



An
Bord
Pleanála

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

Inspector's Report ABP-304367-19

Strategic Housing Development

472 no. residential units (234 no. houses, 238 no. apartments), crèche and all associated site works

Location

Castletreasure/Maryborough
(townland) Carr's Hill/Carrigaline Road
(R609), Douglas, Co. Cork

Planning Authority

Cork County Council

Applicant

Cairn Homes Properties Ltd.

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland

Observer(s)

Alexander Zhdanov
Barry McDermott

Brian and Rebecca MacSweeney
Castletreasure Homes Management
Company Ltd
Catriona and Kevin O'Sullivan
Douglas Golf Club
Douglas Hurling and Football Club
Dr Mark Smith
Eoin Culhane
Gilda and Rory Morrison
Ian Bisby
Johannes Ahlmann
Keelin O'Donoghue
Kevin McCarthy
Lorna Bogue
Mary Rose Desmond
Padraig Sheehan
Sean and Marie O'Driscoll
Shane Sullivan
Vicarage Residents Association

Date of Site Inspection

10th June 2019

Inspector

Una O'Neill

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site (21.9 ha in area) is located within the South Environs of Cork City, 6km southeast of Cork City Centre and approx. 2km southeast of Douglas village centre. The site is within the jurisdiction of Cork City Council, having been transferred from Cork County Council on 31st May 2019 as part of the extension of the administrative area of Cork City Council.
- 2.1.2. The site fronts onto the R609/Carr's Hill/Carrigaline Road, which connects Douglas Village to the N28 Carrigaline Road. To the immediate northwest of the intended main entrance from the R609 lies a site upon which permission has been granted for the construction of an Educate Together National School. This permission provides for a new road and signalised access onto the R609. Maryborough Woods housing development and Douglas Golf Club sit on the opposing hill to the north/northeast. Ballybrack Woods (subject of a Tree Protection Order) and Douglas Stream extends along the western boundary between the site and the housing development at Donnybrook Hill. Moneygurney Stream traverses the site in a northwest-southeast direction. Along the southern side of the R609 between the site and the junction with Berkeley housing estate are a small number of detached rural type dwellings, a nursing home and Douglas pitch & putt club. The site bounds The Vicarage, which is a cul-de-sac consisting of 17 no. large detached dwellings and Temple Grove (57 apartments in two apartment blocks, three to four storeys in height), with access currently available to the application lands via an access track rising up/southwards from one of the apartment blocks. To the north of Temple Grove Apartments and The Vicarage there is a further cul de sac of detached dwellings and north of that cul de sac lies the residential development of Berkeley, which is parallel to and below the Carrigaline Road/R609. To the immediate south of the subject site lies an area of land which is identified in the Ballincollig Carrigaline District Local Area Plan 2017 as a possible site for consideration as a Strategic Land Reserve option i.e. SLR3 –

Castletreasure, which extends to 21.4 ha, forming one of number of possible sites which have been identified as Metropolitan Cork Strategic Land Reserve options in the Local Area Plan 2017.

- 2.1.3. The site is quite elevated and the topography challenging with significant steep sections across the centre of the site falling down toward the western/Douglas Stream and north-east toward the Moneygurney Stream which sits in a valley within the northern section of the lands. The site gradient falls from its highest point of c.82mOD along the southern section of the site, to the lowest point of c.30mOD along the course of the Moneygurney Stream and rises sharply up from the stream to c.62mOD along the R609 Carrigaline/Carr's Hill Road. There are a number of field boundaries and significant copses of trees and woodland areas along the boundary of the site. There is a Tree Protection Order covering a grouping of trees along the western boundary and a site-specific zoning objective which requires the protection of all hedgerows and trees within future development proposals. The land contains water services infrastructure of a 300mm and a 1200mm diameter water mains, which require a 10m wayleave and 30m wayleave respectively. The largest wayleave relates to the 1200mm Cork Harbour and City trunk main which is categorised as a critical water main serving the large industrial area of Ringaskiddy and cannot be shut down or diverted. Development within this wayleave is significantly restricted. The 300mm water main is proposed to be realigned within the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 472 residential units (234 no. houses, 238 no. apartments) along Carrigaline Road/Carr's Hill); a crèche; provision of a central spine of parkland along the Moneygurney Stream including an extension to the Ballybrack Greenway; open space; vehicular access onto the R609 Carrigaline Road/Carr's Hill and vehicular and pedestrian connections to the existing Temple Grove/The Vicarage Estate. An EIAR and an NIS have been submitted with the application.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Key Figures

Site Area Net	13.29 ha (gross is 21.9 ha; 8.61ha is undevelopable)
No. of Residential Units	472
Density	35.5 u/ha
Childcare Facility	642 sqm, 75 spaces. 11 parking spaces
Public Open Space	2.2ha of passive open space (retained woodland and sloped areas); 8.2 ha of active open space (adaptable woodland, parkland and play areas. LAP required provision of 3 ha over what is normally required for open space in this area
Height	2-3 storey houses, 3 storey duplexes, and 4-5 storey apartment blocks
Part V	47 units

Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Apartments/Duplexes	76	123	39		238
Houses			167	67	234
	76	123	206	67	472
As % of total	16%	26%	44%	14%	100%

Parking Provision

Car Parking	774 parking spaces across the total development. <ul style="list-style-type: none"> 2 spaces per dwelling (i.e. 234 no. houses), equating to 468 spaces plus
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	<p>an additional 9 visitor parking spaces.</p> <ul style="list-style-type: none"> • 286 parking spaces are provided for the 238 apartments/duplexes, which is slightly below the maximum requirement of 297 spaces. <p>This has been calculated using varying rates as follows and set out in the Schedule of Areas:</p> <p>Apartment Block A – 1.06 spaces provided per unit = 44 total</p> <p>Apartment Block B/C/D – 1.07 spaces provided per unit = 105 total</p> <p>Block E – 1.3 spaces provided per unit = 39</p> <p>Block F – 1.13 spaces provided per unit = 26</p> <p>Block G & H – 1.8 spaces provided per unit = 72</p>
<p>Bicycle Parking</p>	<p>CDP standards applied of 0.5 spaces per unit (1-2 bed apt); 1 space per 3+ bed apt; crèche, 1 per 4 staff.</p> <p>1 stand has been provided per apartment and 1 stand per 2 apartments for visitors. A breakdown of the number of cycle spaces per apartment is set out below.</p> <ul style="list-style-type: none"> • 80 cycle spaces have been provided to north of Vicarage Apartments. • 32 cycle spaces have been provided to the east of Block E in Western

	<p>Woodland Character Area.</p> <ul style="list-style-type: none"> • 24 cycle spaces are provided to east of Block F in Parkland Character Area. • 30 cycle spaces are provided to east of Blocks G & H in Parkland Character Area. • 150 cycle spaces are provided at basement level for the Carr's Hill Apartment Blocks B, C & D
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I note the developer proposes 6 character areas. The statement of consistency submitted with the application breaks down each area by size and by the number of units per character area.

	Development Area	No. of Units
1. Village Neighbourhood	5.53	151
2. Western Woodland	1.75	56
3. Valley Floor	2.00	57
4. Parkland	2.65	63
5. Vicarage Apartments	0.51	47
6. Carr's Hill Apartments	0.85	98
Total	13.29	472

3.3. A part VIII greenway route is proposed by Cork County Council within the site, known as Ballybrack Pedestrian and Cycle Path Phase 4. The existing route

provides a greenway connection to Douglas Village and forms part of a wider network of greenway proposals to improve connectivity between existing neighbourhoods and Cork City. The greenway within the site is proposed as a 4m wide pedestrian and cycle route with public lighting and CCTV along the route, as per the existing section to the west of Douglas Stream/Donnybrook residential area. A toucan crossing is proposed across Berkeley Road, to facilitate a crossing over of the road from the existing greenway into the site via the northern side of the existing Irish Water Pumping Station/along the rear of dwellings on Berkeley and the Douglas Pitch & Putt Club. The greenway traverses the site to the southern side of the Moneygurney stream, along the alignment of the 30m wide Irish Water wayleave. The greenway is proposed to connect further on to Maryborough Ridge, a housing development area on the other side of the N28 and is incorporated within the planned M28 upgrade.

- 3.4. The primary vehicular access to the site is proposed from the northeast boundary, off the R609, via a proposed access permitted as part of the proposed primary school (ABP ref 302924-18), with this road leading over a proposed bridge as part of this development, crossing the Moneygurney stream and the 30m wide Irish Water wayleave, to access into the site. A vehicular access currently exists into the site from the R609 along Berkeley Road, which serves existing dwellings, including Berkeley Court, The Vicarage/Temple Grove, and a laneway of detached dwellings. This access is proposed to serve the development. A third and separate vehicular access is proposed to serve the three apartment blocks along the R609 (98 apartments), approx. 80m southeast of the primary access to be constructed. A pedestrian bridge is proposed to the south of these apartment blocks to cross the Moneygurney stream and link to the permitted greenway.
- 3.5. Upgrades are proposed to the Carr's Hill/Carrigaline Road (R609) including a gateway treatment to slow traffic, traffic calming and footpath connections.
- 3.6. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An onsite pumping station is proposed adjoining the proposed apartment blocks on the R609. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection

agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated.

4.0 Planning History

Temple Grove Development – at entrance to application site:

06/9520– Permission GRANTED for the construction of 74 units (17 dwellings and 57 apartments in two apartment blocks) ranging in height from 3-4 storeys over basement car parking. Decision appealed in relation to a contribution (PL04.221568).

07/8860 – Permission GRANTED to amend 06/9520, with addition of 35 apartments and increased height of building.

North/Adjoining the Appeal Site:

ABP-302924-18 (CCC ref 18/5369) – Permission GRANTED for a primary school.

Condition No. 10 —The school development shall include the provision of the pedestrian and cycle connection to the proposed Ballybrack Valley (Mangala) Pedestrian and Cycle Route.

Reason: in the interests of sustainable commuting.

Northwest of Appeal Site closer to Douglas Village:

18/06246 – Permission REFUSED for a post primary school. Case is subject to an appeal to ABP, which has not yet been decided (ref ABP-304733-19).

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 25th October 2018 in respect of a proposed development of 446 dwellings, a creche and all associated site works on the site. The main topics discussed at the meeting were –

- Specific Local Objectives pertaining to the site namely SE-R-06 and SE-U-04.

- Green Infrastructure to include retention and protection of existing trees, landscaping and hierarchy and function of public open spaces, biodiversity and movement corridors, SUDS and archaeological constraints.
- Development Standards to include density, layout, unit typology and mix, urban design.
- Visual Impact Assessment
- Connectivity and Movement to include DMURS and consideration of impacts on the local and wider road network.
- Flood Risk
- Any other matters

Copies of the record of the meeting, the Inspector's Report, and the Opinion are on available for reference on this file.

5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

1. Green Infrastructure – further consideration and / or justification of the documents as they relation to the consideration of Green Infrastructure and SE-R-06 and the Tree Protection Order along the western boundary. Further consideration of proposed landscaping plan and the hierarchy, function and usability of public open space. All SUDs features should be clearly identified and proposals as to how the features will enhance / contribute to a sense of place. Consideration to be given to existing biodiversity value of site and retention of movement corridors for wildlife and any potential impact from lighting scheme.
2. Movement and Transportation – further consideration and / or justification of the documents as they relate to vehicular, cycle and pedestrian connections including legibility and permeability through the site to residential lands, the school site and the provision of possible future connections to lands to the south. Further consideration to how street hierarchy and access

arrangements from the Carrigaline Road are consistent with DMURS and public transport routes proposed.

3. Urban Design Response, Density and Layout – further consideration and / or justification of the documents as they relate to the rationale for the layout and urban design response with particular regard to the creation of distinct neighbourhood areas, the creation of active and aesthetically pleasing urban street frontages having particular regard to the site context and significant difference in levels across the site and how elevational treatments respond to the site context to ensure qualitative design response with optimal passive surveillance of public and private open spaces.
4. Surface water management and Risk of Flooding – Further consideration of documents as they relate to surface and storm water management and the risk of displaced or increased discharge of waters downstream towards Douglas Village.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

- Landscaping proposals
- A site layout plan illustrating overall movement and transportation hierarchy and proposed connections to existing greenways.
- Photomontages and cross sections
- Details of existing and proposed levels, including any cut and fill proposals
- All existing watercourses and utilities
- Details in respect of the proposed residential units including a schedule of Accommodation and Quality Assessment Report
- Report identifying demand for school and crèche places likely to be generated
- Construction and demolition waste management plan
- Phasing plan

- Site layout indicating all areas to be taken in charge
- Relevant consents to carry out works on lands not included within the red-line boundary.

5.3. Applicant's Statement

5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

Item 1 – Green Infrastructure:

- Aecom has prepared a comprehensive set of drawings and 'Green Infrastructure Landscape Strategy'.
- Figure 4B 'Tree Protection Order and Root Protection Zone' of the landscape strategy identified the retention and protection of all trees within the TPO.
- Detailed landscaping drawing submitted – SHT-20-0000-L-1000.
- Hierarchy, function and usability of all open space highlighted in the landscape strategy, including in particular Figure 6B 'Open Space Hierarchy' and Figure 6A 'Landscape Structure', which quantifies the area of usable open space as 8.2ha and passive open space as 2.2ha.
- SUDS details are included in the engineering report by JB Barry and chapter 7 of the EIAR and includes permeable paving overlying a porous aggregate reservoir, which ensures surface water does not run directly over the surface to the sealed surface water pipe network; long and detailed cross sections (pg 21 to 26 of AECOMs Strategy document) showing changes in levels and the interface of boundary treatments and SUDs to public open spaces/streetscapes.
- CGIs and photomontages submitted in MDP's Design Statement and AECOMs GI Landscape Strategy and Landscape and Visual Assessment.
- AECOM and Kelleher Ecology have worked to ensure consideration of the biodiversity value of the site and as far as practicable the retention of movement corridors for wildlife.
- OCSC and Kelleher Ecology have worked together on the lighting proposals.

Item 2 – Movement and Transportation:

- The Site Layout Plans and Section 4 of the Design Statement by MDP Architects illustrate the overall movement and transportation hierarchy for the proposed scheme, including connectivity (p.30), legibility through distinct neighbourhoods and character areas (p.44), street hierarchy and access arrangements (p.42) and compliance with the principles of the Design Manual for Urban Roads and Streets (DMURS – p.42) which have been incorporated in the design of the development roads, to improve legibility through the scheme.
- 2 no. direct access points have been included to allow for possible future connections to lands to the south (which have been identified as a ‘Strategic Land Reserve’ in the LAP), with further potential connection points possible/available which could also be considered.
- With regard to the R609 Carr’s Hill/Carrigaline Road, particular attention has been paid to this part of the proposed development to ensure that this section of road is consistent with the principles of the Design Manual for Urban Roads and Streets and provides an attractive urban environment for this approach to Douglas. Accordingly, important design changes have been made to this part of the proposed scheme following the Pre-Application Consultation with the Board, most notably with the introduction of 3 no. Apartment Blocks (B, C and D) which directly address the street/R609. On street parking, a new public footpath and a large landscaped area provide an interface between the road and the apartment blocks (refer to p.50 of the Design Statement by MDP Architects) and traffic calming measures in the form of a ‘Gateway’ treatment is included as part of the drawings by JB Barry.
- Chapter 5A of the EIAR includes details of Existing Public Transport and Pedestrian/Cycle Facilities, including details of five Bus Eireann services linking the wider Douglas area to Cork City and surrounding area. Currently, only one bus route (Route 216) directly serves the proposed site. The permitted Primary School includes provision for a bus stop at the main entrance to the site.
- A section of the Ballybrack Greenway extension is included as part of our clients’ development, within the large linear amenity space which runs roughly east-west through the site and is linked to the neighbourhood areas via a series of pedestrian paths.

Item 3: Urban Design Response, Density and Layout

- Following the Pre-Application Consultation with the Board, the proposed scheme was revised so that it now achieves a net density of 35.52 units per hectare. This is within the range outlined for Medium A density development (and also the range for high density development) in the CDP and it is also consistent with the 2009 Guidelines on Sustainable Residential Development in Urban Areas for 'Outer Suburban / 'Greenfield' sites' in that it is above the density range of 35-50 dwellings per hectare cited in the guidelines. This is an increase from 32.67 units per hectare which was previously proposed at pre-application stage. This increase in density has mainly been achieved by the provision of apartments on to Carr's Hill/Carrigaline Road (in lieu of duplexes) and through the introduction of duplex/apartments to the west of the crèche (in lieu of detached dwellings).
- The net density of 35.52 units per hectare, is the optimum achievable for the site and that the density and layout responds to the need to integrate the development with its surroundings while also considering the sites potential, constraints, topography and environmental context.

Item 4: Surface Water Management and Risk of Flooding

- The surface and storm water strategy for the development incorporates SUDS (Sustainable Urban Drainage Systems). Parking surfaces comprise permeable paving overlying a porous aggregate reservoir, which has been sized to ensure the runoff from these parking areas drains via the porous aggregate and not directly over the surface to the sealed surface water sewer pipework, thereby providing an additional element of source attenuation. Other SUDS measures such as filter drains behind retaining structures are also incorporated into the surface water drainage system (refer to JB Barry Report/Drawings for further details).
- The development will also include the construction of a gravity surface water drainage network throughout the site, which will include the installation of dedicated attenuation facilities upstream of proposed outfalls to the Moneygurney and Douglas Streams, to attenuate discharges to the undeveloped 'greenfield' runoff rates with the operation of proprietary hydro-brake flow-control devices.
- In relation to flood risk, the OPW PFRA map for the South Western River Basin District is shown in Figure 7.2 of the EIAR and indicates that no groundwater flood

risk or pluvial flood risk exists near the proposed development site but that the eastern portion of the site (along the route of the Moneygurney Stream) is located within a fluvial flood risk zone i.e. indicative 1% Annual Exceedance Probability 100-yr event and fluvial extreme events. Accordingly, a 'Flood Risk Assessment', (FRA) has been prepared by J.B Barry & Partners and accompanies the planning application. No development is proposed within a flood zone, and in order to prevent any increased flooding at the downstream reach of the Ballybrack/Douglas Streams from the proposed development, SUDS and on-site attenuation will be implemented in order to limit the discharge from the site to the current greenfield discharge rates. The implementation of these SUDS/ attenuation measures will mitigate the risk of flooding outside of the development site and ensure there is no downstream impact(s) from the proposed development.

The specific information required in the Opinion issued to the applicant has also been submitted.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, with their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.2. Regional Policy

6.2.1. Draft Regional Spatial and Economic Strategy for the Southern Regional Assembly

‘The game changer for Metropolitan Cork is to implement the Cork Metropolitan Area Transport Strategy (CMATS). All strategic residential and employment locations identified must reinforce and deliver this network. Delivering a potential high capacity Light Rail Transit Corridor will be the key new transformative project and is a key ambition. The distribution of growth must follow a spatial hierarchy that underpins delivery of the CMATS. Refer to Cork MASP Vol 2 for details’.

6.3. Local Planning Policy

6.3.1. While the site is now located within the boundary of Cork City (31st May 2019) the relevant statutory plans are the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017.

6.3.2. Cork County Development Plan 2014:

- Chapter 2, Core Strategy – The development lands are located within the Cork Metropolitan Area.
- Objective HOU 3-1 – This objective seeks to ensure all new developments support the achievement of sustainable residential communities, prioritises walking, cycling and public transport and the provision of connected footpaths and lighting to support new residential developments.
- Objective HOU 3-2 – This objective seeks to ensure all new urban development is of a high design quality and refers to the design manual issued with the 2009 sustainable urban residential guidelines and DMURS.

- Objective HOU 3-3 – This objectives seeks to secure the development of a mix of house types.
- Objective HOU-4 relates to housing density. It describes high density as over 35 dph which is applicable in town centres or close to high quality public transport corridors. Medium A is 20-50dph which would be applicable in city suburbs.
- GI 3-1 - Green Infrastructure New Developments - Require new developments to contribute to the protection, management and enhancement of the existing green infrastructure of the County and the delivery of new green infrastructure, where appropriate.
- GI 3-2 : Green Infrastructure – Significant Developments - Require significant new developments (multiple residential developments including Part 8 applications, retail, industrial, mineral extraction etc) to submit a green infrastructure plan as an integral part of any planning application. This plan should identify environmental assets and include proposals which protect, manage and develop green infrastructure resources in a sustainable manner.
- HE 2-3: Biodiversity outside Protected Areas - Retain areas of local biodiversity value, ecological corridors and habitats that are features of the County’s ecological network, and to protect these from inappropriate development. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and seminatural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 Chapter 3 Nature Conservation Areas of the plan.
- HE 2-4: Protection of Wetlands - Ensure that an appropriate level of assessment is completed in relation to wetland habitats subject to proposals which would involve drainage or reclamation. This includes lakes and ponds, watercourses, springs and swamps, marshes, heath, peatlands, some woodlands as well as some coastal and marine habitats.
- HE 2-5: Trees and Woodlands
 - a) Protect trees the subject of Tree Preservation Orders.

b) Preserve and enhance the general level of tree cover in both town and country. Ensure that development proposals do not compromise important trees and include an appropriate level of new tree planting and where appropriate to make use of tree preservation orders to protect important trees or groups of trees which may be at risk or any tree(s) that warrants an order given its important amenity or historic value.

c) Where appropriate, to protect mature trees/groups of mature trees and mature hedgerows that are not formally protected under Tree Preservation Orders.

- TM 302 – Regional and Local Roads objectives, including a list of projects critical to the delivery of planned development, one of which is the Douglas East-West Link Bridge.

Ballincollig Carrigaline Municipal District Local Area Plan 2017 (which incorporates the Douglas Land Use and Transport Study):

Two zoning objectives apply to the site:

- The site is part of Cork City South Environs.
- Sited is zoned Residential.
- Objective SE-GO- 01 is to secure the development of 1,285 dwellings there between 2017 and 2023.
- HOU 4-1:....Medium A is applicable in the city suburbs and ranges from a minimum net density of 20 to a maximum net density of 50 units/ha, and in areas where a Medium A density applies, apartment development is permissible where appropriate.
- SE-R-06...Development of this site is to include the following:
 - Medium A density residential development to cater for a variety of house types and sizes.
 - 3 ha of additional open space over and above what is normally required in housing areas. This open space should include a fully landscaped and useable public park.

- Retain the existing trees and hedgerows within the overall development of the site.
- A site for a primary school that could be accessed from the R609 and developed by the Department of Education in the short term.
- The timing and provision of appropriate drinking water and waste water disposal services for the development including where necessary the upgrading of off-site infrastructure.
- Provision of a cycleway.
- Consideration will need to be given to the provision of a primary school within this site at the detailed application stage
- SE-U-04: Provide pedestrian walk through stream to Douglas Village (applied to the western part of the site).
- SE-Go-01: To secure the development of 1285 new dwellings in the South-Environs between 2017 and 2023.
- Transport strategy for Douglas focuses on improving pedestrian and cycle movement, improving public transport movement, facilities and accessibility. ..delivering Smarter Travel objectives...developing a schools travel strategy to increase usable modes of transport, protecting the investment in strategic infrastructure...improving the management of vehicular movements and access...

6.3.3. Draft Cork Metropolitan Area Transport Study 2018-2040 (CMATS), (NTA/TII/Cork City and County Councils):

This Draft plan is currently on display. While this is a draft document, the following initiatives will benefit the Douglas area in particular, are noted:

- Core Bus Corridor / Bus Connects.
- Cycle Network – Greenway routes.

6.4. Designated sites

- 6.4.1. The site is not located within or adjoining a Natura 2000 site. The following Natura 2000 sites are located within 15km of the site: Cork Harbour SPA (004030) and Great Island SAC (001058).

6.5. Applicant's Statement of Consistency

6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the City Development Plan. The following points are noted:

- The proposal complies with development plan policies and LAP objectives. Strategic Land Reserve lands are identified in the LAP adjoining the southern boundary of the site, with connections proposed from this development into the adjoining lands should they be required in the future.
- The density of the scheme has been guided by the CDP, LAP and the 2009 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages).
- The proposed development has been assessed against the 12 no. design principles set out in the Urban Design Manual.
- Between 12% to 18% of a site for development, excluding areas that are unsuitable for house construction, should be allocated to the provision of public open space, and this provision shall increase as the density of the development increases. The proposed development surpasses this requirement, providing approximately 41.8% active open space. In addition to the greenway route, there are series of activity trails proposed which traverse the site including a 1.4km long play trail and a 2.5km fitness trail. 2 no. local play areas are proposed, 5 no. neighbourhood play areas and a Half Court Games Area, in addition to a kickabout area to the northwest of the scheme.
- Douglas Stream to the west and the Moneygurney Stream which bisects the site will be protected, emphasising these as strong landscape features and ecological corridors. They will also be protected appropriately during construction and operation. These features will preserve and enhance the existing habitats on site and be managed in a sustainable way, including the Tree Protection Order area to the west, in accordance with development plan policies.
- The proposed development has been designed to minimise adverse impacts on the visual and scenic amenities of the surrounding local environment.

- The site is not located within an area at risk of flooding, however owing to the location of both the Douglas and Moneygurney Steams within the site, and the existence of flood risk downstream of the proposed development, a Flood Risk Assessment (FRA) has been carried out for the proposed development and accompanies this submission to An Bord Pleanala. This report concludes that the principles of SuDS should be implemented on site in order to prevent any increased flooding downstream of the proposed development.
- The proposed storm water drainage system will incorporate SuDS features to reduce run-off and provide biodiversity benefits. The Summary of Engineering Issues by JB Barry which accompanies this submission outlines the specific details of the proposed scheme. Notwithstanding these proposed measures, the development will also include the construction of a gravity surface water drainage network throughout the site to include the installation of dedicated attenuation facilities upstream of the proposed outfalls to the Moneygurney and Douglas streams, to attenuate discharges to the undeveloped greenfield run-off rates with the operation of proprietary hydrobrake devices.
- A Construction and Environmental Management Plan will be submitted in support of the planning application to mitigate any potential impact of the construction phase on the environment.
- Owing to the potential impact of the proposed development on the local and national road network, a Traffic and Transport Assessment (TTA) has being prepared by JB Barry and is submitted to the Board as part of the SHD application submission. The TTA forms part of Chapter 5A of the EIAR. The TTA concludes that the proposed development is well located with proposed pedestrian and cycle facilities and has good public transport options available to commuters from Douglas Village to Cork City. It further notes that the level of traffic generated during the construction phase will be less than that generated by the development once operational. The TTA also concludes that the assessment of the operational activities of the proposed development indicate that there is a slight to moderate impact experienced by the local link roads as a result of the traffic generated and that the increase is moderate and not deemed significant as the link roads operate well within capacity.

- The site layout has also been informed by the Design Manual for Urban Roads and Streets (DMURS).
- The proposed development consists of 472 no. dwelling units and makes provision for a crèche of 642 sqm which will facilitate 75 no. childcare places. The Childcare Guidelines suggest a provision of 20 spaces per 75 units, which equates to a requirement of 125.86 spaces for the proposed development. While the proposed creche does not meet this suggested requirement, it is more than sufficient based on detailed analysis of the demographical profile of the area and the preliminary findings of an assessment of childcare facilities in the surrounding area.
- The development is consistent with the apartment guidelines. All apartment units meet minimum floor sizes, storage provision, and all are dual aspect, with adequate floor to ceiling heights. It is stated that no communal amenity space is proposed for the apartment / duplex units. Private space is provided for all units, plus easy access and overlooking to public open space within the development.

7.0 Third Party Submissions

- 7.1. In total 20 submissions were received. The submissions were primarily made by or on behalf of local residents.
- 7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Density, Design and Layout

- Design and scale of development not in keeping with the area and will have a significant visual impact and detract from the amenities of residents, as well as depreciate property values.
- Apartment Blocks not in keeping with character of existing housing.

Impact on Residential Amenity

- Proposed development will have a significant visual impact on existing residential properties. The trees at The Vicarage open space will be negatively impacted upon. The development will be visible when foliage on the trees is gone in winter.

- Pedestrian access through the Vicarage and Temple Grove will result in loss of privacy given open space will be accessible from proposed development.
- The boundary of the estate must be substantially enhanced with a solid/fixed boundary and enhanced planting/screening.
- The Vicarage and Temple Grove will be impacted significantly by construction noise, dust, excavation works and construction hours of operation.
- Construction plan does not mitigate impacts on residents in The Vicarage.
- EIAR states construction traffic will only use the estate during phase 1, however, in a number of sections of the EIAR the applicant states that there will be vehicle movements for all phases. Construction of the bridge should be prioritised and all construction traffic for all phases should be directed via that access. No units in the new development should be sold until the access bridge is constructed.
- Light pollution from the scheme not addressed.
- Potential conflict between golf course and stray balls affecting the apartment blocks on R609.
- Block F apartments (3 storey duplex units) will be in close proximity to no. 17 The Vicarage and will have a detrimental impact on it by reason of alteration to the ground levels by 5-6m, siting, proximity to site boundary (10m) and height (4m higher than no. 17), resulting in overlooking of no. 17 and will have an overbearing and negative impact. There is no planting at the boundary with no.17 and while landscaping may be proposed, this will take time and the proposed native mixed hedging will offer little in the way of screening. It is considered that the potential impact in the sunlight daylight analysis is understated in the report.
- Unit 327 at the upper level of Block F does not offer an acceptable level of amenity for future residents of that unit. No windows have been proposed along the western elevation, in order to avoid overlooking, which results in a single aspect unit which will be deficient in terms of natural light.
- Lower apartments of Blocks B-D will have restricted light.
- Apartment Block F will give rise to overlooking and will be overbearing on The Vicarage.

Open Space

- There is a limited amount of open space proposed and active space proposed to east of IW compound is not suitable as a community based facility.
- Active open space proposed to northwest will negatively impact on existing houses on the laneway and should be retained for casual use rather than for sole use of a club.
- The proposed active open space is insufficient in scale and is too small an area for use as a pitch.
- The active open space if provided needs to be managed and a community group identified, such as Douglas GAA or other group to share the facility, for example with the school. A community facility area was provided for in Ardfield Douglas but as it was not managed or provided with boundaries and no one community group was put in charge of it, it has been left overgrown and is not maintained.
- In lieu of open space the developer should be asked to provide for a full sized playing pitch within Douglas.
- There is no parking to serve the amenity space proposed to the northwest. There are also traffic, noise, and loss of privacy implications.

Traffic and Transportation

- Road network is insufficient to cater for development and will add to volume of traffic on Carr's Hill.
- 'Secondary access' via the Vicarage will not be secondary and term is misleading. The TTA is flawed in the distribution of traffic between the two access points. This route should not be used for access.
- Construction traffic will negatively affect The Vicarage/Temple Grove in terms of noise, dust, and traffic hazard for young children.
- Developer has shown no permission for access across Berkeley Road.
- The road network in The Vicarage estate is narrow and unsuitable for the level of construction proposed. The Board is asked not to permit this road to be used for construction traffic.

- Estate roads are private and designed for a small volume of traffic. No access through here should be permitted.
- Concerns that Berkeley Estate will be used as a drop off point for school children.
- Potential conflict with increased number of vehicles on Berkeley Road and the toucan crossing being proposed as part of the Ballybrack Greenway extension.
- Poor sightlines onto the R609 and difficulty in turning right at exit onto R609.
- Conditions of original permission in relation to exit onto R609 not complied with.
- Road Safety Audit findings have not been incorporated.
- Parking along R609 unsatisfactory.
- R609 should be in compliance with DMURS.
- Inadequate public transport facilities. Development must be designed with sustainable transport modes.
- The Board is requested to limit construction hours to no earlier than 8am on a weekday morning and no earlier than 9am on a Saturday. The Board is asked to review the noise, avoidance, and mitigation measures in the application given the construction process is to take up to four years.

Natural Heritage

- Loss of natural habitat in and around The Vicarage.
- Existing trees and hedgerows should be retained, as per 06/5920.
- TPOs should be respected.
- Trees and hedgerows are likely to be damaged and lost due to construction.
- Removal of trees is contrary to zoning objective.
- Report does not evaluate existing trees as bat roosts.
- Mitigation measures for bats are generic in nature and should be site specific.
- Class A habitats should be retained.
- NIS is insufficient.
- CEMP is not included.

- It is requested that the trees at the boundaries between the common area of The Vicarage estate and the proposed development are protected.
- There is potential conflict with root protection zones where utilities are being laid.

EIAR

- EIAR is not in keeping with best practice and EIA directive.
- Baseline data is not based on realistic day to day scenarios, eg traffic counts in May and visual impact during summer months.

Surface Water and Flood Risk

- Development premature pending completion of Douglas Flood Relief Scheme.
- FRA is flawed – assessment of flood risk to nearby areas has not been adequately evaluated and needs to be reviewed.
- There are significant errors in the attenuation calculations based on incorrect rainfall data. The allowable discharge rate is high at 93 l/s for the development. This is particularly inappropriate the flood risk sensitivity of Douglas Village.
- Impact on ground, surface, foul and potable water needs further examination.
- High chances of flooding during rainfalls.
- Only means of draining Douglas Golf Club is through connection to Moneygurney Stream which is not mentioned.
- There is an existing drainage issue with flow of water from adjoining lands running down The Vicarage estate. Appropriate mitigation should be implemented to avoid potential flooding of the existing estate.

Other Matters

- Naming of apartment block should not conflict with existing development.
- Estate management and taking in charge matters have not been addressed.
- The applicant has no rights over the land in The Vicarage/Temple Grove.
- No consent has been given by Cork County Council to use the Berkeley Estate Access Road.

8.0 Planning Authority Submission

8.1. I note that at the time of the pre-application consultation, the site was within the area of Cork County Council. Since the amendment of the boundary between Cork City and Cork County on 31st May 2019, the site is now within Cork City Council. A Chief Executive Report have been received from Cork City Council, in accordance with legislation. Cork County Council has also submitted a Chief Executive Report given their involvement in the site to date, with that report excluding a summary of the submissions and views of elected members given the area is now within the Cork city boundary.

8.2. I have summarised hereunder both the Cork City and Cork County Councils' Chief Executive Reports.

8.3. Cork City Council Submission

8.3.1. In compliance with section 8(5)(a) of the 2016 Act, Cork City Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 26th June 2019. The report notes the planning history in the area, policy context, site description, proposal, planning history, summary of third party submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of CCC. The Chief Executive's Report concludes that it is recommended that permission be refused. The CE Report from Cork City Council is summarised hereunder.

8.3.2. Summary of Inter-Departmental Reports

- Transportation Division:
 - Development must comply with DMURS;
 - Uptake of walking and cycling critical to the development.
 - A bus terminal should be provided within the development; footpath along Carrigaline Road should be extended along existing development boundary;
 - Phase 4 of the development does not provide for an access to the Ballybrack Greenway and a connection to the southwest section of the development is also required;

- Parking spaces for the apartments should be in line with the Cork City Development Plan standards; further details in relation to underground car park required by condition;
 - Proposals should be in line with CMATS with exact details to be agreed with the planning authority;
 - TTA growth factor rate used Cork County in the study, however given change in boundary, Cork City growth factor rates should be used;
 - Parking on the R609 should be removed; the use of Temple Grove should be removed for both construction and operational traffic;
 - A mobility management plan has not been submitted;
 - A specific Construction Traffic Management Plan will be required.
- Drainage Division: No specific SUDS measures have been presented in the documents. The storm water networks appears to be well designed and seek as far as possible to take advantage of existing contours and natural run-off flow path to the Douglas Stream and Moneygurney Stream. Findings of the Flood Risk Assessment are noted.
 - Infrastructure: Condition recommended in relation to Ballybrack Greenway.
 - Environment – Waste Management: Conditions recommended.
 - Housing Directorate: Condition recommended.
 - Roads Design Planning:
 - It is unclear if Road Safety Audit recommendations have been carried out. All findings shall be closed off, signed off and incorporated into the development and a Stage 3/4 Road Safety Audit also undertaken.
 - Applicant has assumed trip distribution using Access 1 to be 20% and Access 2 to be 80%. This is questionable, given Access 1 is closer for the AM peak period. Vehicular Connection via Access 1 should be omitted, with connection for pedestrians/cyclists only.

- The development access is within 60kph zone, however speeds along the R609 were observed to be higher. Given changing character of this road, DMURS should be applied. One standalone measure as proposed in the Road Safety Audit is insufficient. Both hard and soft driver behavioural measures must be employed on R609 to reduce speed and create a more pleasant pedestrian/cyclist environment.
- Footpaths should be provided on both sides of the R609 by the developer. Raised pedestrian/vehicle cross overs should be provided by the applicant outside of the site at the access to Maryborough Woods, Ard carrig Park and Berkeley/Temple Grove.
- The nearest bus stop is a 10-15 walk. Opportunities for a bus lane and bus stop along the development frontage should be incorporated.
- Heritage Officer: Concerns raised in relation to the following:
 - Protection of trees during and post construction, particularly related to the TPO.
 - Streams and water quality to north and south of the scheme. All development activity should be a minimum 10m back from the water's edge in channelised waterways and 15m back in non-channelised waterways.
 - Removal of wetlands on the site, which are deemed to be of county importance, will not be entirely compensated. A condition is recommended that no development take place in the wetlands.
 - Proposed removal of trees and hedgerows.
 - Cumulative impact of this and other developments on the overall ecology and existing ecological corridors.
- Archaeologist: Concurs with EIAR in relation to testing prior to the commencement of development.
- Fire Officer: A fire safety certificate is required. Dwelling houses are not shown in the drawings to comply with part B of the building regulations.

- Parks Department: Concern in relation to clearing of scrub along R609 and potential impact on the adjoining stream and woodland; while open space has steep gradients, it will nonetheless be visually pleasing and should be managed in the context of biodiversity and therefore less ornamental; there is an absence of meaningful active amenity space and a suitable sized area should be provided to the west of the scheme and housing designed to overlook it. Area proposed to northwest is peripheral and not supervised.
- City Architect:
 - Topography extremely steep and the design team have used the existing topography in a satisfactory manner. Due to topography permeability between hilltop settlement and remainder of scheme is diminished. Acknowledging the steep topography of the site, consideration of routes traversing the site contours may have contributed to better overall site permeability.
 - Design of the unit types is satisfactory as is elevation treatment. The apartment design would be better integrated into the whole scheme by the introduction of pitched or mono-pitched roofs rather than a flat roof as proposed.

8.3.3. Summary of View of Elected Members:

General

- Concern regarding process of notification of Elected Members and the duality of responses from two local authorities.
- Elected members are in general in favour of housing, which is required.
- Strong regard should be afforded to the submissions of residents.
- The developer did make efforts to engage with local stakeholders.

Traffic

- Existing high levels of traffic and cumulative impact of the proposed development taking into consideration the new school has not yet opened.
- Residents are moving away from the area due to the high level of traffic.

- Residents have expressed concerns that existing estate road and lane may be used as a drop off point for school children.
- Concerns raised in relation to construction traffic routes and impact on residential amenity.

Amenity Space

- Lack of pitches and other amenities in Douglas.
- Regrettable that proposed development does not provide a usable amenity space that could serve the wider area.
- Lack of surveillance over and access to proposed amenity area behind Irish Water compound. Conditions on the grant of permission for the primary school limit access and therefore decrease surveillance further. Also concern in relation to lack of parking for this amenity space and this may impact on residents in the area.

8.3.4. **Planning Analysis**

- The housing mix and density is considered acceptable.
- Query as to whether site provides for a fully landscaped and usable public open space as per Objective SE-R-06 of the LAP.
- It is considered that most of the 8.2ha of active open space identified is unusable given the topography of the site and is not compliant with Objective SE-R-06.
- The planning analysis examines the site with regard to the principles from the guidelines Sustainable Residential Development in Urban Areas and is summarised as follows:

Neighbourhood - Context

- Given the topography, the proposed development when constructed will not appear to have naturally evolved from its surroundings. The use of high retaining walls and embankments between residential areas will form visual barriers.
- Apartment blocks B, C, and D are domineering and do not respect the form of buildings and landscape at this location which is rural in nature, though interspersed with single storey buildings.

- The form and design of apartment block A is not appropriate to the context and is somewhat utilitarian.

Neighbourhood – Connections

- Ballybrack Greenway proposal – well connected to the surrounding area.
- The lack of connection to the walkway along the Douglas Stream is a missed opportunity.
- Topographical issues may negate against persons using more sustainable modes of transport.
- Bus service is poor. A new bus stop is proposed as part of the primary school development.

Inclusivity

- Given the topography, the development as proposed may present access issues.
- Given the topography, many of the proposed open spaces are unusable in the traditional sense.
- The only flat amenity area proposed is physically distant from many of the proposed residences and not easy to access.
- Accessibility and usability of the site is a concern.

Variety

- The crèche will complement the proposed primary school and the Ballybrack path.
- There are no shops or services other than the crèche. A greater element of mixed use should be incorporated.
- The mix of apartments and dwellings is considered positive.

Site

- The site has a relatively high density given the site constraints.
- Not all trees are proposed for retention as per the objectives of the LAP.
- Given the northerly aspect of the site and significant cut/retaining wall, there is concern that private gardens may lack amenity.

Distinctiveness

- The impressions made by steep paths, embankments, and retaining walls will be the overriding element in the formation of the new identity for this locality.
- Steep slopes may be an interesting landscape feature but will not very usable. They also form barriers and may limit the sense of connection required to form a sense of place.
- There is no overarching relationship between the neighbourhoods in terms of design.

Layout

- The hilly nature of the site requires more consideration of a design which can mitigate potential unsafe movement, eg units 20, 21 and 40.
- The village neighbourhood is the only area where there is any significant length of streets facing each other. Activation is difficult on the site because of the topography.
- The design of houses 218 and 233 with a sunken floor level is poor.
- Type D dwellings main living area is below street level with little passive surveillance of the street as a result.
- Impact of topography on permeability.

Public Realm

- Safety and usability are the key concerns.
- Lack of meaningful active open space area is of concern.

The report further assesses crèche provision, traffic and transportation issues, flooding, drainage, archaeology, natural heritage, and part V issues which are summarised hereunder:

- Crèche: The crèche is undersized and should cater for 106 spaces.
- Traffic: No vehicular access via Temple Grove/The Vicarage should be allowed, for reasons related to traffic safety and impact on amenity of existing residents.
- Flooding/Drainage: A condition in relation to SUDS is recommended.

- Archaeology: Conditions recommended.
- Natural Heritage: Serious concerns over proposed loss of wet woodland, notwithstanding replacement planting proposed.
- Part V: To be agreed.

8.4. **Statement in accordance with 8 (3) (B) (II)**

Cork City Council Chief Executive's Report recommends a refusal based on the following reasons:

1. Residential Amenity – There are serious concerns regarding the future residential amenity of the proposed development and in particular lack of safe and usable public open space. It is considered that the overall design of the proposed development, including a poor disposition of public open spaces, a significant series of level differences therein, a lack of significant usable open space and a lack of passive surveillance, would result in a poor standard of amenity for future residents. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Car Dependency – Notwithstanding the inclusion of the proposed Ballybrack Valley Walkway which will encourage walking and cycling, it is considered that the lack of an adequate bus service within the development and the topographical issues within the site mitigate against sustainable transport options and will give rise to high levels of car dependency. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Loss of Habitat – It is considered that the proposed development by reason of its nature and scale will result in the modification removal, destruction and isolation of high quality habitat, specifically the Wet Pedunculate Oak-Ash Woodland. Accordingly, it is considered that the proposed development would contravene Objective HE 2-3 of the Cork County Development Plan 2014 which seeks to protect biodiversity outside of protected areas.

8.5. Cork County Council Submission

8.5.1. Cork County Council has submitted a Chief Executive's Report given their role in preplanning and knowledge of the site to date. The report includes a planning analysis and reports from the relevant departments. As the site is now within the jurisdiction of Cork City Council, the report does not contain the views of the Elected Members or a summary of public submissions.

8.5.2. The CE report addresses the following issues:

- Principle of the Development and Compliance with the Cork County Development Plan and Local Area Plan
- Density and Quantum of Development
- Quality of the Layout including open space provision and residential amenity
- Visual Impact and Landscape
- Recreation and Amenity
- Integration with the character of, and pattern of development in South Environs
- Housing Mix
- Part V
- Crèche
- Phasing
- Archaeology
- Servicing and Estate Management
- Water / Wastewater / Surface Water and Flooding Issues
- Traffic and Transportation
- Ecological Issues and Appropriate Assessment
- Environmental Impact Assessment

8.5.3. I have considered in full the details of the CE report.

8.5.4. The CE report of CCoCo recommends a refusal based on the following:

1. Notwithstanding the location of the proposed site within the settlement boundary of Cork City South Environs on land zoned for residential use, it is

considered that the proposed development on a steeply sloping hillside site does not provide sufficient high quality usable open spaces, fails to provide adequate recreation and amenity facilities for the neighbourhoods envisaged, would offer a poor standard of amenity and living environment for future residents, fails to facilitate adequate and appropriate natural surveillance of green spaces and does not respond appropriately to the topography of the site. In addition, the proposal fails to establish a sense of place, gives rise to poor internal connectivity for all users, would result in a substandard form of development, lacking variety and distinctiveness, and would give rise to a scheme dominated by roads. Furthermore, given the significant series of level differences between proposed houses, and their private open spaces, the proposed development would offer a poor standard of amenity for future residents and would set an undesirable precedent for inappropriate amenity space provision. The proposed development would therefore seriously injure the amenities of future occupants, would be contrary to Ministerial Guidelines, would be contrary to policy objectives in the County Development Plan 2014, contrary to the Ballincollig Carrigaline Local Area Plan 2017 and, would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of this site adjoining the Carrigaline Road / the R609 and to the scale of the development proposed and resulting volumes of vehicular and pedestrian / cyclist traffic likely to be generated, it is considered that the proposed development would be premature by reference to existing deficiencies in the local road network in terms of capacity, alignment and pedestrian and cycle facilities and where these deficiencies would render it unsuitable to carry the increased road / pedestrian and cycle traffic likely to result from the proposed development and the period within which the constraints involved may reasonably be expected to cease. The Planning Authority considers that any development on the site would be reliant on future infrastructure provision, including traffic calming on the R609, a traffic light junction (R609 / L9177) and improved pedestrian and cycle links beyond the scope of the application and beyond the capability of the applicant to deliver in this application. Furthermore, the Planning Authority considers that

the proposed parking and the proposed entrance / egress to serve the apartment blocks B, C and D along the Carrigaline Road / the R609 would interfere with the free flow of traffic, would obstruct road users and could exacerbate traffic congestion in peak period. Moreover, the Planning Authority considers that the proposed Construction Access No. 1 via the Templegrove Apartments / The Vicarage would endanger public safety by reason of traffic hazard and would seriously impact on the residential amenities of existing occupiers. Accordingly, the Planning Authority considers that the proposed development would endanger public safety by reason of traffic hazard, and would, therefore, be contrary to the proper planning and sustainable development of the area.

9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Irish Water
- National Transport Authority
- Cork Childcare Committee

Two of the bodies have responded and the following is a summary of the points raised.

- 9.1. Irish Water: Based upon details submitted by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

TII – Report states as follows:

- It is acknowledged that the subject site accesses the non-national road network in the first instance prior to access to the national road network comprising the N40

and N28. Both the N40 and N28 provide important strategic links to port and airport locations and carry significant volumes of traffic. Safeguarding the strategic function of the national road network represents official policy in the National Planning Framework and in the Section 28 Guidelines DoECLG Spatial Planning and National Roads Guidelines (2012).

- The subject proposal appears to be very car dependent, where it is suggested in the EIAR that the modal share for modes other than the private car is 20%. The traffic generated by the proposed development will likely manifest itself on the N40 and N28, national roads.
- There are limited public transport options in the area and reference is made to the Cork Metropolitan Area Transport Strategy which is currently on display for public consultation.

10.0 Assessment

10.1. Introduction

10.1.1. I have had regard to all the documentation before me, including, *inter alia*, the report of Cork City Council (the relevant planning authority); report of Cork County Council (former planning authority in the area); the submissions received; the EIAR and NIS; the provisions of the Cork County Development Plan 2014; Ballincollig Carrigaline Municipal District Local Area Plan 2017; Cork City Development Plan 2015-2021; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; nearby designated sites; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have carried out an Environmental Impact Assessment and Appropriate Assessment in respect of the proposed development, as detailed later in this report.

10.1.2. I consider the main issues relating to this application are as follows:

- Principle of Development
- Density and Mix
- Layout and Design

- Open Space Strategy
- Residential Amenity
- Impact on Amenity of Neighbouring Properties
- Traffic, Transportation and Access
- Drainage
- Other matters
- Appropriate Assessment

These matters are considered separately hereunder.

10.2. Each section of the report is structured to guide the Board to the relevant section of the EIAR, AA, relevant policy, substantive issues raised in the submissions / observations and the applicant's response as appropriate.

10.3. **Principle of Development**

10.3.1. The subject site is now sited within the jurisdiction of Cork City Council, having been subject to a boundary extension/transfer with Cork County Council. The relevant Development Plan and Local Area Plan for the purposes of the assessment of this application remain as the Cork County Development Plan 2014 and the Ballincollig Carrigaline District Local Area Plan 2017. These plans will continue to apply in the 'transfer area' until such time as they are superseded by new plans, prepared by Cork City Council.

10.3.2. The site is zoned, as per the Ballincollig Carrigaline District Local Area Plan 2017, for Medium A residential development. The proposed development complies with that zoning. A number of objectives relate to the plan lands and the development is generally in accordance with the LAP objectives.

10.3.3. The principle of residential development at this location is acceptable and supported by national policy for the consolidated development of cities such as Cork, as set out in NPO 3(b).

10.3.4. A number of submissions contend that the residential development of the site is not appropriate due to the limited capacity of the road network and limited public transport availability. The proposed development will place additional demand on the road network and other services in this part of the city, however, a refusal of

permission on this site would not alleviate existing congestion in the locality. The site is a serviced zoned site within the Cork Metropolitan Area, which can connect directly into water supply, foul drainage and suburban roads networks directly. The LAP adopted in 2017 has determined that the application site is the appropriate place for residential development and has zoned it accordingly. If there were specific exceptional infrastructural constraints that applied to the site, or if its zoning was unreasonable or contrary to higher level policy then it would be open to the Board to reconsider whether residential development is appropriate on this site, however such circumstances do not apply in this case. General concerns about the demand for services that would arise from more people in the area would not justify a conclusion that the site should not be developed in accordance with its zoning.

10.3.5. I am of the view that the residential development of this site would be in keeping with national and local planning policy. The proposal for a childcare facility would be in keeping with the Guidelines for Planning Authorities on Childcare Facilities issued in 2001. The principle of the proposed development is acceptable.

10.4. Density and Housing Mix

10.4.1. The site is located within the boundary of Cork City and in terms of the county development plan context is within the South City Environs. The site is zoned, as per the Ballincollig Carrigaline District Local Area Plan 2017, for Medium A residential development, where 20-50 units/ha is acceptable. Under national guidance as set out in the guidelines Sustainable Residential Development in Urban Areas (2009), the site is an outer suburban greenfield site whereby net densities of between 35 and 50 dph are encouraged and those below 30 dph are discouraged. Appendix A of the 2009 guidelines provides advice on what may be excluded from the site area when calculating the net density of a development.

10.4.2. The total site area is a stated 21.9 ha gross, of which 8.61 ha is considered undevelopable (woodland, protected trees, Irish Water wayleaves, greenway links, steep slopes etc), resulting in a net developable area of 13.29ha, which I consider reasonable and in accordance with national guidance for determining net areas for development. The total net density is therefore stated to be 35.52 units/ha. This density is appropriate within the national policy context and is in accordance with the adopted Local Area Plan.

10.4.3. The dwelling mix caters for a range of 1, 2, 3 and 4 bed units in a range of unit types, from semi-detached/terraced houses, to duplex units and apartment blocks. I consider this mix to be reasonable and will enhance the housing mix of the area.

10.5. **Childcare Facility**

10.5.1. The development proposes one childcare facility. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. The submitted statement of consistency indicates that the proposed childcare facility will cater for 75 children. I note that Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments' states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area, with 1 bed or studio units generally not be considered to contribute to a requirement for any childcare provision. Subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

10.5.2. The applicant has submitted a Childcare Provision Assessment. Having reviewed the information submitted and having regard to the sites location, I consider the crèche to be too small for the scale of development proposed. It is 642sqm in area, with provision for 74 spaces, to serve (excluding 1 bed apartments) close to 400 units. IN my view the crèche should be increased in size to accommodate 106 spaces (based on exclusion of 1 bed units from the assessment). I have recommended hereunder a reduction in the size of duplex block F. If the Board are in agreement, this would allow for a greater sized crèche to be provided at this location. A re-examination of the set down area and parking is also required. Should the Board be minded to grant permission, I consider this issue could be addressed by way of condition.

10.6. **Layout and Design**

10.6.1. The layout of the scheme has been informed by the existing site context, the predominant factor being the challenging undulating topography. Other significant site constraints/opportunities include the presence of two valleys associated with the Moneygurney and Douglas Streams, a tree protection order and Irish Water wayleave requirements of 10m and 30m associated with two watermain traversing the site.

- 10.6.2. The Design Statement submitted with the application includes a Character Areas drawing, which identifies six character areas across the site, which have largely been formed around the site characteristics. A significant ecological corridor/'central spine parkland' (4.4ha in area) is to be provided along the Moneygurney Stream, with this area 30m wide with an additional 10m-15m riparian corridor alongside the stream. This parkland includes a 4m wide cycle/pedestrian route south of the stream which is a planned extension of the Ballybrack Greenway route, which is currently operational on the western side of the Douglas Stream and forms part of a wider cycling plan for the area. There is a 10m riparian/ecological corridor provided to the west along Douglas Stream, which extends to a full width of approx. 20-30m due to the gradients in this area. This corridor supports the retention of important trees within the area which are subject to a Tree Protection Order. The streams will be connected via two east-west green routes, traversing the scheme with a series of winding pedestrian routes proposed to navigate the topography.
- 10.6.3. I note a number of submissions highlight the significant levels across the site, particularly along the southern high point, the extent of retaining walls required across the scheme, visual impacts of developing this site, lack of a flat active play space and lack of passive surveillance in areas, in particular along the northwest where active open space is proposed. I also note the contrasting opinion on the overall design of the site as presented in the report from the architect from Cork City Council and report from the architect from Cork County Council in relation to their views on whether the site has had sufficient regard to the topography in its design and layout.
- 10.6.4. The site undoubtedly presents a challenge in terms of its development. There is approx. 8m of cut indicated on the cross section BB/'valley floor' character area, 10m of fill required to construct the permitted road and proposed bridge access into the site, 7m of fill to create a staggered landscape up to the southern 'Village Neighbourhood' character area, 5m fill to create a staggered step down and flat area for the apartments along the Carrigaline Road, and overall a significant degree of 'cut and fill' across the site (details of which are contained within chapter 6 of the EIAR). However, the site has been zoned for development with associated objectives to guide future development and the question is whether the applicant has worked sufficiently with the topography in terms of layout and design to deliver a

scheme that supports the sustainable development of communities at this serviced site within the Cork Metropolitan area. Overall, I consider the baseline ecological factors of this site have been satisfactorily accommodated within the development and while routes through the development are circuitous in areas, with a lack of passive surveillance/double sided streets in part, this in my view is a result of the topography of this steeply sloping site as opposed to necessarily a flaw in the layout proposed. In my view the developer has worked satisfactorily with the topography in terms of the layout and has utilised different heights and design for dwellings influenced by their location within the site, with the development of the ecological assets of the site making this site unique in terms of its setting and distinctiveness.

10.6.5. I assess each of the identified Character Areas hereunder with an analysis of the layout and design issues raised by third parties/the planning authorities in the specific areas.

The Village Neighbourhood

10.6.6. The Village Neighbourhood at the southern end of the scheme is the most elevated part of the site, however it has a level topography, unlike other areas within the scheme. This area is bounded by steeply sloping embankments of approx. 9/10m in height with proposals for a significant number of retaining walls to be designed as stepped landscaped walls. While links are provided between this and other character areas, I note permeability is limited by the surrounding topography. This area comprises 151 units, with a indicated net density of 27.3/ha. The public open space identified within this area is along its northern and eastern edges, is linear in form and comprises retaining walls along its edges. Three small flat areas with play equipment have been designed into the scheme, with a fourth area along the narrow strip of green space along the southern boundary.

10.6.7. Concerns have been raised in relation to the dense nature of development in this area, with tight streets, parking not located to the front of each house, lack of a flat kick about area, potential hazardous location of the play areas adjoining the embankments and lack of pedestrian connection with the rest of the development due to the specific topography at this highest plateau.

10.6.8. The applicant has proposed two home zones within this area and introduced communal parking in areas with narrow streets in accordance with DMURS. I do not

accept that this part of the scheme is overly dense in form. The 'parklets' proposed are in my view a positive approach to defining play areas on a sloping site, albeit I acknowledge they are irregular in shape and not indicated as flat green kickabout areas. While at the edges of the steepest retaining walled areas in the scheme, there is scope to ensure they are designed for safety in the context of their environment, which may result in more innovative approaches to play in this area. To ensure that all ages are facilitated and catered for, I consider a condition in relation to detailed design of the play areas would be warranted. Should the Board disagree, however, and consider that the play spaces are lacking in terms of flat kickabout space for these 151 dwellings, it would be possible to remove by condition houses 128-131 to increase the proposed play area in the southeast corner.

Western Woodland and The Vicarage Apartments

10.6.9. A mix of semidetached/terraced dwellings and duplex apartments are proposed in the western woodland with apartment block A proposed close to the southwest boundary and the proposed vehicular access to the scheme.

10.6.10. Concerns have been raised in relation to the increased levels of up to 4m to build duplex units E, the requirement for retaining structures and overall dominance of hard surfacing and lack of usable open space. Concern is also raised in relation to the design of three storey dwellings backing onto two storey dwellings. The apartment block is considered out of character and visually dominant at this location.

10.6.11. I consider the location of the apartment block at the entrance to the scheme and adjoining existing apartment blocks in the neighbouring development to be appropriate in terms of the site's context. In terms of layout, this is at a lower point of the site and less visible from the wider area and therefore a building of increased height can in my view be accommodated here. Section F-F highlights the issue with the topography in this area, which slopes steeply down to the Douglas Stream. Upon site inspection I noted this area was utilised by walkers with informal walking routes evident along parts of the steeply wooded embankments. 4m of cut is shown in the cross sections to construct dwellings 206-201, with a retaining wall required. Section J-J shows cut and fill of 3m and 2m to accommodate the duplex units with their split level design. As noted previously, the topography is particularly challenging in sections of this development, however, I am satisfied that the applicant has worked

adequately with the topography in this area. I do not consider the back to back provision of 2 versus 3 storey dwellings with separation distances of 22m will have a significant negative impact on the future amenity of occupants and I note the compensatory location of the two storey dwellings with frontage onto a significant landscaped amenity. A condition in relation to the visual impact of the retaining walls in this area, where they face onto areas of public realm, is warranted to ensure they are finished appropriately as landscaped green walls where required or other appropriate design to be determined in agreement with the planning authority.

The Valley Floor

10.6.12. The Valley Floor character area is located to the south of the existing residential development, proximate to the public open space associated with The Vicarage housing development. This part of the site comprises an existing mature tree line at the boundary with the existing public open space in The Vicarage. 57 houses are proposed in the Valley Floor, at a stated density of 28.5 units/ha. Concerns have been raised in relation to back to back distances of 23.35m between dwellings of two and three storey design given the significant level differences at this location. In particular dwellings 240-251 would be adversely impacted by the three storey dwellings to the south of them. There are also significant level differences of up to 5m between units 267-274 and 259-266.

10.6.13. As elsewhere within the site, this area is particularly challenging as it increases in level from the entrance with Temple Grove and steps up significantly as the street snakes its way up to the southern part of the site. The retaining walls in this section are the steepest between dwellings within the scheme. However, as with the Western Woodland Character Area, the two storey dwellings will look onto a heavily landscaped green, which adjoins the green with The Vicarage, and an activity trail with equipment is proposed through the open space on this side of the development. I consider the compensatory setting of this character area will support the residential amenity of future occupants.

The Parkland

10.6.14. The Parkland character area adjoins the proposed central spine parkland, which is 30-40m wide, proximate to the Moneygurney stream and contains the proposed 4m wide Ballybrack Cycle and Pedestrian greenway. There are stated to

be 161 duplex/apartment units in this 3.5 ha area, which equates to a density of 46 units/ha.

- 10.6.15. Concerns are raised in relation to the siting of Blocks F, G, and H, which are considered to be poorly integrated and connected with the wider scheme, with poor permeability with the adjoining passive open space highlighted. I agree that the interface with this significant amenity area is poor with the site layout plan indicating a proposal for a boundary wall/railing and hedge along the entire boundary between blocks F, G and H and this public open space, which will also hinder access to the Ballybrack greenway. The scale of the boundary is not clearly indicated in the drawings submitted. I note that blocks G and H are staggered with the topography in this area and retaining walls are not indicated at the boundary with these spaces, therefore it would in my view be possible to create a lower more informal shrub/planted boundary along parts of this interface or alternatively to leave the space open with defined low level planted privacy strips to the rear of the duplexes forming the edge. I note the topography of the western edge of block F does not appear to step down with the topography in this area, with a steeper edge indicated with the parkland. To this end I consider a redesign of block F is warranted. This is discussed further hereunder under the heading 'future residential amenity', where other issues in relation to this block are highlighted. Should the Board be minded to grant permission I consider a condition in relation to the boundary treatment of this edge between blocks F, G and H, and the central spine parkland is required. Such a condition would also apply to the duplex block E to the west of the scheme which also provides for a boundary wall.

Carr's Hill Apartments

- 10.6.16. Carr's Hill Apartments character area comprises three blocks of 98 apartments, 4-5 storeys in height with a lower ground level below the R609 and split level design to the rear facilitating lower level apartments and a part basement level within the design. Site section EE submitted with the application indicates clearly the levels involved.
- 10.6.17. With regard to the overall design and layout, I consider the provision of a strong built edge to the R609 to be visually acceptable, giving a defined edge to this developing urban area. I note concerns raised in relation to on-street parking at this

location, which is discussed further under Traffic and Transport hereunder. I agree the parking should be removed from the street edge and the remaining street space utilised for a wider footpath and additional planting or additional/alternative traffic calming measures. It is proposed to connect this section of the development over the Moneygurney Stream by a pedestrian bridge, and a pathway. I consider this sufficient in terms of connectivity.

10.6.18. The ecologist report from Cork City Council raises concerns in relation to the unacceptable level of encroachment by the apartments into the wet woodland habitat at this location and suggests this area should be incorporated into the proposed Dughghlaise Valley Nature Park. The EIAR highlights there will be wet woodland loss in this area which is considered significant (see section 11 hereunder). The mitigation measures proposed as part of the EIAR include provision for an equal amount of replacement woodland and other planting. I note the wet woodland is of county level value and while I appreciate it cannot be fully compensated for, I consider the context of the overall quality of the environment being protected, and the mitigation measures proposed for the loss of this county level asset, to be acceptable.

10.6.19. Should the Board disagree, it may be possible to mitigate the impact of the apartments in terms of encroachment into the woodland area further if additional basement parking was provided as part of the design in place of the surface level parking. This is a matter for the Board to consider further.

10.6.20. I note Cork City Council Chief Executive's Report suggests a condition for the retention of the 'wet woodland pedunculated oak-ash woodland habitats' within the site, which would effectively necessitate the removal of blocks B, C and D and also the omission of the bridge access from the R609 into the site. A report from Cork County Council recommends the removal of blocks B, C and D by condition to protect the wetland. While I do not consider the removal of the blocks is warranted, as mentioned above, the Board is advised that should they consider it appropriate to remove the apartment blocks, this would result in loss of 98 units and a reduced density across the scheme of 28 units per hectare.

Conclusion

10.6.21. Overall I consider the design and layout of the scheme to be acceptable and an appropriate design response to the challenging topography on this zoned site, with the significant ecological features of the site and landscaping measures proposed sufficient to provide for a sense of place, with variety and distinctiveness.

10.7. Open Space Strategy

10.7.1. Both Cork City and Cork County Councils, as well as third parties, have issue with the lack of active play facilities within the development, a lack of accessibility for all, the positioning of the active play space to the northwest in an unsupervised area, as well as the positioning of the playground at the lower part of the site, adjoining the main access route, proximate to the crèche.

10.7.2. I have reviewed each of the neighbourhoods and the proximity of these to play spaces and the range of activities required to be provided as part of Cork County Council Recreation and Amenity Policy. The topography of the site negates the provision of larger flat open spaces evident in standard suburban layouts. The open space strategy is framed by the existing water courses and central spine parkland, with proposals for localised 'parklets' to comprise a mix of primary play equipment and spaces containing play opportunities. An activity trail (north of the Vicarage) is proposed to comprise obstacles such as stepping posts, chin-up and climbing bars along its route, in addition to a half ball court proposed at block E, a public playground, and an active amenity area to the northwest. The under provision of flat active playing fields to benefit the wider Douglas area outside of this, as raised in a number of submissions, is in my mind an issue which a steeply sloping site such as this cannot reasonably be expected to resolve if the land is to be developed at a sustainable density as required by national and local policy and it is an issue for the planning authority to perhaps consider further outside of this site at a location whose topography is suitable to the delivery of playing pitches. Overall I consider the recreational strategy is positive, it will cater for all ages and it is satisfactory for the proposed population, with the level of open space provision exceeding the requirements of the Local Area Plan in terms of quantum. Should the Board be minded to grant permission, I consider a condition requiring the finer details of the play facilities and activity trails to be finalised in conjunction with the planning authority.

10.7.3. The guidelines on Sustainable Residential Development in Urban Areas highlights the requirement for a qualitative approach to open space and not just a quantitative approach with the potential to maximise open space through shared usage with schools. The recently permitted primary school along the R609, which is connected via a pedestrian path to the Ballybrack Greenway into this site, has permission for three outdoor ball courts. The Sustainable Residential Density Guidelines highlight that in order to maximise the use of open space facilities, such as pitches, sharing of facilities with schools should be explored. It would be of benefit to the wider community in this area if the facilities of the school and its parking could be shared with the community outside of school hours. This is an arrangement which I note works well in other areas.

10.7.4. The larger flat active amenity space provided for as part of the development to the northwest of the site is separate from the housing/passive surveillance. To the north of this space is the planned extended Ballybrack Greenway and to the south is a cul-de-sac road, with four dwellings opposite it. Visibility from these dwellings would be limited given the extensive vegetation and hedgerows along the road and the extent to which the dwellings are set back on large sites. The proposed Ballybrack greenway through this area, with its planned lighting and CCTV, will provide for some additional passive surveillance here. I agree with the planning authorities and third party submissions that this area if unmanaged as a local activity amenity space could give rise to anti-social behaviour given the lack of supervision of this space. However, given the site cannot be developed as it is over a strategic wayleave, I consider this amenity use advantageous as part of the green infrastructure of the wider development and as a green lung into the scheme and could improve activity at this location which would in itself be a deterrent to antisocial behaviour. I consider the careful development and management of this space could overcome the potential disamenity that may arise from antisocial behaviour and it is a question of how the space is developed and managed by local sports/community groups/the local authority. Should the Board be minded to grant permission, I consider this issue could be adequately addressed by way of condition requiring a detailed design of the proposal, a timeframe for its delivery and requirement for a management plan to be agreed with the planning authority prior to the commencement of development.

10.7.5. With regard to the location of the larger playground within the development, I consider its location acceptable, subject to an appropriate design of its boundary with low level fencing to prevent young children from running onto the adjoining street, which I accept will be a busy route. I consider its location has the advantage of being visible from the greenway and could provide for a well utilised recreational stop-off point for users of the greenway, as well as for the residents within the scheme, and is a positive location in terms of proximity to both the crèche and primary school.

10.8. **Landscape and Visual Impact**

10.8.1. The relevant section of the EIAR is chapter 4 'landscape and visual impact assessment' with photomontages included in appendix 4.1 and Cork County and City designations are set out in appendix 4.2 and I refer to section 11 of my report hereunder.

10.8.2. The Cork County Development Plan 2014 (CDP) includes designations relating to this site of High Value Landscape (entire site) given its location within the City Harbour and Estuary Landscape Character Type, which has Very High Landscape Value and Very High Landscape Sensitivity, with this landscape type considered of National Landscape Importance. The southern portion of the site is within Prominent and Strategic Metropolitan Greenbelt Areas and the closest Scenic Route is 2.5km to the northeast, which due to distance is not considered to be impacted upon.

10.8.3. The site is currently greenfield in nature with a challenging topography. In terms of landscape effects, the landscape character will change from rural agricultural to a suburban residential character, which is considered adverse and significant in the EIAR. It is considered that the change in character will be most visible from immediate and nearby surrounding areas, up to a 300m radius, and will reduce at a further distance due to intervening vegetation, topography, and built structures.

10.8.4. I note the context of the site between existing suburban residential development, with views from the highest part of the site of the opposing hillside developments of Maryborough Woods to the north, Donnybrook to the west and a site under construction at Maryborough Ridge further to the east, on the eastern side of the N28. Views from the R609 will be significant but limited to areas in close proximity to the site. While the apartments adjoining the Carr's Hill Road will affect dramatically the character of this rural road, this is a changing area, zoned for development, with

the proposal adjoining a permitted primary school, with further residential development permitted further west along the R609. The site is located within an designated area identified for development. Serviced land is a scarce resource and as such needs to be developed in a coherent and sustainable manner from the city centre out. I am satisfied that the impact in this instance can be sustained and mitigated through the proposed landscape strategy and in time will be absorbed into the existing landscape which will be more urban than rural. Overall, I do not consider the visual impact would be detrimental given the context of the site.

10.8.5. In terms of mitigation, there are significant landscape features within the site which are to be retained, including trees, some of which are the subject of a Tree Protection Order, and the landscape plan provides for additional woodland, hedges and parkland trees, which will aid the integration of the development. An extension to the greenway route will be accommodated within the development. The layout and design of buildings proposed has had regard to the topography. The apartments at Carr's Hill will be visible locally but will not have a significant impact when viewed from the wider area. I note that there are significant retaining walls proposed across the centre of the site adjoining the southernmost character area labelled The Village Neighbourhood. These retaining structures are proposed to be designed as stepped 'landscaped structures with planted green walls'. It would be vital to the success of this development that these landscaped walls are successful given their visibility. The detail of these proposals can be addressed by way of condition.

10.8.6. I accept the EIAR assessment which concludes that the proposed development when complete will read as an intensification of the existing suburban context, with the surrounding area itself constructed across valleys and hills, and visual effects will not be significant.

10.9. **Biodiversity**

10.9.1. The subject site has been assessed in relation to habitats and flora, aquatic ecology, fauna (birds, mammals, bats and other taxa). The main residual impact of the proposed development is the net loss of wet woodland (10,500 sqm) with the vast majority relating to that associated with the Moneygurney Stream due to new bridging requirements (one road and one pedestrian), the provision of an active

amenity space as well as the provision of apartments and associated parking in this area (overlay indicated on figure 8.4 of the EIAR).

10.9.2. The landscape masterplan associated with the development proposes to retain and enhance existing hedgerows/ treelines and plant new native woodland (14,626 sqm) resulting in a net gain of such habitats (including wildlife corridors), along with a gain in new wildflower meadows, native grass/clover areas as well as parkland and flower/shrub habitats using native/non-native pollinator friendly planting. However, though the proposed new woodland planting will offset against wet woodland removal to a degree, a significant negative impact on the wet woodland habitat and flora at the surrounding locality will remain. The EIAR indicates existing wet woodland may also be negatively cumulatively impacted through direct loss with two other developments, although the extent will be substantially less and relatively minor in comparison to the residential site under consideration here. I have considered the information presented and consider, on balance, that the proposed mitigation measures within the landscape plan in terms of planting and planting types are acceptable. The detail of tree/hedgerow planting and additional planting within existing hedgerows/trees is critical in relation to the future development of this area. Should the Board be minded to grant permission a condition would be required for the submission of a revised landscape plan, with to full details of trees/planting plans/protection measures for existing trees/habitats, including provision that a suitably qualified arborist/ landscape professional be engaged for the duration of the development to monitor site development works and to liaise with the Parks Department of Cork City Council. I recommend that before works commence on site, a site meeting should be arranged between the council and the appointed arboricultural consultant/landscape professional to agree tree protection measures in relation to all trees to be retained, including those subject of the existing Tree Protection Order.

10.9.3. Mitigation measures are proposed in the EIAR for the construction phase in relation to habitats and flora, aquatic ecology and fauna. A suitably qualified Ecological Clerk of Works is required to be engaged for the construction phase of the development to ensure compliance with the proposed mitigation measures, which include inter alia the following measures:

- Other than the two bridge crossings of the Moneygurney Stream and the western portion of the site closest to Douglas Stream, a buffer zone of 20m will be maintained between the proposed works area and both streams with a fence erected to prevent ingress of machinery. Designated temporary storage areas for any excavated spoil will be at least 25m from the Douglas and Moneygurney Streams.
- New landscaping to take account of existing species and ensure that new planting connects to woody habitat/other vegetation to maintain and provide for connectivity for fauna via wildlife corridors.
- Protection of existing trees in line with current guidelines.
- Pre-works survey for native penny royal and translocation plan to be implemented where relevant.
- In advance of all site clearance and soil stripping, a siltation management plan will be prepared and implemented in full and will include silt fences and settlement ponds.
- Significant works/earthworks near water will not take place if storm rainfall events are predicted (eg >10mm/hr, >25mm/hr in a 24 hr period) as heavy rainfall will significantly increase the risk of suspended solid escapement to the adjoining stream habitats.
- River crossing to be agreed with Inland Fisheries Ireland and instream works to be undertake in July and September.

10.9.4. Given the level of earthworks proposed within this steeply sloping site and given the sensitivity of streams and trees to impacts from development, it is essential that an Ecological Clerk of Works is employed during the construction phase to ensure all mitigation measures are addressed. Furthermore, I consider it appropriate that a Mitigation Implementation Schedule with accompanying map should be submitted by the developer prior to commencement of development for the written agreement of the Planning Authority, containing a numbered list of all the mitigation measures to be implemented, the person(s) responsible for implementation of each measure, including the Ecological Clerk of Works where relevant, and the timing of each mitigation measure. Should the Board be minded to grant permission, a condition in this regard would be appropriate.

10.10. Future Residential Amenity

Design Standards for New Apartments

10.10.1. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards. The development includes 238 apartments laid out in four blocks (3 blocks adjoin the R609 and one block adjoins the western woodland/riparian corridor). Blocks E, F, G and H comprise duplex units, with corner apartments in the layout of blocks E and F.

- Block A – 5 storeys; 47 apartments (29 x 1 bed; 18 x 2 bed)
- Block B – 4 storeys; 30 apartments (12 x 1 bed; 18 x 2 bed)
- Block C – 5 storeys; 24 apartments (14 x 2 bed; 10 x 1 bed)
- Block D – 5 storeys; 44 apartments (21 x 1 bed; 23 x 2 bed)
- Duplex Block E – 3 storeys; 30 apartments
- Duplex Block F – 3 storeys; 23 apartments
- Duplex Block G – 3 storeys; 20 apartments
- Duplex Block H – 3 storeys; 20 apartments

10.10.2. The apartment blocks have been designed to comply with the ‘Sustainable Urban Housing Design Standards for New Apartments’ and the floor areas meet or exceed the required provision in all instances. The majority of the units are dual aspect and those which are not are orientated in an east, west or south direction. This is acceptable.

10.10.3. The duplex units and the apartment blocks onto the Carrigaline Road utilise a split level design to take advantage of the topography of the site. A sunlight-daylight analysis has been submitted, however, this assesses a limited area of the site. Overall, I consider the design of the apartments and duplex units to be acceptable and will meet the needs of future occupants.

10.10.4. The statement of consistency states that no communal amenity space is proposed for the apartment / duplex units, the rationale being the units have easy

access to and overlook public open space within the development. While the provision of communal open space is not an SPPR requirement, communal open space is highlighted within the guidelines as important in contributing to the amenity needs of residents, and is a high priority for families with young children and for less mobile older people. In terms of an amenity setting, the apartment blocks B, C and D are located north of the Moneygurney Stream at a high point with views south over the river valley woodland and central spine parkland, with proposal for parklet/play facility to the east of the apartment blocks. I note the high proportion of green infrastructure proposed as part of this area of the development and I note the high level of 1 and 2 bed units within these blocks. Given the location of these apartments proximate to the woodland areas and Ballybrack greenway corridor, I consider the full provision of communal amenity space is not warranted in this instance, however, there is an opportunity to provide for a limited and easily accessible semi-private communal area on the rooftops of these flat roofed buildings and I consider it reasonable to address this issue by way of condition. A similar scenario applies to apartment block A to the west of the scheme. Duplex blocks E, F, G and H, have a semi-private area outside their private terraces adjoining the ecological east-west corridor. I consider this sufficient with regard to communal space.

10.10.5. Car parking provision is considered acceptable, subject to the omission of proposed parallel parking on the R609. The provision of bicycle parking can be addressed by condition.

10.10.6. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

Duplex and Apartments in Blocks F

10.10.7. The duplex units proposed are split level units, with a lower ground level apartment proposed which is below the street edge from the front and accessed via a stairwell and to the rear is at ground level. Access at street level for the ground floor unit is via a bridge over the open yard below. Overall I consider the utilisation of the split level in the design acceptable, however, I note with regard to block F that this building does not follow the sloped gradient but maintains a consistent lower ground level of 46mOD, with the ground level being 49mOD. I note the gradient slopes from east to west within this area, with the lands to the north along the green

corridor falling from 45mOD to 42mOD at the western boundary. This appears to result in a level difference of approx. 3m with the adjoining greenway/parkland, leading to access issues/high boundary at this location. It is unclear from the cross-sections how the level difference is managed with the boundary of no. 17 The Vicarage to the west. The ffl of no. 17 is 45mOD and the lower ground level of the apartment closest is 46mOD, however a retaining wall is indicated adjoining a green area up to the boundary with no. 17, and no indication of the scale of this retaining wall is given. It would appear to be at least 3m if it is to tie in with the ground level of 49mOD for the units/50mOD for the parking area. The cross sections are not clear in this regard. This could have a significant impact on no. 17. I note the corner apartments of block F are not included in the sunlight daylight analysis submitted and I would question the light available to some of these units.

- 10.10.8. With regard to bin storage, I note that one bin area is proposed for these units, which is in my view remote from these apartments, located as it is within the open space on the far side of the car parking area, detracting from the open space amenity and not easily accessible. I consider, on balance, the arrangement of this block, lack of information/clarity in the cross sections, the poor level of light and outlook to the bedroom in apartment 319, and the potential impact of the retaining wall on no. 17 The Vicarage, as well as the impact of the scale of this block relative to the neighbouring housing, that apartments 319 to 325 should be omitted from the western end of this block to allow for a revised design to take account of a more natural decline of levels to the boundary to the west and greenway to the north and allow for adequate provision of a bin storage area to be designed into this section. Should the Board be minded to grant permission they may wish to attach a condition to omit the corner apartment units and seek a revised design for this terrace that demonstrates access to the greenway at its western end.

House Designs and Juxtaposition

- 10.10.9. The proposed houses appear adequate in size and have a sufficient level of internal accommodation and private rear garden space. Generally back to back distances of 22m are achieved where windows are directly opposing. Two parking spaces are proposed per dwelling.

- 10.10.10. I note comments in relation to the southern Village Neighbourhood where all parking spaces are not located directly to the front of dwellings with some spaces around the corner from the dwellings, as noted in the area of the homezone. I do not consider this be detrimental to the scheme and I note all spaces are overlooked by houses. There is overall sufficient parking provided for the houses in question and this is acceptable.
- 10.10.11. The lack of two sided streets in the scheme and resultant impact on supervision along some sections of streets within the scheme is a consequence of the existing topography rather than a defect in the proposed layout. I consider the public realm in general to be adequately supervised, subject to condition in relation to a small number of units, whose side elevations could be redesigned to improve passive surveillance, eg dwelling 274.
- 10.10.12. With regard to the quality of residential accommodation, I note the comments of Cork County Council with regard to house type D1 and D2 (three storey) opposing house type B1/B4 (two storey) in two areas of the development and limited separation distances of 23m given the level differences involved. I consider the proposed 'split level' arrangement of this house type D1 and D2 is acceptable as it maximises the use of a steeply sloping part of the site while presenting a two storey form to the street and I consider the intervening distances and relative floor levels to be acceptable in terms of the issue of overlooking. The level of retaining wall between dwellings 218-233 and dwellings 240-251 to the rear of them is however of concern, as it is indicated to be 5/6m high between the rear gardens, which would impact on the rear outlook of dwellings 251-240 and potential overshadowing of the rear gardens. However, as discuss previously in this report, given the rear gardens are all over 60sqm in area and given the outlook to the north of these dwellings is toward a significant green route/activity trail through the development with a strong treeline to the adjoining open space in The Vicarage, I consider overall the proposal to be acceptable given the topographical constraints.
- 10.10.13. In conclusion I consider the proposed dwellings are adequately designed and would provide an acceptable level of amenity for future occupants.

Bin Storage

10.10.14. The applicant in the Statement of Consistency states 'adequate space for the storage of bins will be provided for all units, either to the side of the housing units, in dedicated bin stores in the front curtilage of terraced/duplex units, or storage yards of the duplex apartments/apartment blocks'. A plan has been submitted indicating three types of bin – 'type A' communal bin stores for terraced dwellings and a type B and C, which are narrow wooden bin stores which on the plans are designed into front of some of the staggered terraced dwellings. Rear laneway access is provided to the terraces in the southern section of the scheme, which is flat, and this arrangement is acceptable.

10.10.15. The issue of bin storage does not in my view appear to have been adequately designed into the scheme in relation to the terraced D1/D2 dwellings and the duplex dwellings. One type A bin store is provided for duplex block E (30 apartments) and one type A bin to serve block F (23 apartments). One type A bin appears to be provided to serve both blocks G and H (total of 60 apartments). It is not clear that the bin storage areas are in any way adequate in size for the number of units they are serving and the positioning of the bins, particularly the one serving G and H is not proximate to all units.

10.10.16. With regard to the terraced dwellings 218-233 in the centre of scheme, and those terraces to the western section 192-198 and 199-205, these dwellings appear to be also inadequately served or not served at all. Terraced dwellings 218 to 233 are broken into three terraces of 8, 4 and 4 units, with one bin store located at the end of the street, 110m from the furthest house it is proposed to serve. Furthermore the bin store provided is at edge to the public footpath and adjoins the majority of the rear side boundary to the garden of dwelling 234. It is not clear to me why bin store A has been chosen to serve individual dwellings. The design of these units means there is access via a bridge at ground level to the units, however, from the plans of type B and C submitted it would appear there is scope to provide a well-designed bin store on the bridge access to the mid terrace units. However, if this solution cannot be accommodated then I would suggest the applicant omit two dwellings from this street to enable better separation between the dwellings and provision for bin storage away from the street edge and away from the private garden boundary of dwelling 234. Similarly, with regard to dwellings 192-198 and 199-205 bin storage provision needs to be revisited. If left unresolved it will result in the proliferation of

bins outside each dwelling detracting from the public realm/footpaths and hindering movement.

10.10.17. Should the Board be minded to grant permission, I consider a condition could adequately address the issue.

10.11. Impact on the Amenities of Neighbouring Properties

Temple Grove Apartments

10.11.1. The Vicarage Apartments/Block A sited to the south of an existing apartment block known in the neighbouring Temple Grove development. Access is proposed via the existing access road serving the neighbouring apartment scheme. Block A is a 5 storey structure with a finished floor level of 41.4mOD. The neighbouring Temple Grove block is 3 storeys, with finished floor level c. 1m below the proposed block. There is a separation distance of 27+m between the blocks and I do not consider the development will negatively impact on the existing apartment blocks in terms of overlooking, overshadowing or visual dominance.

Dwellings in The Vicarage

10.11.2. Concerns are raised by residents of The Vicarage in relation to loss of outlook, privacy and amenity as a result of the proposed development, including concerns in relation to potential damage of the treeline along the open space boundary as well as loss of natural habitat.

10.11.3. The proposed development has a boundary with The Vicarage along its public open space, with the development proposing a 16m wide open space with activity trail adjoining this area, with the closest dwellings being approx. 28m from the existing open space in The Vicarage. I consider the proposed interface of open space to be acceptable. I note there is a strong tree line along the boundary of The Vicarage, which provides significant screening, however in winter I acknowledge the proposed development will be more visible. However, given the evolving urban character of this area and given separation distances involved I do not consider the proposal will seriously injure the residential amenities of the existing neighbouring properties in terms of overlooking, overshadowing or loss of outlook from this aspect nor would it detract from the existing open space at this location.

10.11.4. The development also bounds The Vicarage to the east of the last detached dwelling in this cul-de-sac, no. 17, which is approx. 10m from it's boundary with the elevation of proposed block F apartments/duplex units. I note concerns from the residents of no. 17 given the proximity and scale of proposed block F and potential overlooking. I do consider the proximity of block F would result in a loss of amenity in terms of overlooking and visual dominance and recommend the omission of the end units of block F as discussed previously in this report.

Impact on Dwellings on Laneway to the northwest

10.11.5. A number of submissions raise concerns in relation to the impact on the privacy and amenity of existing dwellings along the laneway/cul-de-sac to the northwest of the scheme from the proposed active amenity space and alignment of the Ballybrack Greenway. Concerns are also raised in relation to lack of parking for the proposed active amenity area.

10.11.6. With regard to the Ballybrack greenway extension, I consider its extension into the scheme a positive development in terms of the development of an attractive safe green cycling route as a realistic alternative to travel by car as well as an amenity resource. I note the greenway where it exists to the west of the Douglas River is not overlooked in all locations, however it does provide for lighting and CCTV along its existing route, as will be the case with the proposed extension into this site. There is a possibility that the proposed active amenity area adjoining the route if not developed here would be left vacant and could equally given rise to potential for anti-social behaviour. As discussed previously in this report, this potential would not justify omitting desirable amenities from the proposed development. I do not consider the location of this public amenity would seriously injure the amenities of property in the vicinity and there will be some passive surveillance of the space from the passing Ballybrack Greenway. I consider a condition in relation to the future development and management of this area would be warranted. With regard to the potential impact of parking on neighbouring streets by people wishing to access this amenity area and by school users, this is an issue for the management company of the surrounding areas/local authority in relation to traffic management along these streets. I do not consider a separate car parking area for this small amenity space which is to serve a local population is warranted. I note that a small number of parking spaces are

available in the area of the crèche/public playground, should some dual usage be required.

10.12. Traffic, Transportation and Access

- 10.12.1. In relation to Transport, the relevant section of the EIAR is Chapter 5A which details the methodology in relation to the Traffic and Transport Assessment undertaken based on TII's 'Traffic and Transportation Assessment Guidelines (2014). The existing road network, public transport routes and pedestrian/cycle facilities were assessed and the existing traffic pattern was established with traffic counts undertaken for six junctions. Two proposed road network upgrades in the wider area were considered - the future upgrade of the N28 to M28 (with a full grade separated interchange at Carr's Hill Interchange and a new two way link road connecting from the M8 to Maryborough Hill); and a new link with bridge connecting the R609 and Grange Road. Other permitted developments were also factored into the assessment including the permitted school at the entrance to the development, residential developments at Maryborough Ridge (200 units), a solar farm, and potential post primary school closer to Douglas Village. Cumulative impacts in terms of other permitted developments have also been considered of the Lidl and 5 apartments northwest and 48 apartments at Clarendon Brook.
- 10.12.2. Public transport in term of the Douglas Land Use Transportation Study has been considered as has the proposed pedestrian/cycle infrastructure as part of the Cork Cycle Network Plan 2017 for the Douglas area, including the Ballybrack Greenway and its extension to form an inter urban route crossing the M8.
- 10.12.3. A Stage 1 Road Safety Audit has also been submitted with the application.
- 10.12.4. The impacts of the development during construction and operational phases have been considered and are assessed hereunder.
- 10.12.5. I note Transport Infrastructure Ireland has made a submission, which refers to the strategic road network in the wider area and the need to maintain the capacity of the N28 (future M8) and the N40. The submission also notes the recent publication of the draft Cork Metropolitan Transport Study (CMATS).

Traffic and Transport Assessment – Operational Impacts

- 10.12.6. The north/northeastern boundary of the site is along the R609, which connects northwest to Douglas Village/Cork City and southwest to the N28, (national primary route connecting Carrigaline and port and village of Ringaskiddy to Cork City). The N28 connects further north with the N40 South Ring Road.
- 10.12.7. When completed, the development will have three accesses. Two new accesses are proposed off the R609/Carrigaline Road to the northeast of the site (Access 2 will traverse the site and Access 3 will serve the apartment blocks adjacent the R609 only). The existing access to the site (Access 1) is from the R609 to the northwest of the site, at 'Berkeley Road'. The existing access road travels south toward The Vicarage/Temple Grove development up to the edge of the lands, where the access takes the form of a track adjoining the apartment block at Temple Grove. This access is proposed as a through-route/'internal arterial road' within the development linking to the Access Point 2 on the R609. Access 2 on the R609 is a permitted three armed signalised junction onto the R609, to be shared with the permitted school site and is proposed as the primary access to the site.
- 10.12.8. The Traffic and Transport Assessment (TTA) estimates trip generation rates (including school and crèche) of 683 movements in the AM peak and 392 no. movements in the PM peak (the difference relating primarily to school traffic). It is estimated that of those who can use Access 1 and 2 (ie excl apartments on the R609), 80% will use Access 2 (new access off R609) and 20% will utilise Access 1 (existing access), with 80% travelling toward Douglas and 20% toward Carrigaline. More traffic is expected to travel to the M28 interchange when that is opened, with 45% travelling toward the M28 and 55% toward Douglas. Traffic impacts were assessed in relation to 6 junctions in the vicinity of the site. Impacts were assessed as slight/moderate on the link roads and junction capacities. It is stated that junctions which indicate capacity issues in the various design scenarios will have these capacity issues with or without traffic generated by the proposed development arising from estimated growth in background traffic. The highest increase in traffic is on the R609, with an increase in two way traffic of 20% for the existing and future road network. The increase is moderate and is not deemed significant as it is stated the link roads operate well within capacity.
- 10.12.9. I note the content of the transportation division report from Cork City Council and Cork County Council and third party submissions which raise concerns in

relation to impacts of the development on the local road network for local residents as well as the capacity of the wider road network. I would note that this land is zoned for residential development and refusing permission for the proposed development would not alleviate traffic congestion in this part of the city nor would it justify preventing or amending the proposed development of zoned serviced land at an appropriate density. The Ballincollig Carrigaline Municipal District LAP highlights traffic is an issue in the area and proposes to focus on improving pedestrian and cycle movement, improving public transport movement, facilities and accessibility, delivering Smarter Travel objectives and developing a schools travel strategy to increase usable modes of transport. The recent publication of the Draft Cork Metropolitan Area Transport Study further focuses on improving public transport and cycling routes in this area to manage traffic into the future while supporting growth. This is an urban area, where growth is to be expected in accordance with national and regional estimates and it is the management of this growth into the future through the development of sustainable communities which will support the sustainable development of this land as part of Douglas and the wider metropolitan area of Cork City.

10.12.10. With regard to questions in relation to the assignment of trips between the two accesses to the site with concerns that Access 1 will be utilised more than Access 2 and not the reverse, based on the information presented I consider the assumption in the TTA reasonable. Access 2 will be a signalised junction assisting egress onto the R609, however, I note that at certain times of the day, for example during the school am peak, it is likely that traffic may be diverted from this entrance to Access 1. I consider it reasonable that the two accesses are utilised for the operational phase of the development in the interests of improved permeability/connectivity as per the principles of DMURS, and also for safety reasons with two options for egress/access more desirable, should one option become blocked due to an accident.

10.12.11. With regard to concerns in relation to traffic hazards being created on the local road network, given the scale of development the applicant proposes a gateway entry treatment along the R609 to reduce traffic speeds and within the Stage 1 Road Safety Audit commits to reviewing the internal traffic priority arrangements in Temple Grove/The Vicarage in consultation with the Management

Company for the estate. The Chief Executive's Report from Cork County Council indicates that the measures proposed by the applicant are not sufficient and the application is premature in the absence of a traffic calming scheme being designed/consented/implemented on the R609, the delivery of which is beyond the scope of the applicant. The Chief Executive's Report for Cork City Council acknowledges that this area is changing from a rural to an urbanised area and the speed limit will have to be reviewed in this context and principles of DMURS applied. The report further states that the Road Safety Audit recommends one measure to reduce the issue of speeding, however one standalone measure will not be effective in changing driver behaviour and a suite of both hard and soft measures will be required.

10.12.12. I have no reason to believe that the Council will not carry out its function in relation to revising the speed limit at this location and facilitating the applicant in applying a suitably designed gateway treatment, with any additional signage and road markings required by the planning authority, in order to reduce speed along the R609 in support of this development, consistent with the zoning of the land. The applicant has undertaken to carry out such works as per their inclusion in the plan details and I consider a condition requiring the applicant to comply with the specific requirements of the planning authority in relation to the works listed is appropriate. I agree with concerns raised in relation to proposed parallel parking on the R609 and consider that parking should be removed from this location, with the additional space utilised for planting and/or any other measures required as part of the gateway treatment design. I consider this issue can be addressed by way of condition. I note the City Council Chief Executive's Report requests the applicant to include a footpath on the opposite side of the R609 as part of its development. I do not think that this is reasonable or feasible given it may involve land take from third party lands over which the applicant has no legal right. The applicant is providing for a 2m wide footpath along the frontage of its development on the southern side of the R609 where a footpath exists and I consider this satisfactory. I consider additional measures required in relation to the access from the R609 at Access 1/Berkeley Road would be appropriate given its direct requirement as a result of this development, in addition to any measures which may be required for road safety and management reasons within Temple Grove/The Vicarage Development in

consultation with the relevant management company. Overall, I do not consider the proposal will give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site, subject to conditions.

10.12.13. Mitigation measures proposed in the EIAR include the development as part of this application of pedestrian/cyclist links to the Ballybrack Greenway with provision for a 4m wide pedestrian/cycle extension to the Ballybrack Greenway, which will increase uptake of this mode of transport and reduce traffic. The EIAR states as further mitigation that improvements to the bus networks are anticipated as part of the DLUTS plan which will reduce car borne traffic. I note the contents of the recent publication of the draft CMATS supports bus connects routes and improved cycle networks in this area. A bus stop is proposed along the R609 adjoining the site. I do not consider it necessary to provide for a specific bus stop/route within the site. While I acknowledge the topography is steep within the site, I consider the provision of attractively landscaped walking routes within the scheme will encourage the uptake of more pedestrian/cyclist movement. The provision of local schools with improved greenway connectivity will also reduce car borne travel and it is noted there will be a reduction in traffic during school holidays.

Internal Street Design and Parking

10.12.14. The Road Safety Audit raises concerns in relation to reversing out onto the roads internally within the scheme at junctions, footpath continuity within the scheme, and greenway access from the southwest. Visibility from apartment Block A given its location on a bend is also raised as an issue. The applicant in response has stated that the layout has been designed in accordance with DMURS and visibility from the apartment block entrance is in accordance with standards. This is accepted by the auditors of the report. It is proposed to extend the raised tables at two of the three junctions highlighted in the RSA report where parking is proposed and this is accepted by the auditors of the report.

10.12.15. The applicant has not responded to concerns raised that footpaths end abruptly at locations across the scheme with the design not providing for continued pedestrian facilities along all pedestrian desire lines. The RSA report does not highlight any one specific area, however I note there are elements of the scheme which would benefit from improved pedestrian connections within the internal street

network. I note in particular the proposed access connecting into the existing street serving Temple Grove apartments has no footpath provision on either side and does not connect into the existing footpath at Temple Grove apartments. This has the potential to be quite a busy link road, therefore Access 1 adjoining Temple Grove should be amended to include a footpath on both sides of this entrance street up to Block E. I accept that a footpath is not required adjoining the embankment along the roadside, with provision for off-road pedestrian connections/desire lines south through this area. A raised table / crossing points should be provided across this street between dwellings 258 and 266 and also between 252 and 259 where the footpath ends. The RSA also recommends additional connectivity to the greenway to the southwest. Additional measure in terms of surface treatment, traffic calming designs and compliance with DMURS can all be addressed by way of condition.

Construction Traffic

- 10.12.16. Two construction access points to the site are proposed for construction traffic, one through the Temple Grove Apartments/The Vicarage development and the other from the Carrigaline Road/R609. The Chief Executive's Report from Cork City as well as from Cork County Councils considers the proposed construction access through the existing residential development would endanger public safety and result in a disproportionate level of disruption to existing residents.
- 10.12.17. The EIAR assesses the impact from construction traffic, with the primary sources of impact being removal of excavated material/spoil; equipment delivery; materials delivery; and commuting of construction staff and site visitors.
- 10.12.18. With regard to mitigation, it is stated that the applicant will promote sustainable modes of transport and the hours of work will support workers travelling outside of peak times as they will arrive to site before 8am peak (7am start proposed). An Outline Traffic Management Plan has been prepared which includes measures to mitigate any potential noise, air quality and dust impacts resulting from construction traffic. The applicant will provide management of all site traffic movements and parking throughout the duration of the works and safety signage erected.
- 10.12.19. In terms of access for construction traffic, this is set out within the EIAR and figure 5A.8, Construction Accesses and Phasing. It is proposed that Access 1

(Temple Grove/The Vicarage) will be utilised for the construction of Phase 1 (94 units) site earthworks, infrastructure, and housing, with the site compound, access road and car park constructed inside this entrance. The bridge over the Moneygurney Stream is to be constructed using Access 1 and Access 2. It is stated that phase 1 excavated material not being utilised on the site, will remain on site and not be transported through Access 1, with the excavated material to be transported off site using the bridge over Moneygurney stream when it is operational, which will minimise construction traffic during phase 1. Phase 2 and 3 earthworks, infrastructure and housing will be constructed using site Access 2 only. Phase 4 will be off Access 3 (240m south of Access 2). Anticipated construction traffic is set out in the EIAR, with estimated daily traffic for phase 1 being 77 movements a day (of which 41 will be at peak time), with 2 of those 77 movements being HGV movements.

10.12.20. I note the concerns of residents and Cork City and County Councils in relation to the utilisation of Access 1 for construction traffic through the existing residential developments, for reasons of traffic safety and disruption/disamenity to residents. I agree that Access 1 should not be utilised for construction traffic and Access 2 only shall be used for construction traffic. In addition to protecting the amenity of the residents, it is also preferably that applicant move unwanted excavated material off the site instead of mounding it at the highest part of the site for a significant period of time, which would furthermore increase the potential risk around sediment run off and visual impacts.

10.13. Infrastructural Services including Flooding Issues

Water and Wastewater

10.13.1. It is proposed to connect the development to the public water and foul sewer network in the area. A wastewater pumping station is proposed for the apartment to the northeast with a pipe proposed to cross the Moneygurney Stream at the location of the proposed pedestrian bridge. A 1200mm watermain runs through the site and is a critical watermain supplying large industries in Ringaskiddy. IW require a 30m wayleave along this route which has been provided for and also requires protection measures in relation to this watermain be put in place prior to any commencement of

development on site. Irish Water has no objection to the proposed development subject to condition in relation to protection of existing wayleaves.

Surface Water Management

- 10.13.2. There are two hydrological features on the site, The Moneygurney Stream to the north/northeast and the Douglas Stream to the west.
- 10.13.3. The Moneygurney and Douglas Streams join at the northwestern corner of the proposed development and flow north. Approximately 400m downstream the Moneygurney Stream joins the Grange Stream to form the Ballybrack Stream which then flows in a northerly direction through Ballybrack Woods, Ravensdale and Douglas Community Park. It is then culverted under Douglas Shopping Centre and joins the tidally influenced Tramore River to the north of Douglas. The Ballybrack Stream is formed by the confluence of the Grange and Moneygurney Streams and discharges to the Douglas River Estuary which forms part of Cork Harbour (SPA). The Ballybrack Stream is currently subject to flood alleviation works under the Douglas Flood Relief Scheme. Therefore, the importance of not increasing the rate and flow in the Ballybrack Stream due to increased surface runoff from the site is noted.
- 10.13.4. A Services Infrastructure Report has been submitted outlining how surface water is to be managed within the site. It is stated that the development will support a network of surface water sewers, collecting run off from roads/footpaths/roofs/other impermeable surfaces, which will discharge to two proposed attenuation areas, one to the west of Moneygurney Stream and one to the east. Attenuated runoff will discharge at two points - one to the Moneygurney Stream and the other to the Douglas Stream.
- 10.13.5. With regard to the proposed attenuation area, it is stated the surface water drainage network will include installation of dedicated attenuation facilities upstream of proposed outfalls to the Moneygurney and Douglas Streams, to attenuate discharges to the undeveloped 'greenfield' runoff rates with the operation of proprietary hydrobrake flow-control devices. These attenuation facilities are sized on the basis of a design storm with a 100-year return period and an additional 20% allowance for the effect of climate change. It is stated that while not factored into the design volume assessment, these systems will permit an element of infiltration

where underlying ground conditions are suitable (I note it is not stated if the underlying grounds conditions are suitable at the sites of the two attenuation areas). The attenuation areas will be fitted with hydrobrake flow control devices to ensure that excess surface runoff from the developed site will be attenuated and discharged at the greenfield discharge rate. A hydrocarbon interceptor will be installed upstream of each of the attenuation areas to remove any traces of oils which may be washed off road surfaces. Also, grit sumps will be incorporated into the manholes immediately upstream of the attenuation areas to ensure that the bulk of the grit suspended in runoff is settled out before entering the attenuation areas.

10.13.6. In terms of SUDS, it is stated parking surfaces will comprise permeable paving overlying a porous aggregate reservoir, which has been sized to ensure the runoff from these parking areas drains via the porous aggregate and not directly over the surface to the sealed surface water sewer pipework, thereby providing an additional element of source attenuation. The report goes on to state 'other SuDS measures such as filter drains behind retaining structures will be incorporated into the surface water drainage system'. The report states that 'notwithstanding the SuDS source measures proposed; the development will include the construction of a gravity surface water drainage network throughout the site'.

10.13.7. A Flood Risk Assessment has been submitted. The FRA confirms all proposed dwellings will be constructed outside the 0.1% AEP fluvial flood extent and all development will be constructed at an elevation higher than the 1% AEP flood level with a suitable freeboard. It is contended that the construction of the proposed development will not result in the loss of flood plain storage and as such will have no impact on the remaining flood plain. The Ballybrack Stream is currently subject to flood alleviation works under the Douglas Flood Relief Scheme. Therefore, the importance of not increasing the flow in the Ballybrack Stream due to increased surface runoff is noted.

10.13.8. I note concerns raised by third parties in relation to surface water runoff into The Vicarage Estate. I further note a third party submission which queries the background data utilised in the surface water management proposals, and states the applicant has overestimated the allowable discharge rate to the streams resulting in potential flood risk down stream at Douglas village. Rainfall and runoff calculations are also stated to have been underestimated, resulting in an undersizing of the

attenuation tanks and it is stated that further consideration of the downstream flood vulnerability needs to be considered.

10.13.9. I note Cork City Council Engineer states 'the applicant has referred to incorporation of SUDS measures to assist in the management of storm run-off rates from the site, however other than the design of the attenuation tanks, no specific SUDS measures have been presented in the application documents'. A condition is recommended as follows 'a SUDS strategy for the proposed development is to be submitted and agreed with the planning authority prior to the commencement of development'. The area engineer's report goes on to state the storm water networks appear to be adequately designed and take advantage of the existing contours of the site. The findings of the flood risk assessment are noted. The report from the Cork County Engineer notes from the information submitted that the attenuation areas have been designed to cater for a 100 yr storm event, with a controlled outflow equal to the runoff from the site in its greenfield condition in a two year storm event. It is further noted a hydrocarbon interceptor will be installed immediately upstream of the attenuation storage. The proposed system will have grit sumps and controlled flow to meet the agreed limited flow rate. The location of the attenuation tanks in terms of maintenance and access is raised as an issue given one is proposed under a parking area and the other is accessed off a laneway.

10.13.10. I have reviewed the information submitted and all third party submissions, in addition to the reports from the area engineers of Cork City and Cork County Councils. I note the documents submitted state that SUDS will be incorporated into the surface water drainage system, however, no detail in relation to the SUDS strategy has been submitted, as noted by the area engineer in Cork City. I note the floodrisk assessment specifically states the Ballybrack Stream is currently subject to flood alleviation works under the Douglas Flood Relief Scheme, therefore, the importance of not increasing the flow in the Ballybrack Stream due to increased surface runoff is noted. In terms of 'operational phase flooding risks', the EIAR states

'the implementation of SUDS features will maintain runoff rates at, or below, existing greenfield runoff rates... To prevent any increased flooding at the downstream reach of the Ballybrack Stream from the proposed development, it is proposed to implement SuDS in order to limit the discharge from the site to the current greenfield discharge rates. The implementation of these SuDS

measures will mitigate the risk of flooding outside of the development site. Therefore, any potential impacts arising from this activity may be characterised as imperceptible and neutral’.

10.13.11. On the basis of the above statement, the design of the SUDS strategy, therefore, is critical in terms of stormwater management and mitigation of potential flood risk downstream of the Ballybrack Stream.

10.13.12. The EIAR states surface water runoff is proposed to be controlled to greenfield runoff rates and it is proposed to do this through use of SUDS measures and attenuation tanks. Only two SUDS measures are proposed, that is permeable paving overlying a porous aggregate reservoir for parking areas, and filter drains behind retaining structures. The Green Infrastructure Strategy report states the central spine parkland has the capability to deal with stormwater run off, but no detail is given in relation to this, if specific features will be designed into this area, or the infiltration levels of the soil at this location. These statements in relation to proposed SUDS measures are not accompanied by background information/data/detailed SUDS designs in either the drawings or documentation submitted and no background data is presented in relation to infiltration tests of the soil in various areas of the site where stormwater overflow may occur (which may be particularly affected given the steep levels and degree of earthworks). It is not clear that the two attenuation tanks proposed for these 500 units have been adequately sized in the case of a storm event, with no consideration of issues around potential of overflow of the attenuation tanks in a storm event or how the runoff volume from the site would be limited in extreme events.

10.13.13. Given the steeply sloping nature of the site, the significant level of cut and fill across the site, which may alter flow and infiltration levels, and given the potential risk for significant impacts downstream as highlighted in the Flood Risk Assessment and in the EIAR, I consider the lack of detail submitted in relation to stormwater management and SUDS measures is a significant concern. I note the applicant at the section 5 pre-application stage and in the Notification of the Opinion was requested to submit information under two headings which related to SUDS and stormwater management: ‘...All SUDS features should be clearly identified and proposals as to how features will enhance/contribute to a sense of place’; and ‘Further consideration of documents as they relate to surface and storm water

management and the risk of displaced or increased discharge of waters downstream towards Douglas Village'. All SUDS features have not been clearly identified and statements that the surface water runoff will be managed through SUDS measures to mitigate flood risk are insufficient. I cannot be satisfied in the absence of such detail that stormwater management has been adequately designed into the scheme and that the flood risk relating to Ballybrack Stream has been adequately mitigated.

10.14. Archaeology

10.14.1. Further assessment, as set out within EIAR chapter 11 is required in relation to archaeology. The strategy as outlined in the EIAR should be carried out in advance of any works on this site and the subsequent report submitted to the DAU prior to the commencement of any groundworks as this will inform any subsequent archaeological mitigation.

10.15. Other Matters

10.15.1. The applicant has submitted a letter with details of existing rights/agreements to connect to existing services in The Vicarage / Temple Grove Estates. This is contested in third party submissions and it is also stated that no letter of consent exists from Cork County Council in relation to access via Berkeley Road. I note that the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over land and these are ultimately matters for resolution in the Courts. I also note Section 34(13) of the Planning and Development Act 2000, as amended, states, a person is not entitled solely by reason of a permission to carry out any development. Should the Board be minded to grant planning permission for the development sought under this application it may wish to consider reiterating Section 34(13) of the said Act, as a supplementary 'Advice Note'.

10.15.2. I have no information before me to believe that the proposed development, if permitted would lead to devaluation of property values in the vicinity. I consider that the works proposed are acceptable and would not seriously injurious to the visual or residential amenities of the area.

10.16. Appropriate Assessment

10.16.1. The applicant has submitted a Stage 2 Natura Impact Statement. No screening report has been submitted.

Stage 1 Screening

10.16.2. The site is not located within or directly adjacent to any Natura 2000 sites. An ecological field assessment of the study site was undertaken from May to August 2018 as part of the EIAR associated with this planning application. No Annex I habitats listed under the EU Habitats Directive or botanical species protected under the Flora (Protection) Order 2015, listed in the EU Habitats Directive or red-listed in Ireland were recorded at the study site. No qualifying interest species/habitats of the Natura 2000 sites under consideration here were noted during the EIAR ecological field assessment of the study site. Furthermore, the study site does not currently support habitats of ex-situ ecological value for relevant qualifying interests.

10.16.3. The site is not located within or adjoining a Natura 2000 site. The following Natura 2000 sites are located within 15km of the site: Cork Harbour SPA (004030) and Great Island SAC (001058). Other Natura 2000 sites further than 15km from the site have been considered, however there are no clear impact-receptor pathways.

Site Name and Code	Qualifying Interests	Distance from Site Boundary and Discharge Point
Cork Harbour SPA (site code 004030)	<p>Its conservation objectives relate to maintaining the favourable conservation condition of the following qualifying interests (after NPWS 2014a);</p> <p>Wintering bird species: Little Grebe</p> <p>Tachybaptus ruficollis, Grey Plover Pluvialis squatarola, Great Crested Grebe Podiceps cristatus, Lapwing Vanellus vanellus, Cormorant Phalacrocorax carbo, Dunlin Calidris alpina, Grey Heron Ardeacinerea, Black-tailed Godwit Limosa limosa, Shelduck Tadorna tadorna, Bar-tailed Godwit Limosa lapponica, Wigeon Anas Penelope,</p>	<p><u>Site Boundary:</u> Over-land: 1.37km</p> <p><u>Discharge Points:</u></p> <p>Surface-water: c.2.0 km</p> <p>Waste-water: > 4.0km</p>

	<p>Curlew Numenius arquata, Teal Anas crecca, Redshank Tringididae, Pintail Anas acuta, Black-headed Gull Chroicocephalus ridibundus, Shoveler Anas clypeata, Common Gull Larus canus, Red-breasted Merganser Mergus serrator, Lesser Blackbacked Gull Larus fuscus, Oystercatcher Haematopus ostralegus, Golden Plover Pluvialis apricaria.</p> <p>Breeding bird species: Common Tern Sterna hirundo.</p> <p>Habitat: Wetlands.</p>	
<p>Great Island Channel SAC (site code 001058)</p>	<p>Its conservation objectives relate to maintaining the favourable conservation condition of the following qualifying interests (after NPWS 2014b);</p> <p>Annex I Habitats: Tidal Mudflats and Sandflats (1140), Atlantic Salt Meadows (1330).</p>	<p><u>Site Boundary:</u> Over-land: 6.16km</p> <p><u>Discharge Points:</u> Surface-water: n/a Waste-water: n/a</p>

10.16.4. There are two streams on the site, Moneygurney Stream and Douglas Stream, which join together and ultimately flow into a section of Cork Harbour SPA at Douglas River Estuary/Lough Mahon transitional waterbody. With regard to the source-pathway receptor model, there is potential for indirect hydrological impacts on Cork Harbour SPA via surface-water run-off arising and indirect hydrological impacts on Cork Harbour SPA via waste-water arising from the study site. As Great Island Channel is not downstream of the surface-water discharge point, no hydrological link

via surface-water is considered relevant, nor is a hydrological link via effluent considered relevant in relation to Great Island Channel SAC.

10.16.5. I have reviewed the information on file and the documentation submitted by the applicant. Given this site comprises a steeply undulating topography, and given the significant level of earthworks proposed as part of the proposed development, in addition to the number of construction mitigation measures proposed in relation to surface drainage at construction and operation stage as outlined in the EIAR to protect the existing streams on site from contaminated runoff, and given the potential for indirect affects through surface water discharge between the study site and Cork Harbour SPA, significant impacts on the Cork Harbour SPA cannot be discounted and in that regard it is recommended that the assessment proceed to Stage 2 Natura Impact Statement.

10.16.6. With regard to Great Island Channel SAC (001058) it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site 001058 in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required for Great Island Channel SAC (001058).

Stage 2

10.16.7. As outlined in the screening undertaken above, this AA relates to the Cork Harbour SPA (004030). As part of the screening assessment, no potential impacts on Great Island Channel SAC were identified as a result of the proposed development, therefore it was objectively concluded that the proposed development would not be likely to have a significant effect on Great Island Channel SAC (001058). There are no other sites greater than 15km away where there is a potential impact-receptor pathway. The features of interest and the conservation objectives relating to Cork Harbour SAC are outlined above.

10.16.8. The potential impacts of the proposal have been assessed in the NIS in respect of the Construction Phase and the Operation Phase for both surface water runoff and waste water/foul effluent discharge. Cumulative or in-combination impacts have also been considered. I will address each in turn.

Surface Water Runoff

- 10.16.9. The construction phase of the proposed development has the potential to result in temporary surfacewater run-off siltation or contamination of Douglas and Moneygurney Streams through the excavation/movement of earth and building material, and through other contaminants such as accidental fuel/oil spillage. The topography of the site will require considerable preparatory earthworks.
- 10.16.10. The EIAR submitted with the application outlines a suite of measures to prevent contamination of surface water run off from the development. The NIS submitted includes this suite of proposed measures, for example, the stripping of topsoil will be carried out in a controlled and carefully managed way and coordinated with the proposed staging for the development; excavated topsoil will be protected and temporarily stored in designated storage areas >20m away from surface water-features (watercourses) and steep slopes; the proposed bridge crossings of the Moneygurney Stream include designs and construction method which have been prepared in accordance with IFI guidelines (2016) where there will be no in-stream works or alterations to Moneygurney Stream or its banks; other than the two bridge crossings of Moneygurney Stream and the western portion of the site closest to Douglas Stream, a 20m buffer will be maintained between the streams and the proposed works area, inside of which no construction activity or construction related storage will occur; where development occurs within 20m of either watercourse additional measures will be put in place to ensure maximum protection of the water-feature, which are listed within the NIS. The proposed site development works will be carried out in accordance with best practice regarding standard environmental protection (*e.g.* CIRIA 2010 and 2001) to prevent damaging run-off from the site, where implementation of construction phase soils and water management proposals will adequately reduce potential risks arising from site associated hydrological or water quality impacts on the Douglas and Moneygurney Streams, as set out in detail in the NIS. The proposed construction phase surface-water management controls are specific to the site, proposed works, and Douglas and Moneygurney Streams. It is stated that such controls will also serve to minimise potential construction phase run-off impacts into the wider downstream environment including Douglas Estuary/Lough Mahon transitional waterbody and associated Cork Harbour SPA - even if not primarily designed to address any particular risks to the

estuary/transitional waterbody and designated sites as such. It is concluded therefore that no measures are specifically required to address risks to Cork Harbour SPA in this case.

10.16.11. During the operation phase, surface water runoff will be managed and controlled prior to discharge into the environment through SuDS features and a surface-water drainage system. The NIS submitted states operational SuDS/surface-water drainage system are specific to the site, proposed development, and Moneygurney and Douglas watercourses. It is stated that such features will also serve to minimise potential operational phase run-off impacts into the wider downstream environment including Douglas Estuary/Lough Mahon transitional waterbody and associated Cork Harbour SPA; even if not primarily designed to address any particular risks to the estuary/transitional waterbody and associated SPA as such. It is concluded therefore, that no measures are specifically required to address risks to Cork Harbour SPA. However, I note, having reviewed all the information submitted with the application, that the development application does not include detailed site specific stormwater management and SUDS measures.

10.16.12. As noted within section 10.3 above, a lack of information has been submitted with the application in relation to the design of proposed SUDS measures and stormwater management of the site, therefore I am not satisfied that surface water runoff can be maintained as greenfield rates particularly in a storm event and this may have implications for the wider downstream environment including Douglas Estuary/Lough Mahon transitional waterbody and associated Cork Harbour SPA.

10.16.13. The proposed development will connect to the public foul system for treatment at Cork City WWTP in Little Harbour before discharging into Cork Harbour at Lough Mahon. Discharge from the WWTP does not have an observable negative impact on water quality and IW has confirmed that the proposed wastewater connection can be facilitated.

10.16.14. The NIS has further considered additional projects in the area, including the primary school development and M28 development, as well as other habitat loss/change on the site. Significant negative cumulative impacts are considered unlikely in relation to off-site water features and associated designated nature conservation areas.

Stage 2 Conclusion

10.16.15. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site No. 004030 (Cork Harbour SPA), in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

11.0 Environmental Impact Assessment

11.1.1. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies, appellant, observers and applicant has been set out at Section 7.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Landscape and visual impact
- Material Assets – traffic and transport
- Biodiversity
- Land and Soils
- Surface water drainage
- Cultural Heritage

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

11.1.2. The EIAR is laid out in one volume including appendices and a separate non-technical summary. The introductory chapters establish the context of development and describe the proposal in detail, including construction and phasing. Cumulative impacts have been assessed, included several permitted and proposed developments in the vicinity (approved M28 upgrade (under judicial review); pending part 8 for Ballybrack Greenway Extension; approved primary school adjoining the

development site; approved Lidl scheme and 5 apartments 1.8km north on the R609; approved development of 48 residential units 0.8km north on the R609; and approved 200 residential units at Maryborough Ridge 0.5km to the south east separated by the N28. Interaction of significant impacts is considered in chapter 13. Mitigation measures are addressed within each section, with a summary of mitigation measures presented in chapter 14. Alternatives have been considered in chapter 3.

11.1.3. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes and the effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.

11.1.4. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above.

11.2. Alternatives

11.2.1. The submitted EIAR does not include any specific consideration of alternative sites. Given the LAP zoning of the site for residential development, which underwent SEA, I consider it reasonable that alternative sites were not considered. The applicant has considered alternatives in terms of layouts and bridge designs proposed within the existing site constraints, having regard to the site topography, requirement for cut and fill, riparian zones along two existing streams and protection of existing trees on site. The reasons for selection of the proposed development layout and design is set out within chapter 3. It is considered that the issue of alternatives has been adequately addressed in the application documentation, which is to be considered by ABP as the competent authority in the EIA process.

11.3. Assessment of the Likely Significant Direct and Indirect Effects

11.3.1. The likely significant direct and indirect effects of the proposed development are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health

- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

Population and Human Health

- 11.3.2. Chapter 12 of the EIAR addresses population and human health. It is noted that human health is addressed within other chapters and this chapter addresses issues not addressed earlier, including construction health and safety, and availability of recreation and amenity facilities.
- 11.3.3. The Ballincollig Carrigaline MD LAP indicates a requirement for 1284 housing units across the South Environs up to 2021. The subject site is the largest of thirteen sites zoned for residential development within the south environs. This area has experienced an increase in population in 2016 by 3.2% on 2011 levels. The area is considered popular for starter and family housing due to the suburban location. There are residential areas adjacent to the application site with the more established areas being to the west and north. The majority of the site is greenfield with a mix of scrub and woodland. The area is well served by amenities and facilities in the wider Douglas area. There is a permitted primary school adjoining the entrance to the site on the Carrigaline Road and the department of education have proposed a new secondary school in Douglas village.
- 11.3.4. The change of land use from greenfield to agricultural is considered to have a neutral impact as the land is not farmed. The development will generate a small amount of economic activity in the form of the crèche. The economic impact is stated to be permanent slight positive. The development will result in extra demand for school places and the department has plans for a new primary and a secondary school. Should these not materialise, the proposal could have a medium to long term negative impact.
- 11.3.5. In terms of local amenity, during construction there will be a visual impact with the site blocked off, however, there are existing trees and hedgerows to be retained as part of the development and the overall impact is considered to be slight negative

and short term in nature. During the operational phase, there will be a permanent change to views which is addressed in chapter 4, Landscape. In terms of mitigation the proposed development proposes 4.4 ha of parkland, and a network of fitness/walking/cycle routes, including an extension of the Ballybrack greenway, which will result in a significant positive permanent impact on local amenity.

- 11.3.6. In relation to health and safety, during the construction phase, the greatest risk is potential risks in terms of injury or death from those on site. Mitigation is proposed through the management of the site in accordance with Safety, Health and Welfare at Works (Construction) Regulations 2013, review of safety practices at design and at construction stage, implementation of corrective action where necessary and restriction of access by the public to the site area and construction compound.
- 11.3.7. I note that human health is addressed further within the sections relating to noise, air and climate, and mitigation measures include a Dust Minimisation Plan.
- 11.3.8. I have considered all of the written submissions made in relation to population and human health. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

Biodiversity

- 11.3.9. Chapter 8 of the EIAR addresses biodiversity.
- 11.3.10. The study site is not located within or adjacent to any designated nature conservation area. Several occur within 15km of the study site including Cork Harbour SPA, Douglas River Estuary pNHA and Monkstown Creek pNHA. The study site drains into Douglas and Moneygurney Streams within the development, which combine to flow into Douglas estuary/Lough Mahon transitional waterbody where Cork Harbour SPA and Douglas River Estuary pNHA also occur c. 2km downstream of the closest proposed stormwater discharge points at site. While all pNHAs are of national importance, all SAC/SPAs are of international importance.
- 11.3.11. No Annex I habitats listed under the EU Habitats Directive or botanical species protected under the Flora (Protection) Order 2015, listed in the EU Habitats Directive or red-listed in Ireland were recorded at the study site.

- 11.3.12. Stands of the highly invasive plant species Japanese Knotweed *Fallopia japonica* were noted at the study site; one small and relatively recently established stand at one location within the proposed housing development area (Irish Grid Reference W70545 68195) and several stands within the proposed school development area of the study site. Japanese Knotweed is listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations where it is an offense to disperse, spread or otherwise cause to grow in any place. All Japanese Knotweed was removed in August 2018 through a new process known as 'Eraginate process'.
- 11.3.13. The main habitats that will be directly impacted by the proposed development include habitats of lower local importance (neutral grassland, dense bracken, wet grassland, amenity grassland, recolonising bare ground and spoil and bareground) or of no ecological value (buildings and artificial surfaces). Semi-natural habitat of higher local importance that will be directly impacted by the proposed development includes hedgerows, treelines and scrub. Two semi-natural eroding streams of lower local importance (Douglas Stream) and county importance (Moneygurney Stream) are also present. Wet Pedunculate Oak-Ash woodland associated with the Douglas and Moneygurney riparian corridors are also of county importance.
- 11.3.14. A series of baseline field surveys were undertaken from May to August 2018 at the EIAR study site including; habitat & botanical, aquatic ecology, bird, mammal, bat and other taxa. The baseline field surveys along with desktop review were then used to inform the biodiversity evaluation of the EIAR study site, assessment of potential impacts arising from the proposed development and consideration of appropriate mitigation measures to reduce potential negative impact(s) to an acceptable level where possible.
- 11.3.15. The proposed development area is primarily of lower to higher local importance for biodiversity. The Moneygurney Stream supports brown trout in its upper reaches as well as an urban population downstream. The wet woodlands along both Moneygurney Stream and Douglas Stream are of county importance due to high degree of naturalness and the biodiversity value of both wet woodland corridors, combined with the TPO associated with the Douglas Stream.

- 11.3.16. The Moneygurney and Douglas Streams are relatively small streams and are described as having Q4 good ecological and chemical water quality status. Similarly, the streams are described as retaining good semi-natural profiles, as the bounding woodlands and limited encroachment from urbanisation has helped preserve them. Both streams are assigned county level ecological value.
- 11.3.17. Species surveys have identified countryside fauna which would be typically expected within woodland, scrub and grassland habitats, and include fox, rabbits and bat. No badger setts were found during the species surveys, but it is possible that setts could be found if / when the site is cleared.
- 11.3.18. Twenty two species of bird were recorded during surveys, including the amber listed species such as Swallow, Greenfinch and Goldcrest and the Red listed species Yellowhammer, which may nest in the hedgerows and scrub, and Grey Wagtail which is associated within the streams.
- 11.3.19. The proposed development will require the removal of 1.5 ha of wet woodland habitat along the Moneygurney Valley, most of the scrub within the site, 732 linear meters of hedgerow and treelines (64% of total) and most of the grassland habitat including wet grassland and neutral grassland.
- 11.3.20. New woodland planting (1.4 ha) is proposed to compensate for the removal of existing wet woodland habitat and it is proposed to plant 1100m of new hedgerow to compensate for the proposed removal of hedgerow within the site. The landscape plan proposes 2995sqm of wildflower meadow planting and native grass / clover in proposed amenity areas.
- 11.3.21. Mitigation measures are proposed for the construction phase in relation to habitats and flora, aquatic ecology and fauna. It is indicated that no designated conservation areas will be impacted in any way by the proposal and no mitigation measures are required in this regard. A suitably qualified Ecological Clerk of Works is required to be engaged for the construction phase of the development to ensure compliance with the proposed mitigation measures, which include inter alia the following measures:
- Other than the two bridge crossings of the Moneygurney Stream and the western portion of the site closest to Douglas Stream, a buffer zone of 20m will be maintained between the proposed works area and both streams with a fence erected to prevent

ingress of machinery. Designated temporary storage areas for any excavated spoil will be at least 25m from the Douglas and Moneygurney Streams.

- Water protection measures to be implemented during the construction phase and include the use of silt fences and settlement ponds.
- New landscaping to take account of existing species and ensure that new planting connects to woody habitat/other vegetation to maintain and provide for connectivity for fauna via wildlife corridors.
- Protection of existing trees in line with current guidelines.
- Pre-works survey for native penny royal and translocation plan to be implemented where relevant.
- In advance of all site clearance and soil stripping, a siltation management plan will be prepared and implemented in full and will include silt fences and settlement ponds.
- Significant works/earthworks near water will not take place if storm rainfall events are predicted (eg >10mm/hr, >25mm/hr in a 24 hr period) as heavy rainfall will significantly increase the risk of suspended solid escapement to the adjoining stream habitats.
- River crossing to be agreed with Inland Fisheries Ireland and instream works to be undertaken in July and September.
- Removal of woody material to be undertaken outside the bird breeding season, in so far as possible.
- Site clearance to be undertaken in tandem with ecologist.
- Works to be timed to limit risk of impact on fauna during the hours of darkness.
- Bat specialist to inspect trees to be felled prior to felling and bat roosting boxes to be deployed and monitored every two years post construction/
- Lighting to be designed to minimise light spill.
- Ecological Clerk of Works to be appointed with responsibility for ensuring implementation of mitigation measures.

11.3.22. In relation to the operational phase of development, mitigation measures in relation to aquatic ecology include the adoption and maintenance of SUDS measures across the site as proposed in chapter 7 of the EIAR. With regard to fauna, the developer (or the local authority if taken in charge) will install and monitor bat boxes every two years to check for usage and to conduct maintenance as appropriate; and the lighting scheme will be designed to minimise light spillage nuisance on retained/new wildlife corridors.

Residual Impacts

11.3.23. The main impact of the proposed development is on the net loss of wet woodland (10,500 sqm) with the vast majority relating to that associated with the Moneygurney Stream due to new bridging requirements (one road and one pedestrian), the provision of an active amenity space as well as the provision of apartments and associated parking (overlay indicated on figure 8.4 of the EIAR). There will be a net loss of existing wet woodland and while this will be offset to some degree by new native woodland planting, it will not entirely be compensated. Existing wet woodland may also be negatively cumulatively impacted through direct loss with two other developments, although the extent will be substantially less and relatively minor in comparison to the residential site under consideration here.

11.3.24. The landscape masterplan associated with the development proposes to retain and enhance existing hedgerows/ treelines and plant new native woodland (14,626 sqm) resulting in a net gain of such habitats (including wildlife corridors), along with a gain in new wildflower meadows, native grass/clover areas as well as parkland and flower/shrub habitats using native/non-native pollinator friendly planting. However, though the proposed new woodland planting will offset against wet woodland removal to a degree, a significant negative impact on the wet woodland habitat and flora at the surrounding locality will remain.

11.3.25. Potential construction stage effects arising from the general loss/damage of some habitats and reduction of associated opportunities for biodiversity are generally considered slight negative to neutral, with the exception of wet woodland associated with both watercourses that will incur a significant negative effect through direct loss. Construction stage effects relating to the failure of bird nests due to the removal of woody vegetation during the bird nesting season are possibly significant/very

significant negative temporary. Potential operational stage effects are considered slight positive for habitats/flora as new landscaping matures, again with the exception of wet woodland associated with both watercourses that will remain a significant negative effect through direct loss. Potential operational stage effects on fauna (including bats) are considered neutral and not significant as new planting/landscaping matures and neutral imperceptible where the lighting scheme ensures that artificial light spillage is kept to a minimum.

11.3.26. Residual impacts on the aquatic ecology of the Douglas Stream are considered short-term imperceptible. However, given the presence of salmonids in both the Moneygurney and Ballybrack Streams, and also good water quality in the both, impacts may be considered higher than imperceptible. Therefore, residual impacts on the aquatic ecology of the Moneygurney & Ballybrack Streams are considered short-term and slight when also taking into account cumulative impacts.

11.3.27. There is a potential link between the study site and three aquatic based designated nature conservation sites via surface-water in the wider area that are of national and international importance in relation to biodiversity evaluation. Potential impacts arising from the development site on such designated aquatic habitats in the wider area and associated biodiversity are considered neutral with the implementation of construction and operational phase soils and water management proposals, even if these proposals are not primarily designed to address any particular risks to the designated nature conservation sites as such.

11.3.28. No mitigation measures are required in relation to designated nature conservation sites during construction and operational phases.

Conclusion

11.3.29. I have considered all of the written submissions made in relation to biodiversity. I acknowledge that wet woodland of county importance will be lost as a result of development to the east of the Moneygurney Stream (due to bridges proposed and apartment development), however, I note the level of planting and landscaping proposed and the overall scale of the ecological corridor being proposed along the Moneygurney Stream as well as along the Douglas Stream. I am satisfied that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation

measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

Land and Soil

11.3.30. Chapter 6 of the EIAR addresses 'Land and Soil: Geology and Hydrogeology'.

11.3.31. The Geological Survey of Ireland (GSI) and Environmental Protection Agency (EPA) regional mapping data indicates that the soils in the area comprise of till derived chiefly from Devonian Sandstones; Made Ground; and Rock - bedrock outcrop and subcrop. Teagasc/EPA Mapping identifies the Soil Association as being Clonroche Soils which are described as "fine loamy drift with siliceous stones" and are very widely distributed in the Cork and Munster area.

11.3.32. GSI mapping indicates that the site is underlain by purple mudstone and sandstone, the overall GSI aquifer classification for this formation is LI, a locally important aquifer overlying bedrock which is Moderately productive only in Local Zones. GSI Mapping also indicates the site is underlain by the overall Ballinhassig East groundwater body which is designated as a poorly productive bedrock. A review of the GSI's County Geological Sites of County Cork (Geological Survey of Ireland, 2016), indicated there are no County Geological Sites (CGS) identified within the perimeter of the site or within the study area

11.3.33. The site's soils are considered to have a Medium Importance as the attribute, which are moderately drained fertile soils, would have a medium quality significance or value on a local scale. The Impact Magnitude is considered to be Small Adverse on a local level, however these soil types are very common and extensive in the Cork area and therefore would have a Negligible Impact on a more regional scale. The removal of bedrock during excavation works (at the site of the proposed apartments along the R609 and at localised locations for retaining structures) is a direct and permanent impact on the Soils and Geology of the proposed development. The bedrock attribute is of moderate importance. The magnitude of this potential impact is negligible, of imperceptible significance and permanent duration. The site is over a locally important aquifer overlying bedrock. The magnitude of this potential impact on the Locally Important Aquifer could potentially be Moderate Adverse resulting in a significance rating of Moderate. The type of

bedrock that will be excavated is widely available and deemed an uneconomically extractable mineral resource. The magnitude of this potential impact is a negative effect, of imperceptible significance and of permanent duration.

11.3.34. A ground investigation was undertaken to establish subsurface conditions. Direct and indirect site investigations included 10 cable percussion boreholes, 8 rotary follow on cored holes, 18 trial pits, 16 slit trenches, 4 standpipes, insitu testing including standard penetration testing and 3 standpipe installations. It is indicated these investigations were undertaken to determine ground water-surface water interactions and groundwater level, flow direction and gradient. No map of the locations identified is included in the EIAR. It is stated groundwater was encountered at depths ranging from 0.8-9.0m ground level. Table 6.7 (chapter 6, pg 12 of the EIAR) states the existing ground level (mOD), groundwater depth strike, and a third column is titled reduced levels (mOD), with the indicated reduced ground level appearing to be reduced for the development to be in line with the groundwater level. It is stated the development will create additional impermeable areas and there are no discharges to the ground during the operation of the development.

11.3.35. In terms of construction impacts, considerable preparatory works are required given the topography of the site. There will be a significant export of earthworks material from the site, which will be stockpiled on site until the Moneygurney Stream bridge is operational. Table 6.1 of the EIAR outlines the extent of fill to be imported and cut exported. Approx. 700m, 985m, 820m and 290m of retaining wall structures are required for phase 1–4 of the development, ranging in height from 2m-9m. Potential construction impacts include accidental spillage of pollutants and potential for contaminated runoff. Mitigation measures proposed include the preparation of a project specific Construction Management Plan which will include specific measures in relation to stripping of topsoil, limitations to extent of topsoil stripping at any one time, protection of stockpiles of soil and location of these in areas which are flat and greater than 20m from surface water features and steep slopes, as well as a limitation of stockpile to a height of 2.5m and where stored for greater than six months will be sown with grass and other such measures as set out in the EIAR.

11.3.36. In terms of operational phase impact, there is potential for accidental spillage of chemicals and fuels when carrying out maintenance works on the petrol

interceptor. This is considered to be of imperceptible significance and of permanent duration.

11.3.37. I have considered all of the written submissions made in relation to land and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

Water

11.3.38. Chapter 7 of the EIAR addresses water. Groundwater is assessed in chapter 6 Land and Soils. I refer the Board to section 10.13 of this report above.

11.3.39. There are two hydrological features on the site, the Moneygurney Stream to the north/northeast and the Douglas Stream to the west.

11.3.40. As noted in section 10.13 of this report, a lack of information has been submitted by the applicant in relation to surface water and stormwater management and attenuation of the site. I further note chapter 6 of the EIAR on Soil (see section above) contains a table 6.7 which indicates a reduced ground level in line with the groundwater level. I am unclear as to when the site investigations were undertaken (ie if it is the winter water table) and what the implications of this are for surface water on the site.

11.3.41. I have considered all of the written submissions made in relation to water. I am not satisfied, on the basis of the lack of information within the EIAR in relation to SUDS measures and stormwater management, that the identified impacts on Ballybrack Stream and consequently Cork Harbour SPA would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures or through suitable conditions. I am therefore not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water and the potential for likely significant effects on the environment cannot be fully assessed in this instance.

Air and Climate

11.3.42. Air and climate is addressed in chapter 10 of the EIAR.

- 11.3.43. The greatest potential impact on air quality during the construction phase is predicted to be from construction dust emissions and the potential for nuisance dust. The operational impact of the development relates to the potential impact of traffic on air quality.
- 11.3.44. In order to minimise dust emissions during construction, a series of mitigation measures were prepared in the form of a Dust Minimisation Plan. When the dust minimisation set out in the plan are implemented, fugitive emissions of dust from the site will be insignificant and pose no nuisance at nearby receptors.
- 11.3.45. The impact of the traffic from the proposed development compared to the respective EU limit values for the pollutants was assessed and the impact was predicted to be imperceptible with respect to the operational phase air quality. The operational stage impact on climate is also considered to be imperceptible. As the National and EU standards for air quality are based on the protection of human health, and concentrations of pollutants for both the construction and operational stages of the proposed development are predicted to be significantly below these standards, the impact to human health is predicted to be imperceptible and not significant in the short and long term.
- 11.3.46. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

Noise and Vibration

- 11.3.47. Chapter 9 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development. Baseline noise monitoring was undertaken across the development and noise sensitive receptors were identified, including the closest dwellings at 10-15m from the site and the nursing home 110m from the site. Noise and vibration from construction and construction traffic were considered. For the operational phase, traffic noise was considered in terms of the increase in vehicular movements associated with the development and noise from mechanical plant.

- 11.3.48. Noise levels will be increased during different phases of the works occurring at the development site. It is expected that construction works will generate high levels of noise and there is potential for significant short-term adverse impact on nearby sensitive receivers, particularly within 30m of certain construction works during the construction period. As works move beyond this range around the site noise levels will reduce during the construction phase. Vibration impact of the works on nearby residential buildings is not expected to pose any significance in terms of potential for cosmetic or structural damage. Mitigation measures have been proposed to minimise significant noise or vibration impact on sensitive receivers, including selection of quiet plant, noise control at source, screening, liaison with the public and monitoring.
- 11.3.49. The impact of the change in traffic volumes along surrounding roads as a result of the development has been assessed and noise from the predicted additional traffic is negligible.
- 11.3.50. Once operational, the proposed crèche building will run mechanical plant items. No vibration impacts are predicted to occur from this source. In respect of noise, mechanical plant items will be designed and located such that any noise emissions will be within the relevant noise criteria within the development, therefore no significant adverse impact is predicted.
- 11.3.51. I have considered all of the written submissions made in relation to noise. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

Material Assets – Traffic and Transport

- 11.3.52. Chapter 5A which details the Traffic and Transport Assessment assesses and evaluates the likely impact of the development on the existing transportation network in the vicinity of the site, as well as identifying proposed mitigation measures to minimise any impacts.
- 11.3.53. The Board is referred to section 10.12 above in respect of impacts on traffic and transport.

11.3.54. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets.

Material Assets – Service Infrastructure and Utilities

11.3.55. Chapter 5B of the EIAR evaluated the impacts of infrastructure and utilities required to facilitate the development.

11.3.56. The closest existing foul water drainage system to the site is located within the adjacent Vicarage development. It is proposed to connect the foul drainage system to the existing foul sewer network at two locations - in the Vicarage and in the Temple Grove development. Within that area east of the Moneygurney Stream which proposes three apartment block adjoining the R609, foul water will be collected by gravity sewers for discharge to a pumping station. Pumping of foul water from the three apartment blocks will be required due to the levels of the development in relation to the surrounding topography. To facilitate operation and maintenance, the pumping station will be located alongside the paved area to the rear of the apartment blocks. The pumped foul sewer will connect to the gravity foul sewer system within the development on the western side of the Moneygurney, and this necessitates a crossing of the stream. The pumped foul sewer will be attached to the proposed pedestrian footbridge which will span over the stream. Installation of this pumped foul sewer will not require works within the stream.

11.3.57. Foul Water from the proposed development proposed development will enter the collection network and ultimately discharge to Carrigrennan WWTP for treatment and disposal. The potential adverse impact on the local foul drainage network would be confined to the works required to construct connections to existing manholes. The development will generate additional foul sewage flows to the existing foul sewage network and municipal wastewater treatment facilities, but the volume of these additional flows is minor in the context of the capacity of the existing network and treatment facilities. Following mitigation measures proposed the residual impacts on foul water infrastructure during operation are long term and imperceptible for the

existing Wastewater Treatment Plant, and long term and slight for the existing foul sewer network.

- 11.3.58. The 1200 trunk main will not be interfered with by the development and the required wayleave will be complied with. Within the site, a 150mm diameter watermain connects to the 300mm diameter distribution watermain and supplies a number of properties to the north of the nearby Vicarage development. The existing Vicarage development is served by a 150mm diameter watermain which is connected to the existing 300mm main through the site. This 150mm diameter main will be re-connected to the re-routed 300mm diameter watermain. The likely adverse impact of this will be slight short term when new connections are made to existing pipework, and when temporary shut-downs are required to facilitate such connections. The diversion of the existing 300mm watermain will be carried out in full consultation with Irish Water and connections to the existing watermain at each end of this diversion, and the permanent connection to serve the development, will be carried out under an agreed methodology and with full notification to existing Irish Water customers who will be affected by the short-term interruptions to water supply which will occur while making these connections.
- 11.3.59. As a consequence of having to divert the existing 300mm watermain through the site and having to make connections to this existing water main there will be short-term impacts on existing water-supply in the area but these will be managed in full consultation with Irish Water with appropriate notifications and mitigation measures employed. It is proposed that the residual impact on Potable Water Infrastructure during the Construction Phase of the development following mitigation will be short term and slight.
- 11.3.60. With regard to power, there are 2 No. sets of 3-Phase overhead ESB power lines routed through the site – one located in the western part of the site and the other located in the eastern part of the site. It will be necessary to divert both sets of existing 3-Phase overhead ESB power lines to facilitate the proposed development (including construction of the access bridge). Relocation or diversions to existing overhead ESB lines may lead to temporary loss of connectivity to and / or interruption of supply from the electrical grid to the surrounding areas. Proposed underground relocation or diversions routes are subject to ESB agreement. This likely adverse impact may be characterised as a temporary, regionally short term,

minimal impact. No significant impacts from either the Construction or Operational Phase of the development are likely, as a consequence of the connection to the Power network.

11.3.61. With regard to gas, there are no gas mains routed through the site, but there is a 125mm diameter, 4-bar medium pressure gas main located in the Vicarage to the north of the site. This gas main extends beyond the Vicarage boundary and terminates at a point within the site of the proposed development. No significant impacts from either the Construction or Operational Phase of the development are likely, as a consequence of the connection to the Gas network.

11.3.62. With regard to telecommunications, the area surrounding the proposed development is serviced by High Speed Broadband, with EIR Fibre available in the Vicarage immediately adjacent to the site. No significant impacts from either the Construction or Operational Phase of the development are likely, as a consequence of the connection to the Telecommunications network.

Cultural Heritage

11.3.63. Chapter 11 of the EIAR addresses cultural heritage. There are no recorded archaeological sites located within the proposed development site. The Archaeological Survey of Ireland lists four recorded archaeological sites within 500m of its boundary and the nearest example is a ringfort, which is located within a green area in a housing estate located 320m to the north. There are no designated architectural heritage structures (Protected Structures or buildings listed in the NIAH) located within the proposed development site or within 500m of its boundary. There are no extant structures of any date located within the site boundary and the built environment within its surrounds is modern in character.

11.3.64. No potential unrecorded archaeological sites were identified within the site boundary during the desktop study and field surveys undertaken as part of the assessment, it is noted the potential exists for the presence of subsurface archaeological sites, features and artefacts within the study area. A narrow stream extending through the north end of the study area forms the townland boundary between Castletreasure and Moneygurney townlands and is deemed to be of local cultural heritage significance and of archaeological potential. A stream forming the western boundary of the study area is also deemed to be of archaeological potential.

- 11.3.65. There are no proposed interventions to the stream extending along the western boundary of the study area. The majority of the section of the northern stream will be maintained within undeveloped areas although it will be crossed at two points: by an access road bridge and a pedestrian footbridge.
- 11.3.66. With regard to mitigation, a programme of archaeological investigations, to comprise a geophysical survey followed by targeted archaeological test trenching, will be undertaken prior to the commencement of the construction phase. A wading survey and metal-detecting survey of the sections of the northern stream to be crossed by an access road bridge and a pedestrian bridge will be undertaken in conjunction with the test trench excavations. These archaeological site investigations will be carried out under licences issued by the National Monuments Service.
- 11.3.67. I have considered all of the written submissions made in relation to archaeology and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of archaeology and cultural heritage.

Landscape and Visual Impact Assessment

- 11.3.68. The Board is referred to section 10.8 above in respect of landscape and visual impact.
- 11.3.69. Chapter 4 of the EIAR addresses Landscape and Visual Impact. The EIAR notes the policy context, existing site context and topography, and includes photomontages in appendix 4.1 of the proposed development from the wider area. The study area includes a 2km radius of the site. Site surveys are stated to have taken place on the 28th April and 22nd January 2019. I am satisfied that the viewpoints selected allow for an adequate assessment of overall visual impacts.
- 11.3.70. The Landscape and Visual Impact Assessment considers views from 12 vantage points, with impacts ranging from minor neutral to moderate to major adverse, depending on the vantage point, eg from the nursing home or from open space on opposing hillside of Maryborough Mall. The EIAR states that development will have an adverse and significant impact with the change from rural agricultural to suburban residential development. Proposed mitigation measures comprise

construction management measures to mitigate visual impact of construction, and for the operation element, the layout and design has been developed in conjunction with a green infrastructure landscape strategy which provides for the retention of existing trees and boundaries, retention of existing streams within the site, provision for riparian corridors, and a parkland/greenway along the IW wayleave and streams through the site. Two storeys dwellings are positioned at the highest point of the site, with three storey duplex on lower parts of the site. The apartment blocks on Carr's Hill while on an elevated part of the site, is not the highest point and has limited views from the wider area, the impact visually being more localised. No significant landscape or visual impacts are identified in the long term. Adverse landscape effects at close distance will reduce in tandem with the maturing of the existing and retained vegetation and will help to integrate the proposal into its environs. Cumulative impacts are possible in view of other zoned lands nearby and the ongoing development of the area, which has been considered in the EIAR. When complete the development will become a long term feature extending the existing suburban fringe of Cork City. While the change in character will be prominent but not totally uncharacteristic when seen in conjunction with the surrounding suburban landscape spreading across valley and hills of adjacent and nearby developments.

11.3.71. I note the significant number of retaining walls around the site, which are not specifically highlighted in this assessment. The most visible retaining structure from a distance is to the southern portion of the site, with a retaining wall of approx. 9m in height proposed. This is to be landscaped with a stepped gradient and planted as a 'green wall'. I do not consider the impact will be significant when designed as such and other retaining walls within the scheme will have a more localised effect. I am satisfied that the potential impacts of the retaining structures can be managed and mitigated through the design proposed and through suitable conditions.

11.3.72. I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect landscape and visual impacts.

Significant Interactions

11.3.73. Chapter 13 of the EIAR comprises a matrix of significant interactions between each of the disciplines. The significant interactions are summarised in section 13.2 and are as follows:

- Landscape and Visual Impacts with Material Assets - Traffic and Transport, and Land and Soils.
- Material Assets traffic with Noise and Vibration, and Air Quality and Climate.
- Material Assets – Infrastructure with Water, and Population and Human Health.
- Land and Soils with Water, Biodiversity, Air Quality and Climate, and Population and Human Health.
- Water with Biodiversity, and Population and Human Health.
- Biodiversity with Lands and Soils, and Water.

11.3.74. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. There are no potential significant negative interactions. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

11.3.75. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

11.4. Reasoned Conclusion on the Significant Effects

11.4.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Landscape and visual impacts, which will be mitigated at construction management stage through a site specific Construction Management Plan, and for the operational stage mitigation is by way of the proposed design and landscape

proposals, including the retention of existing significant trees and boundaries, retention of existing streams within the site, provision for riparian corridors, and a parkland/greenway along the IW wayleave and streams through the site, with additional woodland planting to replaced lost wet woodland.

- Traffic and transportation impacts, which will be mitigated by the phasing of the development and by the completion of a package of local road improvement measures.
- Biodiversity impacts, which will be mitigated by construction management measures; including protection of habitats to be retained, landscaping, woodland management, invasive species management; measures to avoid disturbance to badgers and bats, and provision of bat boxes.
- Land and soils impacts, which will be mitigated through the preparation of a project specific Construction Management Plan which will include inter alia specific measures in relation to stripping of topsoil, limitations to extent of topsoil stripping at any one time, protection of stockpiles of soil and location of these in areas which are flat and greater than 20m from surface water features and steep slopes, as well as limitation of stockpile to a height of 2.5m and where stored for greater than six months will be sown with grass.

11.4.2. Water impacts are proposed to be mitigated by construction management measures, implementation of SUDS measures, use of attenuation tanks, in addition to the installation of dedicated attenuation facilities upstream of proposed outfalls to the Moneygurney and Douglas Streams, to attenuate discharges to the undeveloped 'greenfield' runoff rates with the operation of proprietary hydrobrake flow-control devices. However, a lack of information has been submitted by the applicant in relation to stormwater management of the site and I note the absence of ground investigation information including infiltration tests, and detailed designs of the proposed extent and type of SuDS measures to be implemented, which will control the volume of run-off to the Moneygurney and Douglas Streams. The downstream flood risk to Ballybrack scheme, which is the subject of flood alleviation works, is of concern. I am therefore not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water.

- Cultural heritage impacts, which will be mitigated by a programme of archaeological investigations undertaken prior to the commencement of the construction phase. A wading survey and metal-detecting survey of the sections of the northern stream to be crossed by an access road bridge and a pedestrian bridge will be undertaken in conjunction with the test trench excavations.
- Noise and vibration impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures and monitoring of noise levels.
- Impacts on air quality and climate during construction which will be mitigated by a dust management plan.

Having regard to the above, it is my view that the environmental effects arising as a consequence of the proposed development have not been satisfactorily identified, described and assessed in relation to water. The effect on the environment in terms of water, specifically lack of detailed information in relation stormwater management and SUDS design, in my opinion, constitutes grounds to refuse to approve the application.

12.0 Conclusion and Recommendation

12.1.1. In conclusion, whilst the principle of development of this site is acceptable and the overall layout of the scheme is generally satisfactory notwithstanding the need for some amendments as outlined in the assessment above, I have concerns regarding the surface and storm water management proposals. Given the topography of the site, the level of cut and fill proposed, and the connection between the Moneygurney and Douglas Streams to Ballybrack Stream, which is currently subject to flood alleviation works under the Douglas Flood Relief Scheme, I consider the absence of ground investigation information including infiltration tests and details as to the proposed extent and type of SuDS measures to be implemented which will control the volume of run-off is a significant issue. In the absence of the required information, and having regard to the history of flooding in the immediate area and the approved flood alleviation scheme, I am not satisfied that the stormwater outflow arising from the development can be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work

(Volume 2 New Development version 6.0) or that the site when developed can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving water including the Moneygurney stream and further downstream on Cork Harbour SPA, as a result of the potential increased discharges or such as to give rise to an increased risk of flooding. The proposed development would be contrary to the proper planning and sustainable development.

13.0 Reasons and Considerations

1. The Board is not satisfied that adequate site specific information has been presented in relation to proposals for storm water management, noting the absence of ground investigation information including infiltration tests and details as to the proposed extent and type of SuDS measures to be implemented, which will control the volume of surface water run-off. In the absence of the required information, and having regard to the topography of the site, level of earthworks proposed, history of flooding in the immediate area, the connection between the Moneygurney and Douglas Streams downstream with Ballybrack Stream, which is subject to flood alleviation works under the Douglas Flood Relief Scheme, the Board is not satisfied that the stormwater outflow arising from the development can be limited, such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work (Volume 2 New Development version 6.0), or that the site when developed can be adequately and sustainably drained so as not to result in any significant environmental effects on the quality of the receiving water as a result of the potential increased discharges to the Moneygurney stream, or such as to give rise to an increased risk of flooding downstream at Ballybrack Stream. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the presence of two streams on the site, Moneygurney Stream and Douglas Stream, into which there are two surface water outfalls from the proposed development, and which are hydrologically linked with Cork Harbour SPA, and having regard to the significant level of earthworks

proposed on the site and the lack of adequate site specific information in relation to storm water management for the proposed development, the Board cannot be satisfied that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on European site no. 004030 (Cork Harbour SPA), in view of the site's conservation objectives. The proposed development would, therefore, be prejudicial to public health would pose an unacceptable risk of environmental pollution and would be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

1st August 2019