



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-307041-20**

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<b>Strategic Housing Development</b>	449 no. residential units (315 no. houses, 134 no. apartments), creche and associated site works.
<b>Location</b>	Maryborough Ridge, Moneygurney, Douglas, Co Cork.
<b>Planning Authority</b>	Cork City Council.
<b>Applicant</b>	Glenveagh Homes Ltd.
<b>Prescribed Bodies</b>	Irish Water. Transport Infrastructure Ireland. Cork City Childcare Committee.
<b>Observer(s)</b>	Courtney Sweetnam. Michael and Aoife Hackett.

Noel and Regina Irwin.

**Date of Site Inspection**

8 July 2020.

**Inspector**

Stephen Rhys Thomas.

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## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was made by Glenveagh Homes Ltd and received by the Board on 7 April 2020.

## 2.0 Site Location and Description

- 2.1. The development site has a stated site area in the application form of 13.7 hectares and is located on zoned lands within the development boundary of the Ballincollig Carrigaline MD LAP 2017, approximately 5km southeast of Cork City centre, and 2km southeast of Douglas village, within the jurisdiction of Cork City Council following a boundary review in 2019. The site itself is extensive with a significant change in levels across the lands, being both elevated and prominent in the local area. There are mature trees and hedgerows that delineate existing field boundaries within the site and form a strong barrier along the N28 (Cork to Ringaskiddy Road) which forms the northern and western boundary of the applicant's landholding.
- 2.2. The site is part of a larger residential development at Maryborough Ridge which has developed sequentially over a number of years. The prospective applicant is in the process of building out an extant permission for 198 units. A portion of the 16/7271 site is included within the SHD red line boundary and the proposal includes modifications to the permitted layout and 80 units granted under 16/7271. The site is bound to the north by an area under construction and Maryborough Ridge housing development, to the south by agricultural lands, to the east by Hazel Hill and more agricultural lands and to the west by the N28.
- 2.3. The topography of the overall lands is best described as hilly with a variety of level changes throughout the site. The most notable feature is the way the site rises steeply from the entrance point opposite The Oaks. In addition, there are a number of spoil heaps throughout the site with made up ground in some areas. The most striking element of the landholding is the western boundary with the N28, the land here slopes dramatically downwards to the N28. The N28 effectively runs through a natural valley and this western portion of the site forms the eastern flank of that small valley feature. The topography of the site, however, is not that unusual for the area

and other housing estates have been constructed to the north and east and had to negotiate significant gradients and slopes. Other housing estates in the surrounding area comprise a combination of all house types including apartment buildings up to four storeys.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the construction of 449 residential units, provided as 315 dwelling houses, 46 duplex-apartments, 88 apartments between 3 and 5 storeys in height and a creche, together with open space amenity and two vehicular access points from Maryborough Ridge.

3.2. The details are as follows:

Parameter	Site Proposal
Application Site	13.7 ha
No. of Units	449
Unit Breakdown	110 – two bed houses
	183 – three bed houses
	22 – four bed houses
	51 – one bed apartments
	68 – two bed apartments
	15 – three bed apartments
Other Uses	Childcare Facility - 586 sqm (80 spaces)
Car Parking	631 spaces
Bicycle Parking	800 spaces
Vehicular Access	Two access points taken from Maryborough Ridge Estate.
Part V	45 units (37 in subject application and 8 as part of permitted development 16/7271)

Density	39.7 units/ha.  <i>449 units on a net site area of c.11.31ha., as stated by the applicant.</i>
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3.3. The overall percentage breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	
Unit	51	178	198	22	449
% Total	11%	40%	44%	5%	100%

The development includes for, public amenity space, pedestrian and cycle facilities throughout the site and connection to the Ballybrack Shared Use Pedestrian / Cyclist Scheme.

## 4.0 Planning History

4.1. Subject site

**File Ref. 16/7271**– Permission for the construction of 200 no. residential units (comprising 86 no. semi-detached dwelling houses, 70 no. townhouses, 22 no. ground-floor apartments with 22 no. duplex apartments overhead), crèche and all associated ancillary development works including the completion of a roundabout and road improvements onto Maryborough Hill, footpaths and cycle lanes, bus stop, foul and storm water drainage, boundary treatments, landscaping and amenity areas and the removal of existing electricity transformer/substation and construction of new electricity substation.

Other permissions and refusals refer to housing schemes and amendments to those permissions in the wider area. I refer the Board to section 3.2 of the applicant's Planning and Design Statement for an overview of permitted development, phasing and units under construction.

4.2. There are numerous planning permissions amending various phases of development across the wider site, spanning over fifteen years.

## 5.0 Section 5 Pre Application Consultation

5.1. A section 5 pre-application consultation took place at the offices of Cork City Council on the 6 December 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-305825-19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

### 1. Policy

Further consideration and/or justification of the documents as they relate to the consideration of the objective SE-R-08 and the Strategic Metropolitan Green Belt Area objective GI 1-8.

### 2. Urban Design Response and Layout

Reconsider the urban design response in relation to the site context and significant difference in levels across the site and the creation of an edge to Maryborough Ridge access road. Consideration of the landscaping plan and the hierarchy, function and usability of public open spaces including the use/linking of green areas throughout the scheme, including the incorporation of SuDS.

### 3. Movement and Transportation

Rationale for vehicular, cycle and pedestrian connections including legibility and permeability through the development site to contiguous residential lands, the Ballybrack Greenway and the M28 pedestrian links and the provision of possible future connections to lands to the south.

### 4. Surface Water Management and Risk of Flooding

Detailed rationale and/or justification of the storm water route and requirement for third party consents, in addition to the requirements of the Council with regard to surface water management and flood risk.

- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. Information on proposed density and housing mix.
  2. Detailed rationale for the development strategy for the site having regard to extant permissions at Maryborough Ridge. This shall include full and comprehensive details of permissions granted and under construction and clarity of phasing and integration of the proposed SHD application relative to existing permissions (where dependency and integration exists).
  3. A housing quality assessment.
  4. Traffic and Transport Impact Assessment, A report of compliance with the principles and specifications set out in DMURS and the National Cycle Manual, Parking Strategy and Mobility Management Plan, Quality Audit that includes: a Road Safety Audit, Access Audit, Walking Audit and Cycle Audit.
  5. A report that addresses issues of residential amenity.
  6. Landscape masterplan that includes any cut and fill proposals.
  7. Visual Impact Assessment.
  8. A report identifying the demand for school and crèche places.
  9. Respond to issues raised in the Drainage Section Report dated 22nd November 2019 and the Douglas Area Engineer Report dated 20th November 2019.
  10. A draft Construction & Environmental Management Plan and a draft Waste Management Plan.
  11. Phasing plan and taking in charge plan.
  12. A Noise Impact Assessment and mitigation.
- 5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:
1. Irish Water
  2. National Transport Authority
  3. Cork City Childcare Committee



#### 5.4. Applicant's Statement

- 5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

In relation to **planning policy** the applicant states that the subject site is zoned for residential development under zoning objective, 'SE-R-08' according to the Ballincollig- Carrigaline Municipal District Local Area Plan 2017. This objective seeks the provision of "Medium A density residential development". The proposed development is in full accordance with these zoning objectives insofar as residential uses are proposed, the residential density proposed falls within guideline standards, large amounts of open space are planned, water services meet the needs of the development and pedestrian/cyclists connections are proposed.

In relation to the Strategic Metropolitan Green Belt Area Objective GI 8-1, the southern portion of the site was zoned within the designated Strategic Metropolitan Green Belt Area in the Cork County Development 2014. This portion of land was subsequently zoned 'SE-R-08' for Medium A residential development in the Ballincollig -Carrigaline Municipal District Local Area Plan 2017. Objective GI 8-1 in the Cork County Development Plan states, "Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labelled MGBI in the Metropolitan Greenbelt map (Figure 13.3) and it is an objective to preserve them from development". In this context, a Landscape and Visual Impact Assessment (LVIA) prepared By Aecom forms part of the Environmental Impact Assessment Report (EIAR), which accompanies this submission.

In relation to **Urban Design and Layout**, the applicant states that The Planning and Design Statement was prepared having particular regard to the 12 no. design criteria set out in the Urban Design Manual – A Best Practice Guide (UDM) issued by the Department of Environment, Heritage and Local Government (2009). The proposed

development has been developed to respond to the site context, which is characterised by a significant difference in levels and native hedgerows and trees. The applicant details all of the design approaches used in the final iteration of the proposed development and concludes that the detailed site analysis undertaken by the Design Team, and specific site context, including the significant difference in levels across the site informed the proposed site layout and urban design process.

In relation to **Landscape and SuDS**, the applicant states that the open space concept as shown by the landscape masterplan illustrates overall plan for the site and that engineering drawings include a combination of swales, tree pits and modular permeable paving to capture surface water run-off. A comprehensive set of Computer-Generated Images (CGI's) and Photomontages have been included as part of the application pack and within the Planning and Design Statement to demonstrate how existing and proposed features (such as SUDS, level changes, retaining structures, landscaping etc) will enhance/contribute to a sense of place.

In relation to **Site Survey and Context**, the topography of the site divides the site into three areas: 1) An upper ground with a gentle slope; 2) A middle ground with a moderate slope; and 3) A lower ground with a greater slope. Owing to the topography of the site, innovative approaches have been utilised to navigate the varying gradients throughout the site. These are explained in the Planning and Design Statement where site characteristics and constraints have informed the proposed site layout and urban design response, Section 4.2 – Site Characteristics & Constraints - Topography and Vista; Section 5.2 Design Concept/Neighbourhood – Site Context; and Section 6.1 Development Principals – Design Approach.

In relation to **Movement and Transportation**, these are illustrated throughout the documentation. Main points include vehicular, cycle and pedestrian connections including legibility and permeability through the development site to contiguous residential lands, the Ballybrack Greenway and the M28 pedestrian links and the provision of possible future connections to lands to the south from the development site. In addition, two possible future connections to contiguous residential lands to the east of the site, and two possible future connections to the south of the site are also indicated.

In relation to **Surface Water Management and Flood Risk**, the proposed attenuation for the site was revised to reduce the number of attenuation tanks to four and SuDS principles have been incorporated into surface water management design. The storm water drainage system in the proposed development will connect to the existing site discharge to the Rochestown Stream located to the North of the subject site. Flood risk has been examined in chapter 8 of the EIAR and a SSFRA was carried out for the site and has been included with the application. The site is not in a flood zone and on site surface water management will not impact on flood risk.

## 6.0 Relevant Planning Policy

### 6.1. Project Ireland 2040 - National Planning Framework

- 6.1.1. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

### 6.2. Section 28 Ministerial Guidelines

- 6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:
- 'Urban Development and Building Height, Guidelines for Planning Authorities'. 2018
  - 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018
  - 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
  - 'Design Manual for Urban Roads and Streets' (DMURS)

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

### 6.3. Local Policy

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

#### **Cork County Development Plan 2014-2020**

- 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 objective 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**

The development lands are located within the development boundaries for Cork City South Environs with the site forming part of a block of lands zoned for Medium A density residential development, of a range between 20-50 units per ha. There is a specific SE-R-08 zoning objective which provides for Medium A density residential development. to include a mix of houses types and sizes.

In relation to the N28 which bounds the applicant's landholding to the west - Objective RY-U-02 M-28 Cork to Ringaskiddy Motorway Scheme. Finalisation of this route and development of the road will be subject to Environmental Impact Assessment and where necessary Habitats Directive Assessment. Regard will be had in the design of the route to avoiding and mitigating impacts on sensitive environmental and heritage resources, as well as impacts on communities.

### **7.0 Third Party Submissions**

7.1. Three valid submissions were received and can be summarised as follows:

Michael and Aoife Hackett (12 Hazel Hill) compare the previously permitted development, PA reference 16/7271, with the subject SHD proposal, the impacts that they are concerned about include:

Impact of overshadowing and loss of light – unit number 048, because of its proximity to the shared boundary (3.25 metres) and height above ground level (an increase of 4.5 metres above existing levels) will result in a loss of light and create overshadowing. Detailed site sections show that the actual separation distance between houses will be 13.5 metres and the difference in levels is illustrated. No assessment of the impact to existing residences was carried out by the applicant in relation to daylight/sunlight or overshadowing. The observer has prepared their own analysis and sketches.

Overlooking and loss of privacy – despite gable ends of proposed houses facing the property, there will still be a degree of overlooking and loss of privacy because of raised ground levels.

Ground stability and drainage – given the increase in ground levels and the lack of detailed drawings that show retaining walls or drainage proposals, there is a fear that the increase in ground levels will be unstable and liable to create unwanted surface water run-off.

Noel and Regina Irwin (21 Hazel Hill) raise similar concerns outlined above and also highlight the views of their neighbour at 20 Hazel Hill. Whilst the issues are similar, the focus of the Irwin's concerns are in relation to new housing units 001 and 002. As above, the proposed development is compared to that permitted by a previous permission. Issues such as overlooking, overshadowing, raised ground levels, structural stability and boundary wall treatments are highlighted as not favourable to their existing residential amenity. In addition, the observer fears that an unofficial pathway to the north of 21 Hazel Hill would result because plans are unclear and such a path would not be desirable. The submission is augmented by photographs and site layout and cross sections exerts.

Courtney Sweetnam is the owner of farm lands to the south of the subject lands and shares boundaries between properties. The approximate length of the field boundaries amount to 300 metres and are a mixture of hedging, low boundary stone and sod wall, wire fence, ditch and a field gate. The landowner is not satisfied that enough detail has been submitted with regard to the improvement of the common boundary and boundary treatments proposed are not acceptable. The landowner is concerned for the safety of livestock and the potential for garden waste to be dumped on their land. The landowner requests the construction of a 1.8 metre high solid boundary wall to be constructed between properties.

## **8.0 Planning Authority Submission**

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 20 July 2020. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected members of the City Council at a meeting held on the 14 July 2020, and is outlined as follows:

- Clarification of road access from a national road.
- Are there issues concerning overlooking and height from neighbouring residents.
- Housing is favoured, if it does not entail further road infrastructure.
- Permission should be for a five year period, no more.
- School capacity in the area is queried.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Principle of development – the lands are zoned for residential development in the 2017 BCLAP in accordance with Objective SE-R-08. With regard to the Strategic Metropolitan Green Belt Area Objective GI 1-8, the Planning Policy Unit of the City Council state that the residential objective of the LAP postdates the 2014 County Development Plan objectives. Other SHD developments have been granted by the Board in similar circumstances and Variation 1 of the Cork County plan amends the core strategy in order to allow for the additional zoned land. There is no reason to refuse permission.

Compliance with local objectives – in terms of public open space, the lack of an overall schedule of open space has made a complete and full assessment difficult. However, given that 12% of the site is provided as open space and those spaces are satisfactory and provide appropriate passive recreation opportunities.

Internal roads design – the internal road network is satisfactory, however, gradients in excess of 1:20 in places is not in accordance with DMURS and some pedestrian/cycle routes should be redesigned as segregated.

Impact on M28 and connectivity – the impact upon the M28 Road Scheme is assessed by the local roads office and conditions are suggested with regard to further engagement regarding noise barriers and a proposed pedestrian and cycle route.

Parking – there is scope to reduce car parking and in this respect it is suggested that the ratio of parking for the apartment blocks is reduced from 1.0 to 0.75. Conditions are suggested with regard to EV charging, disability spaces and bicycles spaces.



Natural Heritage – further consultation is advised with respect to riparian corridors within the site and conditions are suggested with regard to the mitigation section of the EIAR.

Part V – conditions are suggested.

8.3. The planning authority concludes that the proposed development is acceptable subject to the attachment of 32 conditions. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommends that permission is granted with conditions. The planning authority recommends standard and technical conditions in common with larger residential schemes. However, the planning authority includes specific conditions to address points made in their report as follows: revised elevation drawings to clarify details of house type J1/J3.1, special contribution regarding local road improvements, detailed schedule of car parking quantum amendments, bus turning circles and the timing of the link into the Ballybrack Shared Use Pedestrian / Cyclist Scheme.

8.4. Interdepartmental Reports

8.4.1. Internal reports were contained in appendix B of the report and include: Planning Policy Section of the Council, Roads Design Planning, Traffic Operations, Area Engineer, Drainage, City Architect, Parks, Environment, Housing, Heritage, Archaeology, Fire Officer and Cork National Roads Office.

## 9.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- Cork City Childcare Committee.

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 7 April 2020. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. In relation to water supply, supply will be from the existing 200mm watermain located within the Maryborough estate. The installation of a generator is required at Carrs Hill reservoir to ensure security of supply. In addition a pressure boosting station will be required within the development to ensure adequate pressure. With regard to wastewater, the existing 225mm gravity sewer at the proposed connection point does not have sufficient capacity, upsizing is required and the costs borne by the developer.
- **Transport Infrastructure Ireland (TII)** –The site is close to the M28 Cork to Ringaskiddy Motorway Scheme, approved under PL04.HA0053. Conditions of this consent require the erection of a noise barrier. Other issues of concern that TII require to be clarified before a decision is made, include: an overlay of the motorway scheme and the extent of pedestrian and cycle links beside and over the road alignment; construction management plan and specification and location of any noise abatement barrier extensions; the mitigation measures in the TTA component of the EIAR shall be carried out in full; the Ballybrack Pedestrian and Cycle Path Phase 4, requires coordination with the motorway scheme implementation, the path shall be operational before units are occupied.

## 10.0 Environmental Impact Assessment

### 10.1. Environmental Impact Assessment Report

10.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The development provides for 449 residential units, a crèche and public open space on a site area of 13.07 ha. The site is located within the area of Cork City Council.

10.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act

2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

*i) Construction of more than 500 dwelling units*

*iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*

10.1.3. The current proposal is an urban development project that would be in the built-up area of a city but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory because the area of the proposed urban development exceeds 10 Hectares. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 16 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Section 1.3 and the introduction to each subsequent chapter describes the expertise of those involved in the preparation of the EIAR.

10.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

10.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the

participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

## 10.2. Vulnerability of Project to Major Accidents and/or Disaster

10.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.

10.2.2. The EIAR addresses this issue in chapter 17 of Volume II of the EIAR. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 14 of the EIAR addresses the issue of flooding and the site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

## 10.3. Alternatives

10.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

*(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;*

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

*2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*

10.3.2. Chapter 3 of volume II of the EIAR provides a description of the main alternatives (3 alternate layouts in total) studied by the applicant and the reasons for their choice. The permissible uses on the site are prescribed by its zoning under the development plan. The alternatives that were considered were therefore largely restricted to variations in layout and building design and processes. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

#### 10.4. **Likely Significant Direct and Indirect Effects**

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

- population and human health;
- biodiversity, with particular attention to 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; and
- the interaction between those factors

#### 10.5. **Population and human health**

10.5.1. Population and Human Health is addressed in Chapter 14 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent economic and demographic trends are examined. The principle findings are that human population and job opportunities will increase as a result of the proposal. In terms of human health, the most likely impact will be the construction phase of the development.

10.5.2. Chapter 10 of the EIAR refers to noise and vibration. The occupation of the development would not give rise to noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that formed part of the built-up area of the city. The potential impact to future residents from the adjacent and yet to be constructed M28 is noted and so too are the mitigation measures offered by noise barriers. The impact of additional traffic on

the noise levels and character of the surrounding road network would be insignificant having regard to the existing traffic levels on roads in the vicinity and the marginal increase that would occur as a result of the proposed development.

10.5.3. The use of heavy vehicles and machinery during a prolonged construction period would have the potential to give rise to effects due to noise and vibration. However given the phased duration of the works and the control of activity on site by the developer at that time, these can be avoided through the use of management measures as set out in the EIAR and in the draft construction management plan submitted with the application, and the imposition of limits by conditions on any grant of permission. Subject to these measures, it is concluded that the proposed development would not have be likely to have significant adverse effects on human health.

#### 10.6. **Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC**

10.6.1. Chapter 9 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment screening report was prepared as a standalone document. As advised in section 11 of this report, the proposed development would not be likely to have any significant effect on any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

10.6.2. Field surveys included consideration of semi-natural habitats, terrestrial mammals, birds and bats. The site was first visited in July 2019 and again in January 2020, a trail camera was placed on site from 11:00 on the 31st January 2020 until 09:00 on the 5th February 2020. The large majority of the site consists of agricultural land currently laid out as grassland, which does not contribute to biodiversity to any substantial extent. The proposed development would result in the loss of this habitat, but this would not have a significant effect on the environment. The application site is open grassland with hedgerow boundaries. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. Hedgerows and individual mature trees provide habitat for a wide range of common plants and animals including breeding birds and commuting bats although no bat roosts are present.

- 10.6.3. The project will see some clearance of habitat features away from the boundaries. In total 1,445 linear metres of hedgerow will be retained, and 325 linear metres removed. This would diminish the extent to which wildlife corridors functioned across the site for mammals, and the extent to which the site supports foraging and commuting by bats. This extent of the potential impact would be reduced by the retention and augmentation of the landscaped buffer along the western side of the site. It would also be mitigated by the proposed linear landscaping and planting in the finished development and the design of public lighting in the proposed development. The residual impact on mammals and bats is likely to be minor and would not have a significant impact on the species concerned.
- 10.6.4. Section 9.3 of the EIAR describes measures to minimise the impact of the development on biodiversity. These are standard measures that would represent good construction practice. Subject to their implementation, it can be concluded that the proposed development would not be likely to have significant adverse effects on biodiversity. The proposed development would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context.
- 10.6.5. Having regard to the foregoing, it is not likely that the proposed development would have significant effects on biodiversity.

## 10.7. Land and soil

- 10.7.1. The proposed development would result in the loss of just over 13 Hectares of agricultural land, zoned for residential purposes. Given the extent of such land that would remain available in the overall region, this is not considered to be a significant effect. The proposed development would require some changes in the levels of site. Works such as the removal or backfilling of soil cover and the excavation of the underlying subsoils and bedrock for the development of roads, buildings and related infrastructure will be required. Deep cuts, (>2m) are located along the upper part of the side towards the crest of the ridge on the northern and western sides of the site while the deepest fill areas, (>4m), are along the western and north western boundary. It is stated that suitable rock material will be reused as aggregate under foundations and under the storm and foul drainage network around the site and/or as more general back fill stone used under roads, pathways or landscape areas. Soils

will also be reused in backfilling landscape and green areas and as topsoil cover where required. Significant earthworks and cut and fill operations will be required for the development of all areas of the site and table 7.3 *Cut and Fill – Design Team Calculations*, illustrates the volumes planned for. Section 7.5.1 of the EIAR sets out standard soil handling methods to be employed during construction. It is therefore unlikely that the proposed development would have significant effects with respect to soil.

## 10.8. **Water**

### *Surface Water and Flood Risk Assessment*

- 10.8.1. The site has no surface water features, streams or ditches and is located on the topographical high point that divides two of the local catchment areas with the Moneygurney Stream to the West-North West and the Rochestown Stream to the North. The northern end of the proposed development area is on the boundary between the two catchments and it is proposed to connect all the sites storm water outflows to the existing drainage systems which discharge through the Maryborough Ridge Phase 1 development before connecting with the existing 125mm storm water piping and discharging to the Rochestown Stream on the Western side of the N28.
- 10.8.2. A site specific Flood Risk Assessment (FRA) for the development has been completed and is included with this application as a standalone report. The FRA assesses in detail the site setting and its potential flood risk and concludes that there is no flood risk on the site and that when the surface water attenuation infrastructure is installed there will be no negative impact or increased flooding risk to the drainage regime of the Rochestown Stream.
- 10.8.3. A potential for an effect to arise during the construction of the proposed development from the emission of sediments or hydrocarbons to surface water is described in section 8.4.2.3 of the EIAR. The potential for such effects arises in projects that involve building on suburban infill sites. It is therefore commonplace. There are standard measures that are used to avoid such effects which are described in section 8.5 of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.

### *Water Supply*



10.8.4. The water supply for the proposed development would be from a new connection from the public network which Irish Water advises is feasible subject to minor upgrade works.

#### *Foul drainage*

10.8.5. It is proposed to discharge the foul flow from the site to the existing foul water network constructed in Phase 1 of Maryborough Ridge which then connects to an Irish Water 225mm diameter public Foul water sewer at the north end of phase 1. Irish Water have confirmed a connection is feasible subject to an upgrade of the of the existing IW network with the extent and location of the upgrade to be agreed with Irish Water. Thus, the proposed effluent generated by the scheme combined with the separation and attenuation of storm flows is predicted to have a minimal impact on the receiving drainage infrastructure.

10.8.6. It can therefore be concluded that, subject to the implementation of the measures described in the EIAR, the proposed development would not be likely to have a significant effect on water.

### **10.9. Air quality and climate change**

10.9.1. Air Quality is outlined in chapter 11 of the EIAR and Climate Change is set out in chapter 12.

10.9.2. The proposed housing and open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. The impact of the proposed development on the level of traffic in the area would be marginal and would not have a significant effect on the environment with respect to air, as set out in section 11.3.3 of the EIAR. In this respect two sensitive receptors were selected, a house at Edgewood and a house at Wyndgates, figure 11.2 shows the locations. The EIAR states that levels of traffic-derived air pollutants from the proposed development will not exceed the ambient air quality standards, the impact of the development in terms of NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, CO and benzene is long-term, localised negative and imperceptible. There is a potential for dust emissions to occur during construction but standard means are proposed to mitigate this potential as set out in Table 16.1 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air.

10.9.3. Impacts with regard to climate change are examined under the construction phase and operational phase of the development. During construction, there is the potential for a number of greenhouse gas emissions to atmosphere. Traffic follows will increase during occupation, but measures to encourage sustainable forms of transport should minimise such a growth in traffic volumes. In addition, houses will be constructed to high energy saving standards, the likely overall magnitude of the changes on climate in the operational stage of the proposed development is negative, imperceptible and long-term. The impact of the proposed development on the climate would be negligible.

#### 10.10. **Material assets**

10.10.1. Material assets have been divided into; traffic and transportation and services, infrastructure and utilities (chapters 5 and 6). The proposed development would have a significant positive effect on the material assets available in the area through the provision of additional housing, the provision of public open space and public realm improvements. Occupiers of the development would place additional demands on public transport and road infrastructure. But this should lead to increased investment in improvement and further provision. In the interests of energy efficiency and building regulations, homes will be heated by electric air-to-water heat pumps, gas will not serve the development. The scheme will separate foul and surface water before entry into the existing public system, reducing unnecessary additional treatment requirements. The cumulative effects of the development on the foul, surface water, watermain and waste management systems are anticipated to be short term, neutral, and imperceptible. No significant impacts are anticipated.

#### 10.11. **Cultural heritage**

10.11.1. The site has been the subject of desk and walk over surveys. There are no recorded archaeological sites located within the proposed development site while there are ten examples the surrounding study area and the nearest example is a levelled ringfort (CO086-015----) located approximately 490m to the east. Table 13.4 of the EIAR details these ten sites. Aerial and Lidar imagery indicates a small hollow feature (35 metre in diameter) of unknown origin in a field within the northeast quadrant of the site. After a field inspection, the archaeological potential of the feature could not be discounted, but the feature is thought to be of recent origin. The

site does not contain any recorded monuments or protected structures and there is no formal cultural significance attached to the site. Specific measures are highlighted in section 13.4 of the EIAR. It is therefore concluded that the proposed development would not have significant effects on cultural heritage.

#### **10.12. The landscape and visual impact**

10.12.1. Chapter 4 outlines landscape and the visual impacts that would arise from the development. The lands are not recorded as a high value landscape but are elevated, there are hedgerows across the site and most of these will be retained. The EIAR highlights the construction impacts on the visual amenity of the area and positive impacts of the completed estate on the urban expansion of the city. The construction phase is considered short-term. The layout of the site and positioning higher buildings at low points together with landscaping proposals and objectives to retain hedgerows aim to minimise the visual impact of the development.

10.12.2. The proposed development would change the site from agricultural fields to a medium density housing and apartment scheme. This would significantly alter its character. The site provides an open aspect to what is otherwise low density urban sprawl. The context is already urban. The changes that would arise from the proposed development would not, therefore, have a negative effect on the landscape, such as it is.

#### **10.13. The interaction between the above factors**

10.13.1. The potential impact of the development on land, soil, water and biodiversity interact, due to the need to avoid the emissions of sediments to the existing combined public sewer system in order to protect water quality and the aquatic habitats there. The potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works and construction. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the population. The various interactions were properly described in the EIAR, section 15.2 provides a summary of interactions, and have been considered in the course of this EIA.

#### **10.14. Cumulative Impacts**

10.14.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including the completion of development at Maryborough Ridge to the north. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is therefore concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

#### 10.15. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to 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:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of former agricultural land to residential. Given the location of the site within the built up area of suburban Cork and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site, limit the degree of cut and fill and the implementation of measures to control emissions of sediment to water and dust to air during construction.

- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it.

## 11.0 **Appropriate Assessment**

11.1. An AA Screening Report, dated March 2020 was submitted with the application and prepared by Atkins. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

11.2. The site is not located within or directly adjacent to any Natura 2000 area (SAC or SPA) and there are no watercourses on the site. Watercourses within the vicinity of the site include the Moneygurney Stream to the west of the site and this stream will be impacted by the N28 works. The Rochestown Stream is located to the north east

of the site, both watercourses were examined and included in the EIS for the road scheme. There is currently no attenuation of rainwater run-off from the site as it is currently agricultural land. In the absence of a direct hydrological connection to the harbour (via a watercourse), it is through drainage (infiltration) to groundwater that there is likely to be a connection to i) the Moneygurney Stream and in turn with the wider catchment leading to Cork Harbour and to Great Island Channel SAC and Cork Harbour SPA; as well as ii) through discharges via the surface water management system to the Rochestown River, and in turn the harbour.

11.3. The proposed development will incorporate sustainable drainage systems (SuDS) that will reduce the current run-off rate. This will include attenuation storage. Foul and surface drainage infrastructure will be entirely separate up to the final point of discharge to the combined foul sewer. Foul effluent from the proposed development will be conveyed to and processed by the Carrigrenan Wastewater Treatment Plant which operates within capacity and the parameters of its licence. An ecological field survey of the site undertaken on the 18th July 2019; bat survey work undertaken in July 2019, as well as follow-up terrestrial mammal survey (running from 31/01/2019 – 03/02/2020). The findings of these surveys are presented in full in the accompanying EIAR (Chapter 9.0: Biodiversity).

11.4. It has already been stated that the site is not located within or directly adjacent to any Natura 2000 area. There are a number of Natura 2000 sites within 15km of the study site, the closest of which are Great Island Channel SAC (001058) (5.84km to the northeast) and Cork Harbour SPA (004030) (1.7km north east); these are the focus of the assessment. I agree that these should be considered to be the only Natura 2000 areas within the zone of influence of the development as pathways do not exist to other areas.

11.4.1. Qualifying Interests/Features of Interest have been outlined within Tables 4.1 and 4.2 of the Stage 1 Screening Assessment prepared by the applicant, and reproduced below:

Natura 2000 Site within 15 kilometres

<b>SAC Site Name and Code</b>	<b>Distance from Project Site</b>	<b>Qualifying Interests</b>	<b>Within the Zone</b>

			<b>of Influence</b>
Great Island Chanel SAC (001058)	5.9 km	<input type="checkbox"/> Mudflats and sandflats not covered by seawater at low tide [1140] <input type="checkbox"/> Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Yes

<b>SPA Site Name and Code</b>	<b>Distance from Project Site</b>	<b>Qualifying Interests</b>	<b>Within the Zone of Influence</b>
Cork Harbour SPA (004030)	1.7 km	<input type="checkbox"/> Little Grebe ( <i>Tachybaptus ruficollis</i> ) [A004] <input type="checkbox"/> Great Crested Grebe ( <i>Podiceps cristatus</i> ) [A005] <input type="checkbox"/> Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] <input type="checkbox"/> Grey Heron ( <i>Ardea cinerea</i> ) [A028] <input type="checkbox"/> Shelduck ( <i>Tadorna tadorna</i> ) [A048] <input type="checkbox"/> Wigeon ( <i>Anas penelope</i> ) [A050] <input type="checkbox"/> Teal ( <i>Anas crecca</i> ) [A052] <input type="checkbox"/> Pintail ( <i>Anas acuta</i> ) [A054] <input type="checkbox"/> Shoveler ( <i>Anas clypeata</i> ) [A056] <input type="checkbox"/> Red-breasted Merganser ( <i>Mergus serrator</i> ) [A069] <input type="checkbox"/> Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]	Yes

		<input type="checkbox"/> Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] <input type="checkbox"/> Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] <input type="checkbox"/> Lapwing ( <i>Vanellus vanellus</i> ) [A142] <input type="checkbox"/> Dunlin ( <i>Calidris alpina</i> ) [A149] <input type="checkbox"/> Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] <input type="checkbox"/> Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] <input type="checkbox"/> Curlew ( <i>Numenius arquata</i> ) [A160] <input type="checkbox"/> Redshank ( <i>Tringa totanus</i> ) [A162] <input type="checkbox"/> Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] <input type="checkbox"/> Common Gull ( <i>Larus canus</i> ) [A182] <input type="checkbox"/> Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183] <input type="checkbox"/> Common Tern ( <i>Sterna hirundo</i> ) [A193] <input type="checkbox"/> Wetland and Waterbirds [A999]	
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11.4.2. The applicant's Screening Report may be summarised as follows:

- The proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts. There is no evidence of field feeding within the proposed development site by birds such as Oystercatcher (*Haematopus ostralegus*),



Black-tailed Godwit (*Limosa limosa*) or Curlew (*Numenius arquata*) which are qualifying interests of Cork Harbour SPA.

- Indirect impacts may include via surface water run-off during construction and operational phase, however, given the separation distance involved it is unlikely that significant impacts would result. During occupation water services will be connected to existing infrastructure, surface water will be reduced thanks to SuDS and foul water will be treated by a plant that currently operates within capacity. There is no history of flooding and surface water management is designed to limit the discharge of stormwater and associated surface water runoff arising on-site to greenfield discharge rates.
- Indirect Impacts during construction and operational phase via groundwater (hydrogeological pathway), no basements are proposed. The provision of standardised refuelling areas and robust chemical storage areas will restrict the risk of ground water contamination to negligible levels. The distance from the proposed works to designated sites and assimilation capacity of Lough Mahon will ensure any mobilised contaminated groundwater leaving the site will not pose a risk to Lough Mahon.
- Indirect impact / damage through discharge of treated foul effluent will be limited because it will be processed by the Carrigrenan Wastewater Treatment Plant. This plant operates within the licence parameters of D0033-01, which has been subject to Appropriate Assessment.
- Indirect habitat/species loss/damage via spread of invasive species (Himalayan Balsam is present on site). Himalayan Balsam has been removed from the site since survey work was carried out. An Invasive Species Management Plan is included as Appendix 9.2 of the EIAR.

11.4.3. The screening report identifies a number of different plans and projects described in section 4.5.1, those plans, and projects are not anticipated to act in-combination with the proposed residential development. In the *Consideration of Findings* section of the applicant's report, the authors conclude that the project has been screened for AA based on the best available scientific information. The authors found that significant effects to Natura 2000 areas are not likely to arise, either alone or in combination with other plans or projects.

- 11.5. The site lies on the edge of the built-up zone of the city and is almost entirely composed of agricultural land. The proposed development lies outside the boundaries of any Natura 2000 site and therefore there will be no reduction in habitat. There will be no fragmentation/loss or disturbance of any designated site, given the separating distances involved. There is no evidence that the site is in use for field feeding by protected bird species listed as qualifying interests of the Cork Harbour SPA.
- 11.6. No surface water feature was identified within the subject lands or in the vicinity and there will be surface water infiltration to groundwater on the site. In accordance with the Greater Dublin Strategic Drainage Study this project will incorporate sustainable drainage systems (SuDS). A flood risk assessment was undertaken, which shows the site is located within Flood Zone C. Foul effluent from the proposed development will be sent to the wastewater treatment plant at the Carrigrenan Wastewater Treatment Plant at Little Island on Lough Mahon. It is noted that the plant has capacity to adequately process the additional input from the operational demand of the proposed development. By operating within capacity, the proposed discharge is within the licence parameters of D0033-01, which has been subject to Appropriate Assessment. Fresh water supply for the development will be via a mains supply.
- 11.7. Therefore, having regard to the scale and nature of the proposed development of 449 residential units and a childcare facility and its location on the edge of the built up area of Cork city on land that is served by municipal sewers, I am of the opinion that no Appropriate Assessment issues arise. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, 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 on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 12.0 Assessment

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

- Principle of Development
- Density and Layout
- Residential Amenity
- Visual Amenity
- Traffic and Transportation
- Other Matters

### 12.2. Principle of Development

12.2.1. 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 Municipal District Local Area Plan 2017. These plans will continue to apply until such time as they are superseded by new plans, prepared by Cork City Council.

12.2.2. Zoning - The site is zoned for residential development 'SE-R-08', that seeks the provision of "Medium A density residential development" under the Ballincollig-Carrigaline MD LAP 2017. Objective Hou 4-1 of the Development Plan outlines a range of between 20 to 50 units per hectare for medium density development.

12.2.3. No issues have been raised by either the planning authority, elected representatives or other observers concerning the principle of residential development at this location. Matters that relate to the detail of local and site specific concerns around residential amenity are dealt with in subsequent sections of my assessment. Subject

to meeting residential amenity standards, I am satisfied that the proposed residential accommodation is compatible with the stated objective for lands zoned 'SE-R-08', that seeks the provision of "Medium A density residential development".

### 12.3. **Density and Layout**

- 12.3.1. Density - Residential density is stated as 39.7 dwellings per hectare. The planning authority are satisfied that the proposed density meets with national guidance and the objectives of the Development Plan.
- 12.3.2. The proposed residential density is achieved by the introduction of low rise apartments, none higher than four storey with three storey duplex units, placed amongst two storey detached and semi-detached dwellings. The applicant has taken into account the prevailing residential densities in the area and shown them to be low and has designed the layout to ensure that neighbouring properties are not unduly affected.
- 12.3.3. The most relevant national guidance in relation to residential density at a location like this is the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009, subsequent guidance has built upon the fundamentals contained in this document. In my view, the site could be considered as an outer suburban/'greenfield' site in a city or large town, though I note that the site can be serviced and is close to existing social and commercial facilities. Irrespective, the guidelines urge residential densities in the general range of 35-50 dwellings per hectare. The proposed density of 39.7 dwellings per hectare is entirely acceptable and in line with the concept of the greatest efficiency in land usage.
- 12.3.4. Layout/Open space – In broad terms the quantum and approach to public open space is good. Houses and apartments front onto and overlook public open spaces and play areas. This provides a good degree of passive supervision to enable public open spaces to function safely and provide an adequate level of amenity. The overall strategy for the site was to overcome the challenging topography and provide a hierarchy of spaces. This has been achieved by the provision of a number of smaller and functional open spaces close to residential units combined with much larger liner spaces at the margins of the site. These open spaces are designed to manage the topography of the site and in some cases retaining walls are planned to integrate with the amenity of these spaces. I note the opinion on the overall design of the site

as presented in the report of the Cork City Council Architect in relation to their view on whether the site has had sufficient regard to the topography in its design and layout.

12.3.5. With reference to the topography of the site, I note that the applicant has prepared a landscape masterplan and a number of detailed cross sections to illustrate how slope and cross fall are dealt with. For example an amphitheatre detail has been incorporated into the easterly entrance to the site adjacent to the childcare facility. This area combined with a wide footpath creates an interesting urban space and an imaginative way to deal with the rising land at this location. The planning authority recognise that this area of the site also presents challenging and steep road gradients. Other interface areas where sloping land is problematic are dealt with by a combination of steeply sloped linear open spaces protected by low walls and railings. However, at some locations there are significant retaining walls, and these features could prove detrimental if not handled well in terms of finish material and design. The planning authority have also considered that the overall landscape plan, though broadly acceptable, may require greater clarity in relation to the topography of the site. Retaining walls will appear most prominent at the main entrance to the estate, coincidentally at the same location as the amphitheatre urban space. At some points at this location the retaining wall will be up to 4 metres including handrail. Therefore, it is important that this area is specified well in terms of material selection and that footpath widths are as wide as they can be. For this reason, I consider it necessary to slightly reposition the childcare facility westwards in order to increase footpath width on the eastern side of the entrance street, below and to the west of units 001-004.

12.3.6. The planning authority do not raise any significant concerns with regard to the distribution and form of public space throughout the proposed scheme. I agree that the provision of open space is adequate and the retention of existing vegetation where possible is to be welcomed. I also note the landscape plan indicates the retention of historic boundary treatments such as hedging and some trees. I am satisfied that the landscape plan, for the most part, addresses the balance between the retention of existing vegetation and the provision of usable and passively supervised open spaces. I note that an adjacent landowner had some concerns regarding boundary treatment and the protection of farmland and activities carried

out on these lands. The landscape masterplan details that existing boundaries and hedgerows will be retained and augmented with additional planting. However, I consider that the provision of a more robust boundary treatment such as a concrete block wall together with hedge retention and augmentation would be more appropriate where residential land meets farmland.

12.3.7. 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, together with the landscaping measures proposed are sufficient to provide for a sense of place, with variety and distinctiveness.

12.3.8. Road Hierarchy – The applicant has shown a site that is connected to the wider street network in two places, both gaining access from Maryborough Ridge estate. This area is currently under construction and the roads are already in place. The main streets of the proposed development are detailed at between 6.0 and 5.5 metres in width and shared surface streets range between 4.5 and 5 metres in width. The road dimensions are broadly in accordance with the Design Manual for Urban Roads and Streets (DMURS) and therefore acceptable. The applicant has prepared a DMURS Statement of Consistency, that outlines the principles of the guidelines and how they have been applied to the proposal. The planning authority have highlighted that due to the topography of the site, shared surfaces at some locations in excess of 8.3% gradients may inhibit use by wheelchair users, thus not in accordance with DMURS. I satisfied however, that the applicant has attempted to deal with the topography of the site adequately and the provision of shared surfaces is to be welcomed, even in the challenging topographical conditions of the site. In broad terms, the road layout is satisfactory; however, where future road/pedestrian connections are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges.

#### 12.4. **Residential Amenity**

12.4.1. Future Residents - The applicant has submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have

been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In all cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. According to the Schedule of Accommodation submitted by the application, all house types meet or exceed the relevant floor areas advised.

- 12.4.2. In all cases, over 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In locations where the gable ends of some house types are closer, either landing windows or obscured glazed windows are provided or the façade is blank, and this is satisfactory.
- 12.4.3. In terms of private open space, garden depths are mostly provided at a minimum of 11 metres and according to the schedule provided by the applicant result in 49 or 194 sqm across all house types. Some rear garden depths are as low as 6 metres and are associated with a small number narrow plan three bed houses some with side access. In most of these cases where garden depths are quite shallow, the rear aspect is onto agricultural lands or in a very limited number of cases across the back gardens of other houses. In reality, the rear gardens associated with all dwellings vary in shape and area and provide in excess of 49 sqm. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.
- 12.4.4. The proposed development comprises 46 duplex and 88 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in three blocks, between three and five storeys in height and located at the southern tip of the site. Apartment blocks 1 and 2 are identical and contain 24 one and two bedroom units. Apartment block 3 contains 40 one and two bedroom units. The apartments are provided with either large terrace or balcony spaces between 5 and 18 sqm, all to an acceptable standard. Apartment units are also provided in a duplex format and these are distributed throughout the layout, at key corners and overlooking open space. All apartment units are dual aspect, with a combination of smooth plaster finish and brick, this is an acceptable format.

- 12.4.5. Table 2.6 of the applicant's Statement of Consistency deals with apartment design and compliance with the relevant standards. The floor to ceiling heights associated with apartment blocks are 2.7 metres, this accords with the requirements of SPPR 5 of the guidelines with respect to floor to ceiling heights. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m and the standard for a 2 bedroom (four-person) apartment is 73 sq.m. The accommodation schedule shows that this has been exceeded by more than the minimum 10% in all cases. The proposed apartments are all in excess of the minimum floor area standards (SPPR 3), with none close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In terms of the apartment component of the scheme, I am satisfied that the location and layout of the apartment blocks and duplex units is satisfactory, no amendment or adjustment to design by condition is necessary.
- 12.4.6. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.
- 12.4.7. Existing Residents - The proposed development will amend a previously permitted portion of a housing scheme that is currently under construction. The northern portion of the application site will abut existing housing at Hazel Hill. Observations were received from two residents of property at Hazel Hill. In each case the existing residents compared the permitted development to the rear of their property more favourably than the proposed SHD development now before the Board, of which they are critical. The residents are not happy that their existing residential amenities, in terms of privacy, impact on daylight/sunlight and overshadowing have been properly dealt with by the applicant. In addition, there are concerns about the risks in raising ground levels, integrity of boundaries and surface water over spilling onto their property.



12.4.8. The applicant states in their documentation that they have addressed issues of residential amenity within the scheme. This been achieved by carefully locating, orientating and positioning each dwelling, provision of generous separation distances between units and windows sited to prevent overlooking into adjacent private gardens. Generous rear gardens will also be provided throughout the development. Notwithstanding the applicant's rationale for the overall site layout, there are locations that require a greater degree of sensitivity and these are to be found along the interface with Hazel Hill to the east. To this end the applicant has prepared drawings, including cross sections at various intervals to illustrate the proposed development in the context of existing houses. The applicant states that the nearest residential dwellings to the east are located c. 17.7 metres from the proposed development and there will be no impact in relation to visual impact and overlooking, the proposed dwellings are orientated to have the gables of the dwellings facing east. The design rationale employed at this interface area and the drawings submitted are noted. However, the concerns of local residents are relevant, and I examine matters such as overlooking, overshadowing, sunlight/daylight and changes in level including boundary treatments in detail below.

12.4.9. The existing houses in the vicinity are relatively recently constructed and include the Hazel Hill and further to the east Applewood estates. I note that in both of these new estates, the layout had to deal with the issue of sloped ground. Unsurprisingly, separation distances between first floor opposing windows between Hazel Hill and Applewood amount to 22 metres or more. I note that the rear garden depth of detached houses at Hazel Hill varies between 10 and 11 metres as measured from the blank two storey rear return. There are no windows on the two storey rear return that projects into the rear garden of property at Hazel Hill. Taking the northern portion of the proposed scheme first, semi-detached units 001-006 comprise two storey houses with rear garden depths of greater than 11 metres and a change in level that is shown on cross sections as just over 2 metres between finished floor levels, but will vary along the length of slope and between proposed and existing garden. Houses 17-21 Hazel Hill will mostly be affected by construction of units 001-006. For comparative purposes, I note that previously permitted development formed a similar line of dwellings albeit with slightly greater garden depths and very limited difference in garden levels relevant to each other.

- 12.4.10. Taking units 007 and 048 and their much higher proposed garden levels, these units will be significantly closer to numbers 12 to 15 Hazel Hill and I can see issues of overbearing appearance and likely overshadowing from western light. Given the blank gable ends of units 007 and 048 and the blank rear return of houses at Hazel Hill, I anticipate no loss of privacy from undue overlooking.
- 12.4.11. The form and layout proposed by the applicant in the current scheme, brings houses marginally closer in back to back terms. But this closer proximity isn't necessarily so great that residential amenity is significantly impacted. If ground levels were equal, I would not be too concerned. However, where the problem lies is with the change in levels between gardens and the resultant impact to all houses at numbers 12-21 Hazel Hill. This is because proposed units 001-008, units 007 and 048, and their associated gardens and parking areas are significantly higher than those gardens associated with Hazel Hill. In addition, specifications concerning boundary detail and the extent of retaining wall has not been shown in adequate detail. My primary concern, therefore, is the proximity of units 007 and 048, in addition to the change in garden levels between properties and the lack of information concerning boundary treatment, retaining walls and drainage proposals.
- 12.4.12. In order to mitigate the impact of the proposed development on the existing residential amenities of Hazel Hill, I propose the omission of units 008 and 047 and their replacement with units 007 and 048, thus creating a more significant distance between houses at Hazel Hill and revised drawings to indicate a more appropriate grading back of garden levels and detailed specifications of boundary treatments and/or retaining walls. In relation to units 001-008, I see no significant changes in layout that are necessary, however, greater detail in relation to boundary treatment and/or retaining wall is necessary. With these amendments, I do not anticipate that the residential amenity impacts that concern observers will arise. I do not consider that there are any other locations where the proposed development will impact on existing residential amenities such as overlooking, overshadowing or overbearing appearance because the separation distances between properties is greater than 30 metres and up to 50 metres, across a road and in some cases two roads as well as a significant landscaped margin.
- 12.4.13. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am

satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing Maryborough Ridge and Hazel Hill housing estate.

## 12.5. Visual Amenity

- 12.5.1. The applicant has submitted a variety of documents to illustrate the suitability of their development and how it will fit into the landscape. Principally, the landscape masterplan and site sections show how cut and fill and the position of units have been arranged with the topography of the site. Computer generated images and a photomontage study show the visual impact of the proposed development from a variety of locations in the vicinity of the site. The planning authority show some concern about the topography of the site and the level of detail submitted by the applicant to illustrate cut and fill, retaining walls and the overall landscape plan.
- 12.5.2. The prevailing character of the site and the area to the west and south is of a rolling hilly agricultural landscape, complete with pastureland, bound by mature hedgerows and trees. This site is zoned for residential development and forms a finger like extension of the already built up area of the lands to the north and east. I note that other housing estates have been built out and adapted their form and layout to the hilly nature of this landscape, some more successfully than others. However, retaining walls, steps and inclines are common features, that have over time and through good landscaping faded into the background. The photomontage images presented by the applicant illustrate a good number of viewpoints and it is clear that given the hilly nature of the surroundings the development will not be visible from many locations. The development is not high rise and for the most part two to three storeys is the prevailing height and this matches much of the surrounding development. The higher buildings, apartments up to five storeys are reserved for the southern portion of the site set into a hilly incline over the N28. I am sure that these units will be visible, from the N28, but they will form the edge of the built up area of Cork City, partially hidden behind existing and planned landscaping and noise abatement barriers.

12.5.3. I am not concerned that any negative visual impacts will result from the proposed development. The planning authority raise no issues in terms of the visual impact of the development. There are no protected views in the vicinity that are detailed in the Development Plan for the area. I am satisfied that the applicant has satisfactorily taken advantage of the site's topography and that they have sought to use cut and fill techniques to embed the housing into the landscape. Areas of open space and play space have also been designed to take account of the slope. For example, the multi-use games area planned for the northern portion of the site successfully utilises a retaining wall as one of its boundaries. I am satisfied that no adverse visual amenity impacts will result from the development as proposed.

## 12.6. **Traffic and Transportation**

12.6.1. The applicant has prepared a Traffic and Transport Assessment, that assesses a number of local junctions in terms of operating capacity, the availability of public transport, major road improvements (M28 motorway scheme) and the Ballybrack Cycle Scheme. The proposed development is to be served by two vehicular entrance points from the emerging road network provided by Maryborough Ridge, currently under construction. The site will also link into the Ballybrack Cycle Scheme (approved but yet to be constructed) to the north west of the site and a number of potential access points are illustrated at the boundaries of the site with farmland. A Walking and Cycling Assessment and Review (WCAR) has also been prepared that assess the pedestrian and cyclist facilities in the wider area, along desire lines to local services and amenities. In addition, other reports such as a Road Safety Audit, DMURS Compliance Statement and Mobility Management Plan have been submitted in support of the application.

12.6.2. The planning authority are critical of the TTA in terms of its depth of analysis and also have concerns about the target achievability of the MMP, especially given the high number of car parking spaces that are to be provided. However, specific conditions are recommended by the planning authority to address these concerns.

12.6.3. Local Road Improvements - The site is located adjacent a future road scheme, the M28 Cork to Ringaskiddy Motorway Scheme. This scheme was approved under An Bord Pleanála reference number PL04.HA0053 and subject to conditions that relate to the site, specifically noise barriers. Transport Infrastructure Ireland (TII) with

responsible over roads schemes such as the M28 have raised some concerns that they would like to be addressed prior to a decision being made. Firstly, TII are uncertain whether the application documentation identifies an overlay of the proposed development and the extent of the M28 scheme. Encroachment of the area may jeopardise the scheme or undermine the environment metrics upon which the scheme was based. Particular reference is made to the western boundary of the scheme and any pedestrian and cycle that cross or are in the vicinity of the existing N28 and approved M28. Secondly, details concerning the extension or not of noise abatement measures identified in the EIAR require clarification and are not design decisions to be made by the developer alone. Thirdly, the recommendations of the TTA within section 5 of the EIAR shall be carried out in full. Lastly, the implementation of the Ballybrack Pedestrian and Cycle Path requires coordination with the M28 scheme and should be installed before occupation of houses.

12.6.4. The comments made by TII are relevant to the planned motorway infrastructure in the vicinity of the site. Taking each point of concern in turn; I note that drawing 19021/P/0003 (overall Layout Plan) details the alignment of the existing N28 interchange and overlays the planned alignment and interchange for the M28. I note that the Motorway scheme was subject to EIA, so too is this current housing proposal, I anticipate no matters arising or conflicting environmental impact outcomes. The layout drawing submitted with the application shows pedestrian and cycle infrastructure crossing the N28/M28 but these do not form part of this planning application. I am satisfied that the planned motorway improvements are shown adequately and that an appropriate condition can be attached to ensure works at interface areas are coordinated, landscaping, planting noise abatement measures and so forth. Matters that specifically concern noise abatement and the mitigation measures outlined in the TTA and EIAR can also be addressed by condition. The requirement suggested by TII that the delivery and operational status of the Ballybrack Pedestrian and Cycle Path should be in coordination with the M28 scheme implementation and should be required before homes are occupied can also be managed by way of condition. I am satisfied that both the M28 scheme and the Ballybrack Part 8 scheme have the necessary planning consents, but they may not yet have received financial approval. Therefore, if permission is granted I would be satisfied to attach a condition that requires the connection of the subject proposal to

the Ballybrack Part 8 scheme within 6 months of the Ballybrack Shared Use Pedestrian / Cyclist Scheme completion and commission. In addition, I note that the planning authority highlight some technical issues to do with the location of the proposed connection to the scheme and this should of course be clarified by way of condition.

12.6.5. The planning authority note that the TTA highlights three junctions that will be impacted upon by the development proposed and that upgrades may be necessary. It is noted that the M28 Motorway Scheme will entail improvements to do with the N28 slip on junction and Clark's Hill/R610, but it is not clear when this will happen. In addition, it is not clear who will design and carry out the works to the Fingerpost Roundabout and the upgrading of pedestrian facilities. To this end the planning authority consider that a special contribution or bond should be levied for works that will solely benefit this housing scheme. I would agree up to a point and I note that the TTA highlights junction impacts that will be encompassed by the works required for the M28 scheme. Other local junction improvements to meet the needs of the subject proposal may be required and could be borne by the developer. The planning authority have suggested a condition that includes for either a bond or a section 48(2)(c) special contribution. I am satisfied that it would be appropriate to attach such a condition with reference to a bond for general works required as a result of the development.

12.6.6. Car Parking – the planning authority note that the quantum of car parking provided for the development will undermine the objectives of the MMP, I agree. Specifically 88 car parking spaces are to be assigned to the three apartment blocks in a combination of undercroft and surface car parking. To address this issue the planning authority, seek to reduce the number of car parking spaces associated with the apartment complex, from the proposed 1 per unit to 0.75 per unit. I would agree with this course of action and I also note that the permitted scheme, currently under construction to north, includes for the provision of a bus stop and this site allows direct access to this stop. Though the apartment blocks are located at the southern tip of the scheme, there are good and direct pedestrian/cycle links to the north of the site. To affect a reduction in car parking spaces, I suggest the removal of all surface car parking spaces in the vicinity of apartment blocks 1, 2 and 3 (24 spaces in total) and the replacement of the space leftover with landscaping, 2 disabled persons car

parking spaces and drop-off / collection areas. This would also enable a more naturalistic landscaping approach in an area where the gradients are severe.

12.6.7. I note the MMP and TTA outline the public transport options in the vicinity, and on the day of my site visit, I observed a good frequency of various bus routes. I note that 16 car parking spaces plus a pull in area is allocated to the childcare facility. The childcare facility is located at the entrance to the proposed scheme and will presumably serve the 449 units proposed as well as other existing houses in the area. I would expect and hope that a large proportion of drop off and collections would be on foot or bicycle and therefore, the provision of 16 parking spaces is a little high. As I have already outlined in my report about a shift westwards of the childcare facility, it is likely that amendment to car parking arrangements will also be required. An appropriate condition to implement minor design changes and possible removal of some car parking spaces could be applied.

## 12.7. Other Matters

12.7.1. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the requirements of the planning authority. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. The site is located close to bus services and there are no extraordinary traffic or transportation issues that cannot be dealt with by condition as necessary. The planning authority have recommended a number of conditions that should be attached in the event of a grant of permission. These conditions are of a technical nature or refer to development contributions. For the most part, I agree with the planning authority's recommended attachment of conditions where relevant.

## 13.0 Conclusion

13.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site on the edge of an established urban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a

high quality development, with an appropriate mix of apartment units and an acceptable density of development. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.

13.2. I consider the proposal to be in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

## 14.0 Recommendation

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

## 15.0 Reasons and Considerations

15.1. In coming to its decision, the Board had regard to the following:

(a) the site's location at the edge of the built-up urban area of Douglas on lands zoned for residential uses under the Ballincollig Carrigaline Municipal District Local Area Plan 2017;

(b) the policies and objectives in the Cork County Development Plan 2014;

(b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

(d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

(c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;



(d) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(e) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government in March 2018;

(i) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;

(f) the nature, scale and design of the proposed development;

(g) the availability in the area of a wide range of educational, social, community and transport infrastructure,

(h) the pattern of existing and permitted development in the area,

(i) The Chief Executive's report received from the planning authority;

(j) the submissions and observations received and

(k) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Recommended Draft Board Order

### Planning and Development Acts 2000 to 2019

**Planning Authority:** Cork City Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 7 April 2020 by Glenveagh Homes Ltd, Digital Office Centre, Block B, Maynooth Business Campus, Straffan Road, Maynooth, Co. Kildare.

#### **Proposed Development:**

A planning permission for a strategic housing development on site at Maryborough Ridge, Moneygurney, Douglas, Co Cork.

#### **The proposed development will consist of:**

The construction of 449 residential units, provided as 315 dwelling houses, 46 duplex-apartments, 88 apartments between 3 and 5 storeys in height and a creche, together with open space amenity and two vehicular access points from Maryborough Ridge.

The details are as follows:

No. of Units	449
Unit Breakdown	110 – two bed houses
	183 – three bed houses
	22 – four bed houses
	51 – one bed apartments
	68 – two bed apartments
	15 – three bed apartments

Other Uses	Childcare Facility - 586 sqm (80 spaces)
Car Parking	631 spaces
Bicycle Parking	800 spaces
Vehicular Access	Two access points taken from Maryborough Ridge Estate.
Part V	45 units (37 in subject application and 8 as part of permitted development 16/7271)
Density	39.7 units/ha.

The development includes for, public amenity space, pedestrian and cycle facilities throughout the site and connection to the Ballybrack Shared Use Pedestrian / Cyclist Scheme.

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the site's location at the edge of the built-up urban area of Douglas on lands zoned for residential uses under the Ballincollig Carrigaline Municipal District Local Area Plan 2017;
- (b) the policies and objectives in the Cork County Development Plan 2014;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (e) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government in March 2018;
- (i) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (f) the nature, scale and design of the proposed development;
- (g) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) The Chief Executive's report received from the planning authority;
- (j) the submissions and observations received and
- (k) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment.

## **Appropriate Assessment**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the Special Area of Conservation for Great Island Channel (site code 001058) the Special Protection Area for Cork Harbour (site code 004030), taking into account the nature, scale and location of the proposed development, the information submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development would not be likely to have a significant effect on the above European sites or on any other European site in view of the sites' conservation objectives, either individually or in combination with any other plan or project, and that a Stage 2 Appropriate Assessment is not required.

## **Environmental Impact Assessment**

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant made in the course of the application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- a) Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- b) A significant direct effect on land by the change in the use and appearance of a relatively large area of former agricultural land to residential. Given the location of the site within the built up area of suburban Cork and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- c) Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site, limit the degree of cut and fill and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- d) Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- e) Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- f) Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.

- g) A positive effect on material assets because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The proposed development is not likely to have significant effects on biodiversity, water, climate or cultural heritage.

The likely significant environmental effects arising as a consequence of the proposed development have, therefore, been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in Chapter 16 of the environmental impact assessment report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

### **Conclusions on Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would respect and enhance the suburban setting of the area, would be acceptable in terms of urban design, height and quantum of development, would not seriously injure the amenities of the area or of property in the vicinity, would not damage the natural heritage of the area, would not give rise to flooding in the area, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 17.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 16 of the Environmental Impact Assessment Report 'Schedule of Mitigation and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows:

a) The Childcare Facility, access road and associated footpaths at the northernmost tip of the site shall be repositioned westwards by a minimum of 5 metres, the footpath and landscaped margin below the access street to units 001 to 006 shall be widened and the severity of the gradient reduced and retaining walls kept to a minimum. The repositioned Childcare Facility may result in the reconfiguration and reduction of car parking spaces and this is acceptable.

b) Units 008 and 047 shall be omitted and replaced by units 007 and 048, the land leftover shall be amalgamated into enlarged gardens and graded back to as close as is possible with the garden levels of Hazel Hill. Detailed specifications of new



boundary treatments and/or retaining walls, including drainage proposals along the entire boundary with Hazel Hill shall be submitted.

c) Along the southern and eastern boundary of the site with farmland a two metre high concrete block wall shall be placed inside the existing boundary hedge/wall/ditch that is indicated for retention and shall be supplemented by additional planting where necessary.

d) The undercroft and surface visitor car parking associated with apartment blocks 1, 2 and 3 shall be reduced and reconfigured such that the total number of spaces allocated to the apartment blocks shall be reduced from 88 to 66. This shall be achieved by eliminating all surface car parking spaces except for two car parking spaces for people with disabilities. The omitted surface car parking spaces shall be replaced with suitably designed landscaping and limited pull-in areas.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity and sustainable transport.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

5. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

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

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

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

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

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

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

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

a) The route, alignment and finish of the connection to the Ballybrack Shared Use Pedestrian / Cyclist Scheme from the site shall be agreed with the planning authority and constructed by the developer at their expense prior to the occupation of units.

b) All proposed pedestrian and cyclist links shall be satisfactorily completed at the applicant's expense and available for public use. Internal pedestrian / cycle routes shall be redesigned as segregated.

**Reason:** In the interests of pedestrian, cyclist and traffic safety.

Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the childcare facility of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

9. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. Prior to the occupation of dwelling units, the location and extent of Noise Abatement Barriers and boundary treatments associated with the approved M28 Motorway Scheme and bounding the subject site shall be designed, coordinated and agreed in writing with the planning authority

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

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management.

12. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless

otherwise agreed in writing with, the planning authority prior to commencement of development.

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

13. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) and hedges and identified as 'to be retained' on landscape drawings, as submitted with the application, shall be carried

out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees and hedging which are to be retained on the site.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To secure the protection of the trees on the site.

16. (a) All windows and roof lights shall be double-glazed and tightly fitting.

(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity.

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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



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

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

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

22. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

23. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

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

24. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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

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

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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Stephen Rhys Thomas  
Senior Planning Inspector

30 July 2020