navigation Road (N72).
- The Traffic and Transport Assessment carried out as part of the application concludes that the development would not negatively impact on the surrounding road network or result in a traffic hazard.
- Surface water will be managed within the site. The Planning Authority's Area Engineer raised no concerns regarding surface water.
- Irish Water have confirmed that there is capacity within the public foul sewer to accommodate the proposed development.

## 6.3. Planning Authority Response

None

## 7.0 **Assessment**

7.1. As indicated the appeal refers to the proposed development of 9 no. houses and the renovation of an existing protected structure and outbuilding as lodged with the Planning Authority on the 14th December 2018, in response to clarification of further information. The following assessment focuses on that proposal.

7.2. The main issues in this appeal relate to the design and layout of the scheme, the impact on the protected structure, traffic and water services. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Design and Layout
- Protected Structure
- Traffic
- Water Services
- Appropriate Assessment

### 7.3. ***Design and Layout***

7.3.1. The proposed scheme comprises 9 no. 4-bed detached houses and the refurbishment of a protected structure to provide a 4-bed house with associated 1-bed ancillary family accommodation. Concerns are raised in the appeal that the density and scale of the proposed development is out of character with the area and would negative impact on existing amenities.

7.3.2. The site slope upwards, away from Navigation Road with an elevational difference of approx. 11m between the southern boundary with Navigation Road and the northern boundary with the Westbury Heights Residential Estate. The internal access road and the siting of the houses reflects the topography of the site.

7.3.3. The house designs are a contemporary approach to the traditional. They comprise a variety of front elevations. The external materials include render, blockwork, large modern windows frames with sections of aluminium and black roof tiles. The houses vary in height from 6.4m to 8.5m.

- 7.3.4. The houses are located a minimum of 9m from the northern and western boundaries, 10m from the southern boundary and 2m from the eastern boundary. Having regard to the elevational differences on site, the separation distances and the existing boundary treatments, which includes mature trees and hedges. It is considered that the proposed development would not result in an overbearing impact or undue overshadowing or overlooking of adjoining properties.
- 7.3.5. The scheme has a density of 8 no. units per hectare. It is an objective of the National Planning Framework to increase residential densities in appropriate locations to avoid the trend towards predominantly low-density commuter-driven developments. Policy HOU 4-1 of the Development Plan sets out permissible housing densities for sites located in the suburbs of large towns of between 20 – 50 units per hectare. Having regard to the proximity of the site to Mallow town centre and the train station, I would have concerns regarding the proposed density and consider that a higher density could be achieved on the site. However, having regard to the protected structure on site, the sites topography and the existing pattern of development in the vicinity of the site, it is my opinion that the proposed density is appropriate in this instance.

#### 7.4. ***Protected Structure***

- 7.4.1. 'Hawthorn' is a protected structure Ref. RPS46. It is described in the Applicants supplementary report, submitted by way of further information, as a detached three-bay two-storey house built before 1841 which links with a four-bay two-storey rows of outbuildings. The buildings have considerable damage from ongoing moisture ingress and fire damage. It is proposed to restore and reuse the house with minor interventions. It is noted that the Planning Authorities Conservation Officer raised no objection in principle to the works.
- 7.4.2. Concerns were raised in the third-party appeal that the proposed development would negatively impact on the protected structure and its setting.
- 7.4.3. The proposed works to the protected structure comprise minor alterations to facilitate additional internal and external openings to provide for the requirements of modern living. In my opinion the proposed alterations are sympathetic to the original plan form of the house and the renovation and reuse of the derelict protected structure is to be welcomed.

- 7.4.4. The curtilage of the protected structure is also an essential part of its special interest. It is noted that the siting of the proposed new houses retains existing historic boundaries within the site. In particular, 2 no. houses (house numbers 8 and 9) along the northern boundary of the site are located in the former walled garden and the 5 no. houses (house numbers 1-5) located to south of the protected structure are located in the former paddock. The works also include the restoration and reuse of a former gate lodge as ancillary storage for house no. 7. In addition, it proposed to retain the existing boundary walls, with an alteration to the vehicular access on Navigation Road. The siting of the houses also allows for the retention of mature planting and aims to minimise the alterations to the historic elements of the site.
- 7.4.5. There is a minimum separation distance of 15m from the protected structure and the proposed new dwellings. A large area of private open space has also been retained around the structure. Due to design and siting of the proposed houses views of the protected structure from Navigation Road have been retained.
- 7.4.6. I am satisfied that the proposed development provides a sensitive reuse of the protected structure and I am satisfied that the design, form, scale, height, proportions, siting and materials of the proposed houses relates to and complements the special character of the protected structure.

## 7.5. **Traffic**

- 7.5.1. It is proposed to alter the existing access onto Navigation Road to provide a single access point for the proposed development. Due to the gradient on site the existing driveway is to be removed and a new internal access road is proposed. The new road is circuitous, with a carriageway width of 5.5m and a 1.8m wide footpath on the eastern side. An additional stepped pedestrian route is provided through the centre of the site.
- 7.5.2. Concerns have been raised in the appeal that the additional vehicular movements generated by the development would result in a traffic hazard and would be at variance with TII's policy to manage and control access onto National Routes.
- 7.5.3. In response to a request for clarification of further information the applicant submitted a Traffic and Transport Assessment (TTA). The TTA assessed 3 no. junctions (1) the N72 / proposed new access, (2) the N72 / Kennell Hill and (3) N72 / N20 (Annabella Roundabout) in the AM and PM peaks. It concluded that the level of traffic generated

by the proposed development would have an insignificant impact on the surrounding road network.

- 7.5.4. PICADY was used to assess the capacity of the N72 / proposed new access. It showed that all arms of the junctions work within capacity during the AM peak and PM peak and no queuing is expected both with and without the development.
- 7.5.5. Due to the limited number of trips potentially generated by the proposed development, it is unlikely to have a significant impact on the capacity of the surrounding road network and any queuing which does occur due to traffic flows on Navigation Road will be within the site and will not impact on the road network. It is also noted that the Planning Authority raised no objection to the proposed access / egress arrangements or the potential impact of traffic generated by the development.
- 7.5.6. TII's policy to manage and control all accesses onto National Roads is acknowledged. However, having regard to the sites location within the town boundary for Mallow, the 50km/h speed limited, the provision of an existing vehicular access to the site and the limited number of vehicular movements potentially generated by the development it is considered that the proposed scheme would not have a negative impact on the operation of the national Road.
- 7.5.7. In conclusion, I do not consider the proposal would result in a traffic hazard or generate any road safety issues.

## 7.6. **Water Services**

- 7.6.1. The proposed development will be connected to existing public main sewer and water supply. Concerns are raised in the appeal regarding the capacity of the existing foul sewer network. An Infrastructure Report was submitted to the Planning Authority which notes that there is an existing 150mm diameter foul sewer running under the site. It is proposed to upgrade this to a 225mm diameter foul sewer. It is also proposed to connect the site to the existing public water main via a 100mm diameter connection. A letter of confirmation of feasibility for the site from Irish Water has been included.
- 7.6.2. Concerns have also been raised that the proposed development would exacerbate the existing issue with overflow from the public stormwater drainage system during heavy rainfalls. It is proposed to provide a land filter drain along the southern boundary of the site, which is connected to a storm water attenuation tank. The tank will connect

to the existing public system. Rain water gullies will also be provided at the site entrance to ensure all storm water would be managed on site and would not flow onto the N72. It is considered that the proposed disposal and attenuation of surface water is sufficient.

7.6.3. It is noted that the Planning Authority's Area Engineer raised no objection to the proposed development. I am satisfied that the proposed arrangements are sufficient to cater for water services relating to the site.

**7.7. Appropriate Assessment – Stage 1 Screening**

7.7.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

7.7.2. The following European sites are located within a 15km radius of the site and their relevant Qualifying Interest and separation distances are listed below.

**Conservation Objectives:** to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.

European Site	Site Code	Relevant QI's and CI's	Distance
Blackwater River (Cork / Waterford) Special Area of Conservation	002170	Freshwater Pearl Mussel White-clawed Crayfish Lamprey Twaite Shad Salmon Otter Estuaries Mudflats and Sandflats Perennial Vegetation Salicornia and other annuals Salt meadows Killarney Fern Water courses of plain to montane levels with the Ranunculus	C. 130m south of the site

		fluitantis and Callitricho-Batrachion vegetation Old sessile oak woods Alluvial forests Taxus baccata woods	
Kilcolman Bog SPA	004095	Whooper Swan Teal Shoveler Wetland and Waterbirds	C.12km north of the site

7.7.3 I am satisfied that Kilcolman Bog SPA can be screened out of any further assessment due to the absence of relevant qualifying interests in the vicinity of the works and the absence of a hydrological link between the European site and the proposed development.

7.7.4 Maps no 3, 4, 5, 6, 7 and 10 of the National Parks and Wildlife Services Conservation Objectives Series for the Blackwater River (Cork / Waterford) indicate that several of the habitats and species are not located within the zone of influence of the proposed development, (in this regard White clawed crayfish, Twaite Shad, Killarney Fern, Estuaries, Mudflats and sandflats, Perennial vegetation, Salicornia and other annuals, salt meadows, Old Sessile Oak Woods, Alluvial forests, Taxus baccata woods) and can be screened out from further assessment.

**The potential indirect effects relate to:**

- potential surface water run-off via the public stormwater sewer network;
- potential wastewater runoff impacts via the Mallow Waste Water Treatment Plant; and
- Disturbance / displacement impact of fauna from noise and light pollution.

7.7.5 In conclusion, having regard to the nature and scale of the proposed development, to the separation distance of the application site from the European site, to the nature of the qualifying interests and conservation objectives of the European sites and to the available information as presented in the application it is my opinion that the proposed development has the potential to affect the Blackwater River (Cork / Waterford) SAC having regard to the conservation objectives of the relevant sites and that progression to a Stage 2 Appropriate Assessment is required.

## **7.8 Appropriate Assessment – Stage 2 NIS**

- 7.8.1 A Natura Impact Statement was submitted in response to a request for clarification of further information.

### ***Blackwater River (Cork / Waterford) SAC***

- 7.8.2 The Blackwater River (Cork / Waterford) SAC stretches through Kerry, Cork, Limerick, Tipperary and Waterford and overlaps with the Blackwater Estuary SPA (004028), Blackwater Callows SPA (004094) and Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (000365). It supports a wide range of Annex I habitats. It is particularly important due to the presence of freshwater pearl mussel and salmon.
- 7.8.3 The proposed development would not be located within the SAC and there would be no direct effects as a result.
- 7.8.4 The site is hydrologically linked to the SAC via 2 no. drains, located along the western and eastern boundary of the subject site, that drain to the public stormwater sewer network which is located to the south of the site. The public sewer discharges into the Blackwater River.
- 7.8.5 Surface water run off associated with the construction stage and operational phase could potentially enter a hydrologically connected watercourse and ultimately the SAC. Therefore there is potential for indirect effects on surface water quality during site preparation and earthworks. The NIS recommended sediment control mitigation measures to protect the environment from pollutants. These include removing excess excavated material from the site, the use of silt fences, sediment traps and attenuation units will be completed in a timely manner during dry weather conditions to ensure all run off water is treated prior to discharge. During the operational phase all surface water run-off associated with the development will be collected by new surface water drainage system and managed and controlled. Adherence to best practices methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages or leaks.
- 7.8.6 With regard to wastewater run-off, all waste will be collected via a licenced operator during the construction phase. During the operational phase the development will be

connected to the existing local public foul sewer network for treatment as Mallow Waste Water Treatment Plant, which discharges into the Blackwater River. Current monitoring of the receiving waters suggests that discharge from the WWTP does not have an observable negative impact on its water quality. Therefore, no mitigation measures are required.

7.8.7 The NIS considered that, due to the distance of the subject site to the SAC and the qualifying interests of the SAC, disturbance / displacement of fauna from noise and light pollution was not relevant and no mitigation measures are required.

### **7.8.8 Potential effects**

**Freshwater Pearl Mussel:** Freshwater Pearl Mussel are highly susceptible to changes in hydrology, and in particular, impacts from sedimentation and pollution. Any deterioration in water quality due to an increase in suspended sediments could undermine the viability of the Blackwater River Freshwater Pearl Mussel population. They are also reliant on salmon as a host fish, so the potential for indirect impacts on salmon is also a concern.

The full implementation of mitigation measures and adherence to best practice will ensure that downstream water quality is protected, with no adverse effects on this Qualifying Interest species anticipated.

#### **Fisheries:**

**Salmon:** The viability of salmon populations is strongly influenced by water quality. Any impact on the watercourses draining the proposed development, particularly on spawning and juvenile habitat, has the potential to adversely affect the salmon population of the SAC. Access to suitable spawning habitat is a fundamental requirement. Gravels need to be clear of sediment and the eggs submerged in well oxygenated water during incubation. In addition elevated levels of suspended solids can clog the respiratory structures of salmon.

**Lamprey:** Changes to water quality from sediment releases could impact the species, either directly or indirectly through the deterioration of clean gravels at spawning grounds.

The full implementation of mitigation measures and adherence to best practice will ensure that downstream water quality is protected, with no adverse effects on these Qualifying Interest species anticipated.

**Otter:** A deterioration of water quality and consequent reduction of fish stock and prey on which the otter depends, could present a threat to the population.

The full implementation of mitigation measures and adherence to best practice will ensure that downstream water quality is protected and commuting routes along watercourses will not be affected. Therefore, no adverse effects on this Qualifying Interest species are anticipated.

**Water courses with the *Ranunculus fluitantis* and *Callitriche-Batrachion*:** Water quality should reach a minimum of Water Framework Directive 'good status' in terms of nutrient and oxygenation standard and EQR (ecological quality ratios) for macroinvertebrates and phytobenthos. Other aspects of water quality such as suspended sediment and minerals, can also impact the species.

The full implementation of mitigation measures and adherence to best practice will ensure that downstream water quality is protected, with no adverse effects on this Qualifying Interest species anticipated.

Having regard to the nature and scale of the proposed development, notwithstanding the presence of an aquatic connection to a European site via the on-site drains, and taking account of the separation distance to the SAC (130m) and to the nature of the qualifying interests and the conservation objectives, it is my opinion that the proposed development, subject to the full implementation of the mitigation measures and compliance with best practice methodologies during the construction phase, would not have the potential to affect the SAC or its conservation objectives.

It can be reasonably concluded on the basis of best scientific knowledge therefore that the proposed development will not adversely affect the integrity of the Blackwater River (Cork / Waterford) SAC.

## 7.9 ***In-combination effects***

Having regard to the nature and scale of the proposed development it is considered that it does not have the potential for in-combination effects, after mitigation measures are applied, to undermine the integrity of the European site.

#### **7.10 Conclusion**

I consider it reasonable to conclude on the basis of the information on 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 site Numbers 002170 or any other European site, in view of the site's Conservation Objectives.

### **8.0 Recommendation**

It is recommended that permission be granted subject to conditions.

### **9.0 Reasons and Considerations**

- 9.1. Having regard to the residential zoning objective of the subject site, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area, would not negatively impact on the protected structure and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

### **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 14th day of December 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of

development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Works to the protected structure shall be carried out with the input of specialist expertise in the form of a conservation architect and shall be carried out in accordance with the requirements of the Architectural Heritage Protection Guidelines and any other advice issued by the Department of Arts, Heritage and the Gaeltacht.

**Reason:** To safeguard the special architectural interest of the protected structure.

3. Prior to commencement of development final details of the location and facilities to be provided in the neighbourhood play area shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** In the interest of residential amenity.

4. The landscaping scheme shown on drawing 18227-2-101, as submitted to the planning authority by way of further information on the 21<sup>st</sup> day of September, 2018 shall be carried out within 12 months of the date of commencement of development

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

5. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura Impact Statement and associated documentation are implemented in full, save as may be required by conditions set out below.

**Reason:** In the interest of protection of the environment

6. 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 traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and public safety

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

**Reason:** In the interests of visual and residential amenity.

10. 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

11. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

12. 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.

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Elaine Power  
Planning Inspector

27<sup>th</sup> June 2019