



An
Bord
Pleanála

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

Inspector's Report ABP-307313-20

Development	123 no. apartments, creche and associated site works.
Location	Old Fort Road, Ballincollig, Co. Cork. (www.oldfortroadshd.ie)
Planning Authority	Cork City Council
Applicant	O'Flynn Construction Company Unlimited
Prescribed Bodies	Irish Water
Observers	Elaine O'Keeffe An Taisce Frank Keane (Old Quarter Residents) Iain Brown Residents of 52 to 59 Waltham Abbey Waltham Abbey Residents Association.

Date of Site Inspection

16/07/2020

Inspector

Conor McGrath

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The application site is located on the northern side of Ballincollig town centre. The site is bounded by Old Fort Road to the south, which road runs east-west roughly parallel to the Main Street / R608. The site comprises a developable area of 1.0653ha and was previously used as a construction compound associated with development to the south. An additional area of lands along Old Fort Road are included in the red line boundary of the application to provide for works to the public road.
- 2.2. The site has a varying topography, falling approx. 7m between Old Fort Road and the northern site boundary. A steep landscaped embankment along the road frontage, gives way to more level lands at the centre of the site. Ground levels within the site appear to have been raised in the past. There are a number of mature trees at a lower level along the northern boundary of the site.
- 2.3. The site is bounded to the west by open space serving two-storey housing in Waltham Abbey, part of the Old Quarter residential area. An apartment development to the south, The Crescent, comprises generally four-storey blocks, rising to an eight-storey element on the western corner. To the east of the site is the car park and access road serving an adjoining medical centre located in an old military building which is listed in the NIAH¹. Lands to the northeast are associated with a community nursing home. Recreational open space and the municipal wastewater treatment plant are located to the north of the site.

¹ <https://www.buildingsofireland.ie/buildings-search/building/20842005/walshes-pharmacy-ballincollig-ballincollig-county-cork>

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development includes the following elements:

- The construction of 123 no. apartments in 3 no. blocks ranging in height between 3 & 6 storeys and comprising a mix of 1 & 2 bed units.
- A creche / childcare facility (268-sq.m.) within one of the residential blocks
- Internal residential amenity space and residents gym;
- Landscaped amenity areas including play/amenity areas at podium level;
- 98 no. car parking spaces comprising 94 no. lower ground level / undercroft parking space and 4 no. surface spaces; 12 no. motorbike spaces and 272 no. resident bicycle spaces with an additional 24 no. spaces for visitors.
- The provision of a set-down area, footpaths, cycle lane and table-top junction arrangement at the access to the development on the Old Fort Road; and

3.2. The apartment blocks present 3/4-storey frontage to Old Fort Road and utilise the fall in ground levels across the site to provide 5/6-storeys at the northern part of the site. Access is proposed from Old Fort Road at the southwestern corner of the site, which will be shared with the adjoining medical centre.

3.3. The breakdown of residential units is described as follows in the application:

	1-Bed	2-Bed 3 person	2-Bed 4 person	Total	Dual Aspect Units
Block A	13	1	25	39	18
Block B	16	0	28	44	16
Block C	10	0	30	40	20
TOTAL	39	1	83	123	54
Unit Mix	31.7 %	68.3 %			43.9 %
Site area	1.0653ha			Density	115 / ha

Creche

		Required Child Places @ 20 per 75 Units of 2-Bed or more	Creche Area Provided
No. of 2-Bed units	84	22	268 m2

3.4. The application was accompanied by the following documentation:

• Cover Letter and application form.
• Copies of public notices.
• Letter of consent from Cork City Council for inclusion of public roads within the proposed development works.
• Statement of Consistency with relevant planning policy.
• P & D design statement.
• Part V proposals.
• Area Summary and Site Data.
• Housing Quality Assessment Schedule
• Architect Design Statement.
• Response to item no. 3 of ABP opinion.
• Statement of Compliance with Universal Design.
• Housing Quality Assessment Report.
• Lifecycle Report.
• Materials and Finishes Report.
• Copy of letter to planning authority.
• Civil Engineering Support Document.
• Landscape Design Report
• Construction Environmental Management Plan.
• Daylight Sunlight Report.
• Noise Impact Assessment.
• DMURS Compliance Note

• Traffic and Transport Assessment.
• Stage 1 Road Safety Audit.
• Outline Mobility Management Plan
• Quality Audit
• Public Lighting report
• AA Screening
• EIAR Screening
• Tree Survey Report.
• Application Drawings.

4.0 Planning History

PA ref. 03/122: Permission granted in September 2003 for a mixed-use town centre development including residential, retail/service, civic and office uses.

PA ref. 06/13556: Permission granted in July 2007 for a two storey extension to the shopping centre; partial removal of existing surface car park and construction of 78 no. space surface car park; construction of a four storey retail / office building; drive through restaurant; 20 no. surface car parking spaces with access onto the Spine Road; 210 no. basement/surface car parking spaces with access via existing entrance from Main Street; 2 storey office building; 3 level multi storey car park to accommodate 444 spaces; all ancillary site development works.

PA ref. 08/5508: Permission granted in July 2008 for the provision of 46 no. additional car parking spaces, adjoining and with access from the multi-level car park permitted under application reference 06/13556.

PA ref. 08/6613: Permission granted in August 2008 to O'Flynn Construction Co. for 47 no. additional car parking spaces adjoining and with access from the multi-level car park permitted under application reference 06/13556.

PA ref. 12/4775: Extension of duration of permission granted in June 2012 in respect of PA ref. 06/13556.

Adjoining lands:

PA ref. 06/10659: Permission granted for extension and change of use of protected structure to the east of the site from temporary childcare facility to medical centre and pharmacy, associated works.

PA ref. 18/6762 Permission granted for a four-storey primary care centre on lands to the east of the subject site, on Old Fort Road.

PA ref. 19/4699: Permission granted at the western end of Old Fort Road for the construction of an office development (20,842.6-sq.m.) in three buildings and a multi-storey car park to provide 479 no. car parking spaces and 409 no. surface car parking spaces, and all associated ancillary development works including access, footpaths, a 2m wide cycle lane along Old Fort Road. The proposed development replaces 5 no. office buildings previously permitted under PA ref. 08/9670 and extended under Ref. 14/4310.

5.0 Section 5 Pre-Application Consultation - ABP-306133-20

Pre-application consultations were undertaken with An Bord Pleanála on 23/01/2020 in respect of a development comprising 121 no. apartments and creche on the subject site. The subsequent Opinion of the Board stated that the documents submitted with the request to enter into consultations constituted a reasonable basis for an application for strategic housing development. The following specific information was identified for submission with any application for permission:

1. A detailed architectural design report setting out the full rationale for the design.
2. A report that specifically addresses the proposed materials and finishes.
3. Landscaping proposals including an overall landscape masterplan.
4. A building life cycle report.
5. A report that addresses residential amenity within the proposed development.
Additional sections and elevations demonstrating the relationship and impact of the development on the Waltham Abbey Estate.
6. A detailed schedule of accommodation.

7. Full Traffic Impact Assessment Quality Audit, Road Safety Audit and Outline Mobility Management Plan and Outline Construction Management Plan.

The following authorities were to be notified pursuant to article 285(5)(a) of the Regulations 2017, in the event of the making of an application arising:

1. Irish Water
2. Cork City Council Childcare Committee

5.1. Applicant's Statement

The planning application cover letter outlines how the items identified in the Board opinion above are addressed in the application, as follows:

1. A detailed Architect's Design Statement by Wilson Architecture provides details on the rationale for the adopted design.
2. A Materials and Finishes Report by Wilson Architecture and a Landscape Design Report by Brady Shipman Martin provide details on the proposed materials and finishes and boundary treatments.
3. Landscaping drawings and Landscape Design Report by Brady Shipman Martin provide details of the tree planting quantity hard and soft landscaping including play equipment, public lighting, pedestrian entrances and boundary treatments. Detail provided includes boundary treatments and works to the public realm and treatment and of retaining walls in the scheme.
4. A Life Cycle Report by Wilson Architects in accordance with section 6.3 of the Apartments Design Guidelines.
5. A Housing Quality Assessment Report provides a breakdown of the private amenity space for residents, the communal facilities and the communal amenity space.

A Daylight Sunlight Report by JODA Engineering Consultants addresses the proposed units and open space areas.

Cross sections and contextual elevations by Wilson Architects demonstrate the relationship and impact of the development on the Waltham Abbey Estate

6. A schedule of accommodation by Wilson Architecture indicates compliance with the Apartment Design Guidelines.
7. A Traffic and Transport Assessment, Quality Audit, Stage 1 Road Safety Audit and an Outline Mobility Management Plan by Arup has been submitted with the application. An Outline Construction Management Plan by McCutcheon Halley Planning has also been submitted.

It is stated that the applicant has notified the following bodies:

1. Irish Water;
2. Cork City Council Childcare Committee.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. National Planning Framework 2018-2040

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas of cities, towns and villages. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

National Policy Objective 2a sets a target of 50% of future population and employment growth focused in the five existing Cities and their suburbs (Dublin, Cork, Limerick, Galway and Waterford).

Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas of cities, towns and villages on infill and/or brownfield sites. Objective 3B seeks the delivery of at least 50% of all new homes that are targeted in the five Cities and suburbs within their existing built-up footprints.

Objective 8 sets a population growth target for Cork city and suburbs of c.50% to 2040.

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

6.1.2. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, the following section 28 Ministerial Guidelines are considered to be relevant to the proposed development.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009, and associated Urban Design Manual.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Design Manual for Urban Roads and Streets (DMURS) 2013 - 2020.
- Childcare Facilities – Guidelines for Planning Authorities.

6.2. **Regional Policy**

6.2.1. **Southern Region - Regional Spatial and Economic Strategy 2020**

The strategy is to build a strong, resilient, sustainable region by measures including strengthening and growing cities and metropolitan areas; harnessing the combined strength of the three cities, as a counterbalance to the Greater Dublin Area, through

quality development, regeneration and compact growth; building on the strong network of towns and supporting villages and rural areas.

Key principles in developing the strategy include:

- A dual-track that builds on the cities, metropolitan areas as significantly scaled engines of sustainable growth, and by repositioning the strong network of towns, villages and rural areas in an imaginative, sustainable and smart manner.
- The need to provide an adequate supply of quality housing to meet existing and future demand.
- Regenerate and develop existing built-up areas as attractive and viable alternatives to greenfield development.
- Use quality urban design to enhance the character of a place and ensure development is respectful of the existing physical, social, environmental and cultural context;

RPO 10: Compact Growth in Metropolitan Areas

To achieve compact growth, the RSES seeks to:

- a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.

Ballincollig is identified as a metropolitan town, within the Cork Metropolitan Area Strategic Plan. The sustainable growth of Metropolitan Cork requires consolidation, regeneration, infrastructure led growth and investment in such locations.

Cork MASP Policy Objective 8; Key Transport Objectives (to be informed by and subject to the recommendations of Cork Metropolitan Area Transport Strategy)

East-West Light Rail Public Transport Corridor: A strategic east-west public transport corridor from Mahon to Ballincollig via the City Centre, serving CIT, CUH,

UCC, Kent Station, Docklands, Mahon Point. The corridor requires development consolidation along it at appropriate nodal points for a high capacity service.

6.2.2. **Cork Metropolitan Area Transport Strategy**

CMATS supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It will provide the opportunity to integrate new development at appropriate densities with high capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.

The identified cycle network includes a primary / inter-urban cycle route from Ballincollig to the city and a proposed greenway running east along the river Lee.

The strategy proposes the provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point. This meets the long-term objective for the CMA for the development of an east-west mass transit, rapid transport corridor. In advance of the development of this light rail corridor, the route will be served with a high frequency bus service with bus priority measures to enable a high level of performance in advance of its transition to light rail.

(Contracts for initial route selection and design were awarded in August 2020)

6.3. **County / Local Policy**

Following the extension of the administrative boundaries in 2019, Ballincollig now falls within the area of Cork City Council. The City Council have confirmed that pending adoption of a new city development plan for the period 2022 – 2028, the Cork County Development Plan remains the operative development plan for the area.

6.3.1. **Cork County Development Plan 2014**

Ballincollig lies within the Metropolitan Cork Strategic Planning Area and is identified as a third tier, Metropolitan town, within the settlement strategy for which the strategic aim is critical population growth, service and employment centres within the Cork “Gateway”, which provide high levels of community facilities and amenities with infrastructure capacity high quality and integrated public transport connections

should be the location of choice for most people especially those with an urban employment focus.

Appendix B Tables B8 identifies a requirement for 4,033 new housing units in Ballincollig to 2022.

Objective CS 4-1: County Metropolitan Cork Strategic Planning Area, includes

- a) Recognise the importance of the role to be played by Metropolitan Cork in the development of the Cork 'Gateway' as a key part of the Atlantic Gateways Initiative and, in tandem with the development of Cork City, to promote its development as an integrated planning unit to function as a single market area for homes and jobs
- j) Maximise new development, for both jobs and housing, in the Metropolitan Towns and enhance the capacity of these towns to provide services and facilities to meet the needs of their population;
- k) Provide an enhanced public transport network linking the City, it's environs, the Metropolitan towns and the major centres of employment;
- n) In the Cork Gateway, development to provide the homes and jobs that are necessary to serve the planned population will be prioritised in the following locations, Ballincollig (Maglin).....

Objective HOU 3-1: Sustainable Residential Communities

- a) Ensure that all new development within the County supports the achievement of sustainable residential communities.
- b) Promote development which prioritises and facilitates walking, cycling and public transport use, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes such as bus and rail stops.

Objective HOU 3-2: Urban Design, promotes high quality urban development including having regard to the Guidelines on Sustainable Residential Development in Urban Areas and DMURS:

Objective HOU 3-3: Housing Mix, seeks a mix of house types and sizes in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.

Objective HOU 4-1: Housing Density on Zoned Land

	Min Net Density	Max Net Density	Comment
High	35	No Limit	<p>Applicable in town centres throughout the county and in other areas identified in LAP's normally in close proximity to existing or proposed high quality public transport corridors.</p> <p>Normally requires / involves apartment development.</p> <p>Subject to compliance with appropriate design / amenity standards and protecting the residential amenity of adjoining property and the heritage assets of town centres.</p>

In respect of Ballincollig, the plan notes that high densities are appropriate in locations close to future quality public transport proposals.

Chapter 7 considers town centres and retail development.

Objective TCR 2-1: Town Centre (a), seeks to maintain, strengthen and reinvent the role of town centres as dynamic attractive and inclusive environments and enhance their mixed use character by encouraging the retention and development of general office, retail, **housing**, office based industry, community, civic and entertainment uses. (emphasis added)

Objective TCR 9-1 (e) Vacancy and Regeneration states that in LAP's, particularly in more peripheral locations which are experiencing significant vacancy issues the Council will identify and encourage the redevelopment of vacant, underutilised commercial premises to facilitate residential use.

Objective ZU 3-8: Appropriate Uses in Town Centres/ Neighbourhood Centre's, promotes town centres and neighbourhood centre's as the primary locations for retail and other uses that provide goods or services principally to visiting members of the

public. Residential development will also be encouraged particularly in mixed use developments.

Objectives TM 2-1: Walking and TM 2-2: Cycling promote sustainable modes of transport and compliance with DMURS.

Objective TM 4-1: Car and Cycle Parking encourages more efficient and sustainable transport modes securing the application of parking and cycle parking standards.

6.3.2. **Ballincollig Carrigaline Municipal District - Local Area Plan August 2017**

The subject site is zoned for town centre development 'BGT- 03': Completion of Ballincollig Town Centre' (former Murphy Barracks) site for town centre uses. The redevelopment of vacant properties for office-based activities including incubator units and start-ups will be considered in this area.

This zoning objective includes the commercial town centre lands to the south as well as existing residential lands to the west and northwest.

Ballincollig is identified as a Main Town within the county. The growth strategy identifies a requirement for over four thousand new dwelling units in Ballincollig, in line with the 2014 County Development Plan targets.

3.3.1 **Ballincollig, Vision and Context**

The vision is that Ballincollig will continue to grow as a major centre for population and employment within the Metropolitan Area. The Local Area Plan will identify suitable locations for both residential and employment growth in the town and co-ordinate this growth with the upgrading of infrastructure services and the delivery of the green route and the high-quality rapid transit link to Ballincollig.

General Objective BG-GO-01: Population and Housing - Secure the development of 4,033 new dwellings between 2017 and 2022 to facilitate the sustainable growth of the town's population from 17,368 in 2011 to 23,805 in 2022.

Section 3.3.12 identifies a net housing land requirement of 161 ha to cater for this level of housing provision.

6.4. Applicant's Statement of Consistency

In accordance with the requirements of Section 8(1)(a)(iv) of the 2016 Act a Statement of Consistency with local and national policy has been submitted with the application which finds the development to be in accordance with the above policy documents. No material contravention of the development plan or Local Area Plan is identified.

The statement considers the following national and regional and local policy documents:

- Project Ireland 2040: National Planning Framework (2018);
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016);
- Sustainable Residential Development in Urban Areas (May 2009);
- Urban Design Manual – A Best Practice Guide (UDM) 2009;
- Design Manual for Urban Roads and Streets (DMURS) 2013;
- 2018 Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018;
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018;
- Childcare Facilities Guidelines, June 2001.
- Southern Regional Assembly: Draft Regional Spatial and Economic Strategy (2019).
- Cork Metropolitan Area Transport Strategy (CMATS) 2040;
- Cork City Development Plan 2015;
- Cork County Development Plan 2014
- Ballincollig – Carrigaline Municipal District Local Area Plan, 2017.

Key points in this statement include the following:

Density: The site is well located in the town centre with easy access to services, employment and amenities, as well as public transport connections. A residential density of 115 units per hectare accords with the Sustainable Residential Development in Urban Areas and city and county development plans and the LAP. The development accords with the local zoning objectives.

Housing Mix: The development provides a mix of 1-bed, (31.7%) and 2-bed (68.3%) residential units and sizes in accordance with Objective HOU 3-3 of the CDP.

Layout: The layout and design of the proposed development is based on the principles and design criteria of the Urban Design Manual. A detailed Design Statement is submitted in accordance with Objective 16.1 of the City Development Plan and Objective HOU 3-2 of the County Development Plan.

Apartment design has regard to and is consistent with *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*. A high-quality layout and design provides a mix of apartments in a quality neighbourhood area and the creation of a sustainable extension to the settlement which prioritises pedestrians and cyclists.

Landscape and Amenity: The landscape and amenity provisions are based on the principles and criteria of the Urban Design Manual and a detailed Design Statement is submitted in accordance with the objectives 16.1 of the Development Plan.

Apartment design has regard to and is consistent with *2018 Sustainable Urban Housing: Design Standards for New Apartments*. High-quality landscaping and amenity areas have been provided which will create an attractive development for residents to reside.

Sustainability: The development is based on the principal criteria of the Urban Design Manual and a detailed Design Statement is submitted in accordance with the Development Plan objective 16.1. The proposed apartment design has regard to and is consistent with 2018 Apartment Design Guidelines. The high-quality design makes efficient use of land and provides dwellings which can be adapted to meet the future needs of residents.

6.5. Designated Sites

The application site is not located with any site designated for nature conservation purposes. The closest conservation sites are:

- Cork Harbour SPA (004030), approx. 10km east of the site.
- Great Island Channel SAC (001058), approx. 17km east of the site.
- The Gearagh SAC (000108) and SPA (004109) approx. 25km west of the site.

6.6. EIA Screening

The site area is 1.0653ha and the development comprises the construction of 123 no. dwelling units. The subject development is sub-threshold for the mandatory submission of an EIAR, having regard to the thresholds set out in Part 2 of Schedule 5 of the Planning and Development Regulations. The site comprises disturbed ground with limited vegetation remaining thereon. The development is located within the urban area, served by mains water, surface water and wastewater services services, and is easily accessible over the existing transport networks. The development is in character with the surrounding pattern of development and will not give rise to any significant emissions to the environment.

Having regard to the characteristics of the site and the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 Third Party Submissions

7.1. Third party submissions received by An Bord Pleanála in relation to the subject application raise the following points.

7.2. Elaine O’Keeffe

- The scale and height of development is unsuitable and will impact on the character of the area.
- It will give rise to overlooking of adjoining two-storey housing.
- Inadequate car parking will result in spill over parking on adjoining roads.
- The proposed pedestrian linkage to Waltham Abbey will result in increased pedestrian and vehicular traffic and parking in that development.
- Such pedestrian route will result in anti-social behaviour.

- The development will contribute to existing congestion at eastern and western ends of Old Fort Road, junction with R608.
- Open space provision is inadequate.
- Deficiencies in water and utility services capacity.
- Social and physical infrastructure is insufficient to support this development and has not matched the level of development in this location.

7.3. **An Taisce:**

- The assessment of the interface between the proposed development and adjacent historic structures associated with the gunpowder mills is inadequate.
- Further development of Ballincollig is premature without the development of a fully separated safe cycling route to Cork City, significantly enhanced public transport services and walking and safe cycling enhancements.
- Levels of car use for access to schools, local shops and services and other short journeys is unsustainable and requires active remedial measures to switch modes before any further development can be considered. This is in accordance with the 2020 programme for government.
- Attached to the observation is a copy of a submission from An Taisce to the OECD in June 2020 on Irish public policy failures in relation to sustainable transport and mobility.

7.4. **Tom Keane**, on behalf of Residents of Old Quarter

- Contribution to existing congestion at eastern and western junctions of Old Fort Road with R608, and the lack of any remedial measures within the application.
- Office development permitted under 19/04699 will generate significant traffic volumes on this road.
- The creche facility will generate peak hour traffic which is not assessed in the application.
- Other developments not referenced in the traffic assessment include a new medical centre at East Gate and retail units converted to residential use.
- Traffic congestion will impact on air quality.
- Inadequate parking provision resulting in overspill onto adjoining roads.

- Pedestrian and emergency vehicle access from Waltham Abbey will result in traffic and residential amenity impacts. This is not assessed in the application.
- There is no capacity in local schools for this development.
- Open space provision is deficient and will lead to use of Old Quarter open space.
- The development will exacerbate existing anti-social behaviour issues in Old Quarter
- The development will result in a breach of the rights of the child to a proper learning and safe living environment.
- No construction management plan has been provided and the routing of construction traffic through Old Quarter would poses a risk to safety.
- The profile of apartment residents will result in anti-social behaviour.
- Suggested amendments include, the omission of Block A or a reduction in height by two floors and relocation 20m east, omission of access from Waltham Abbey and a restriction on use of Old Quarter as a construction access route.

7.5. Iain Brown

- Inadequate parking provision will lead to overspill onto adjoining roads, encouraged by the emergency and pedestrian access from Waltham Abbey.
- Public transport provision to this suburban town does not support the proposed reduced levels of parking provision.
- Old Fort Road already experiences peak hour queuing which will be increased by the proposed development.

7.6. Residents of 52 to 59 Waltham Abbey

- The scale of development is inappropriate relative to the established residential development to the west, particularly Block A facing onto 2-storey housing.
- This five-storey block will dominate adjoining housing and section drawings illustrate the inconsistent character and scale of the development.
- Upper floor windows and terraces in Block A will result in overlooking and loss of privacy to habitable rooms in Waltham Abbey houses.
- Block A will dominate views and negatively impact on light to these houses.

- The assessment in the Daylight and Sunlight Report only appears to consider first floor windows in Waltham Abbey houses. Assessing ground floor windows could impact significantly on the report conclusions.
- There is no requirement for a pedestrian connection through the site from Waltham Abbey, which will not reduce journeys to the town centre or shopping centre. This should be omitted.
- The pedestrian route will not connect into existing substandard pedestrian or cycle facilities in Waltham Abbey, with road safety implications.
- The pedestrian connection will sub-divide existing open space into less usable areas and increase risk to young children using the space.
- No details of the nature of works or finishes within this area are provided.
- This connection is outside the application red line boundary and is not outlined in blue. It is not clear that the consent of the landowner for such a link exists.
- This is a material consideration as the development is dependent on fire access.
- Inadequate parking provision will lead to overspill onto adjoining roads, encouraged by the emergency and pedestrian access from Waltham Abbey.
- Parking provision in Old Quarter is already at capacity and additional parking will restrict emergency vehicle access.
- Vehicle turning facilities within the site are inadequate, particularly adjoining Block A. Bin Store access will require 100m reversing movements.
- The emergency connection to Waltham Abbey should not be open permanently.
- The Traffic and Transport Assessment (TTA) does not assess the operation of the junction with Old Fort Road in combination with the adjoining medical centre.
- The TTA does not include movements arising from the Primary Care Centre under construction to the east, or movements generated by the creche.
- The forecast levels of peak hour traffic movements are not adequately supported.
- Overall traffic impacts are underestimated, and the road network does not have capacity to accommodate this development.
- There is no attenuation of surface water and there is inadequate detail regarding the capacity of the overall town centre surface water drainage network or whether that network is subject to attenuation measures.
- Adherence to SUDS principles has not been demonstrated and unrestricted discharge to the River Lee should be avoided to obviate flood impacts.

- The layout of the proposed junction is contrary to current road design guidance, resulting in conflicting turning movements, which will not be addressed by a raised table.
- The proposed medical centre access is unduly close to the junction with Old Fort Road which is not assessed in the Road Safety Audit.
- Pedestrian crossing facilities are inadequate.
- Car parking in the set-down area will restrict sightlines to the west. The response to this issue raised in the safety audit is inadequate.
- Achieving adequate sightlines at the proposed entrance requires vehicles to encroach upon the priority footpath and cycleway, beyond the Stop line.
- The measurement of identified sightlines is incorrect.
- The Road Safety Audit does not consider the internal road layout, notwithstanding issues with turning areas, road gradients, junction layout.
- The gradient of the internal access road is excessive, particularly given proximity of the Medical Centre access, and are contrary to Part M.
- Gradient of the east-west internal road does not facilitate satisfactory drainage.
- Separation from the large municipal WWTP is inadequate given its scale and Irish Water should provide advice on the exclusion zone.
- The proposed ESB substation is located with the drainage wayleave areas.
- The development will depreciate the value of adjoining properties.
- Block A should be reduced to three-storeys in height or revised to house type structures, with additional separation provided from existing dwellings.

7.7. **Waltham Abbey Residents Association**

Procedural Matters:

- Site notices were erected followed publication of the newspaper notice contrary to the requirements of Art. 292.
- Maps submitted do not identify lands owned by the applicants in blue as required.
- Clarification of ownership of open space in Waltham Abbey, which will be materially affected by the development, is required.
- There are material inconsistencies between the application and the pre-application consultation scheme in terms of scale and density.
- The site should not be characterised as brownfield, as it was never developed.

- Information gaps identified by the planning authority at pre-application stage have not been addressed.
- Planning authority reports on the application should be made available prior to decision in order to allow public participation in the decision-making process.
- The application is in breach of the Planning Acts and Regs, EU laws and the Aarhus Convention.

Traffic

- The development will add to existing congestion on Old Fort Road.
- External traffic movements generated by the creche, or other developments in the surrounding area have not been assessed.
- Inadequate parking provision will lead to overspill on adjoining roads, encouraged by the emergency and pedestrian access from Waltham Abbey.
- Old Quarter already experiences issues with overflow car parking.
- The frequency of public transport services outside peak hour are overstated, while peak hour services are not consistent.
- Post-Covid public transport capacity will be restricted further.
- There are no definite plans for light rail or rapid bus connections at this time.
- The location does not meet the proximity or accessibility criteria set out in the Design Standard for New Apartment Guidelines.
- Additional traffic will impact on air quality, noise and public health.
- No construction traffic management measures are identified, including restrictions on parking or access through Waltham Abbey.
- Emergency vehicle access should be provided from Old Fort Road and all access from Waltham Abbey should be omitted.

Parking

- Parking provision is in breach of development plan standards, resulting in overflow to adjoining roads, and should be increased.
- Proposed emergency access through Waltham Abbey will interfere with residents parking, which is already deficient, and should be omitted.
- At least 10 electric vehicle parking spaces should be provided.

Amenity and schools

- On-site amenity provision is inadequate, relying on amenity areas external to the site contrary to Development Plan provision ZU 3-2.
- This will increase pressure on Old Quarter amenity spaces, and access to Waltham Abbey should be omitted in this regard.
- Block A should be omitted or reduced in scale to increase open space provision and reduce demand.
- No assessment of the effect on drainage conditions of adjoining open spaces has been undertaken.
- No assessment of consistency with the grant of permission of Waltham Abbey / Old Quarter was undertaken.
- No assessment to school capacity in the area has been undertaken.

Views

- The scheme does not consider impacts on views from houses in Waltham Abbey.
- No landscape impact assessment was submitted as required by the Building Height Guidelines.
- Residents should be informed of any S.7 screening request.

Privacy

- Block A will result in overlooking of adjoining houses.
- The development is contrary to the Building Height Guidelines as it does not respect the sensitivities and impacts on the area.
- The red line boundary encroaches upon amenity areas of Waltham Abbey and should be revised.
- The emergency and pedestrian connection to Waltham Abbey should be omitted.

Over-shadowing

- Access to light and sun in Waltham Abbey will be diminished, particularly in the morning period in winter months, with energy and sustainability impacts
- There was no contact with residents in conducting the analysis of sunlight impacts and the analysis is not based on accurate survey plans.

- There are inconsistencies in the reported values and in identified separation distances.
- The assessment did not assess the Average Daylight Factor for existing houses in Waltham Court in accordance with BS EN 17037:2018.
- It is not correct that overshadowing of Waltham Abbey during the Winter Solstice arises from buildings other than the proposed development. These houses receive direct sunlight from the E/SE, which will be blocked.
- Given the elevated nature of surrounding development, such light is of increased significance. An Annual Probable Sunlight Hours assessment should be undertaken.
- No assessment of shadow impacts on adjoining amenity spaces was undertaken.

Character of Neighbourhood

- The nature and mix of housing conflicts with the development plan objectives and the character of the surrounding development.
- The western elevation presents a monolithic aspect to the existing community.
- The height of Block A is excessive and contrary to Building Height Guidelines for a suburban area.
- Dual aspect provision below Apartment Design Guideline standards and is not clearly identified.
- The younger, rental, transient nature of future residents will result in anti-social behaviour and impacts on surrounding residential amenity.
- Ownership and long-term management of the blocks is not adequately detailed.

Density and impact on human health

- The density is out of character with the area and is not in conformance with the development plan, LAP or the Building Height Guidelines.
- This suburban, dormitory town is not appropriate for higher densities, which will contribute to urban sprawl and inhibit the development of inner city / urban sites.
- Density and design does not consider the impact of transmissible diseases.
- No construction management details are provided or details of potential impacts of construction activity on adjoining residents, heritage or the environment.

- The WWTP is already at capacity and the development is therefore contrary to Objection 12.1 of the Development Plan.
- Other infrastructural deficiencies identified in the Draft SFRA are not referenced.

Potential Flooding

- Potential impacts on flooding within the Lee catchment has not been considered.
- A lack of concerns raised by Irish Water does not imply a lack of problems.

Heritage and Natural Environment

- The development does not comply with development plan or LAP objectives relating to the protection of heritage and archaeological sites.
- The site lies in or adjacent to Monument (C007-043) Power Mills and requires input from the National Monument Service.
- The application makes no reference to an adjacent historic lime kiln and store and potential construction impacts on its integrity.
- An EIAR should be prepared in respect of the application and its absence breaches the 2014 EIA Directive.
- No assessment of impacts on bats has been carried out, required under the Building Height Guidelines.
- The River Lee is an important corridor for wildlife, including annex I birds and aquatic life, and further assessment of potential ecological impacts is required.
- Assessment and Appropriate Assessment Screening should be undertaken given the uncertainty regarding effects on habitats.
- While it is stated that a Construction Management Plan was submitted, this is not available on-line, contrary to public participation requirements.
- Trees on the site have been assessed as viable, contrary to the conclusions of the applicants reports. Removal of such trees would be contrary to heritage and biodiversity objectives of the development plan.
- Taken in conjunction with past and future development in the surrounding area, the threshold for EIAR has been met.

Light Pollution

- Increased artificial light will impact on wildlife and adjoining residential amenities.

Construction Phase Issues

- Pre- and post-development structural condition surveys of adjoining houses should be undertaken to assess and mitigate potential impacts.
- A more specific and detailed construction management plan is required.

Identified Mitigation Measures:

- Block A should be omitted or alternatively reduced in height and relocated further away from houses in Waltham Abbey.
- A reduced level of development would reduce parking and traffic impacts and would address concerns regarding open space.
- The western elevation of Block A should be revised to avoid a monolithic elevation and angled away from no.'s 56-59 Waltham Abbey.
- Parking should be provided in line with development plan standards.
- Omit emergency access and pedestrian access from Waltham Abbey to obviate overspill parking on adjoining roads and impacts on adjoining amenity spaces.
- Provide sufficient access from Old Fort Road for service and emergency vehicles.
- Provide additional electric vehicle charging points.
- Submit revised plans avoiding encroachment onto Waltham Abbey open spaces.
- Undertake an independent shadow and daylighting study.
- Provide a minimum of 75% of units as dual aspect.
- Provide details of the long-term management of the development to adjoining residents.
- Submit a detailed Construction Management Plan to include on-site employee parking and a restriction on construction access to the site from Waltham Abbey.
- The construction management plan should identify potential impacts and mitigation measures, to be subject to condition.
- Conduct an archaeological survey of the site prior to construction.
- Add the lime kiln and its curtilage to the RPS prior to any development.
- PA to consider designation of the site as an ACA or an Area of Special of Planning Control.
- Remove luminaire 7A located within the Waltham Abbey amenity area and install measures to minimise glare and light spillage from the site.

- Prepare an EIAR, allowing for effective public participation, to include assessment of effects on adjoining amenity spaces, school capacity and landscape impacts, in compliance with EU law on the environment and habitats.

The development contravenes several national strategic outcomes of the NPF. It is contrary to several development plan and RESS objectives as well as being in breach of the planning acts and regulations, planning guidelines and EU law.

An oral hearing should be held given the scale, importance and complexity of the issues and restricted time limits for public participation.

8.0 Planning Authority Submission

The planning authority submission under S.8(5) was received on 05/08/2020:

A: Part 1: CE Views on the effects of the proposed development

- The Cork County Development Plan is the operative plan until a new Cork City Development Plan is adopted.
- Issues raised in submissions received on the application are noted.
- Summary of the views of elected members:
 - The site is part of the town centre redevelopment and is currently idle.
 - The layout works with site levels and maintains views across the site.
 - The scheme is in keeping with adjoining apartment development.
 - Query regarding the necessity for a creche facility on the site.
 - The treatment of site boundaries is questioned.

Assessment:

Policy

- The views expressed at pre-application consultation stage remain applicable.
- National planning policy promotes compact growth of cities and their suburbs.
- Ballincollig is identified as a major growth centre in the metropolitan area.
- Residential use is acceptable under the zoning objectives for the site, having regard to levels of retail vacancy in the town centre.

- The development is acceptable in principle. It brings a vacant site in the final phase of the overall town centre redevelopment, which is close to services and public transport, into residential use.

Design, layout, height and visual impacts.

- The proposed density is acceptable.
- The scale, height and massing is in keeping with development to the south.
- Suitable urban frontage and accessibility is provided and is not considered overbearing when viewed from Old Fort Road.
- The northern elevation has a good solid / void relationship and does not compete with the tower feature at the western end of the Crescent in views from the north.
- The development responds to the site and the height, scale and massing can be satisfactorily accommodated on the site. Visual impacts are acceptable. This is reflected in the report of the city architect.

Connections and permeability

- There is a lack of detail in relation to the pedestrian connection to Waltham Abbey. This estate is confirmed to be taken in charge.
- Connections to Old Fort Road are acceptable.

Internal space / amenity for future occupiers.

- The unit mix is satisfactory, and apartments generally meet the apartment design guidelines requirements.
- SPPR 4 relating to dual aspect apartments has been complied with for this central and accessible urban location.
- Most internal storage areas exceed minimum standards, although there is no bulk storage provision outside apartments.
- Ground floor / at-grade apartments should have own door access from Old Fort Road or courtyard spaces where achievable, as well as internal access.
- Analysis indicates that apartments exceed relevant daylighting standards.
- Apartment C107 adjoins the access road but will receive adequate daylight. While proximate to the footpath and roadway, these serve the scheme rather than being a public road.
- The location, quantity and design of bicycle parking is satisfactory.

- The proposal complies with the Apartment Design Guidelines and would provide a satisfactory standard of residential amenity.
- Creche use is acceptable. Conditions restricting use of the gym and creche are recommended.

Impact on adjoining residential amenity

- Block A will face houses in Waltham Abbey. Rear gardens will not be overlooked.
- The Daylight Sunlight analysis identifies insignificant impacts on adjacent buildings.
- The development would maintain adequate separation from dwellings to the west and south, and would not unduly overlook, overshadow or overbear adjoining residential properties.
- Operational noise impacts on adjoining houses will not arise.
- Construction impacts would be managed by the Construction and Environmental Management plan, although some disturbance could occur during construction.
- Conditions regarding construction hours are recommended.

Traffic and Transportation

- Internal reports raise no objections in terms of traffic and transportation.

Heritage

- The recommendation of the City Archaeologist includes conditions relating to monitoring and pre and post construction inspection of the lime kiln.
- It is not considered that the development will compromise the setting or character of the protected structure to the east of the site.

Drainage / Water

- Internal reports raise no objections.
- Irish Water did not raise any issue in relation to separation from the treatment plant and matters arising can be addressed by condition.

Fire Safety

- Concerns are identified which can be addressed during the fire safety certification application. The Building Height Guidelines notes that this is a separate regulatory process.

Conclusion

Subject to compliance with recommended conditions, the development is in accordance with proper planning and sustainable development.

Part II – Compliance with the development plan and Recommendation

The PA is of the opinion that the development is consistent with the provisions of the County Development Plan, Ballincollig LAP, as well as national and regional policy documents, and recommends that permission be granted.

B - Internal planning authority technical reports are appended as follows:

- Archaeologist
- City Architect
- Area Engineer
- Drainage
- Environment
- Fire Officer
- Housing
- Parks
- Traffic
- Urban Roads and Street Design (Planning)

C – Recommended Conditions

The planning authority recommend 35 no. conditions to attach to any decision of the Board to grant permission, including the following:

- 2 Archaeological monitoring of ground works and pre- and post-construction survey of the lime kiln and cum store.

- 4 Restrictions on the use of the creche and gym. Access to the gym to be restricted to residents of the scheme.
- 5 Boundary treatment along defensible space for ground level apartments and ensuring individual access to ground / street level apartments.
- 7 A DMURS Quality Audit, including Street Design Audit, shall be undertaken and all findings incorporated into the development.
- 8 Raised table / Shared surface to be provided at the junction with Old Fort Road. All amended vehicular, pedestrian and cyclist access points and surfaces shall be in accordance with DMURS.
- 10 All proposed vehicular and pedestrian access points shall be designed in accordance with DMURS.
- 11 Undertake Stage 2 / 3 / 4 Road Safety Audits.
- 12 Provision of a mobility management plan.
- 16 Surfacing of the proposed table top ramp.

9.0 Prescribed Bodies

Irish Water issued a Confirmation of Feasibility for connection to public water and wastewater infrastructure subject to the site investigations to determine the location and size of the existing IW assets crossing the lands.

Whilst a Statement of Design Acceptance has been issued, Irish Water has not received any site investigation report verifying the location of Irish Water sewers. The following conditions are therefore requested to attach to any grant of permission:

- The applicant must sign a connection agreement prior to the commencement of the development and adhere to the standards and conditions set out therein.
- The applicant must adhere to separation distances in accordance with Irish Water's Codes of Practice.
- The applicant must demonstrate separation distances can be achieved prior to commencement of any works on site in respect of minimum horizontal distance between the existing IW infrastructure to the new unit building(s)

- Where a diversion is required, the applicant must enter into a diversion agreement with Irish Water.

(Note: no submission from Cork City Council Childcare Committee was received.)

10.0 Oral Hearing Request

The observation received from Residents of Waltham Court have requested that an oral hearing be held in respect of this application. I note that Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

Having regard to the circumstances of this case, to the issues raised in the observations received by the Board, and the assessment set out in section 11.0 below, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

11.0 Assessment

It is proposed to consider the application under the following broad headings:

- Land use and development principle
- Design and Layout
- Linkages
- Proposed Residential Amenity
- Daylight and Sunlight

- Overlooking and Overbearing impacts
- Landscaping and Trees
- Transportation and access
- Water and Drainage
- Archaeology
- Part V

11.1. Land use and development principle

11.1.1. The application site is located to the north of the commercial town centre and is part of a wide area which is zoned for town centre uses (BGT- 03). This zoning objective includes extensive residential lands to the west and northwest of the site. The county development plan encourages housing in town centre locations to enhance their mixed-use character, while objective ZU 3-8 also encourages residential uses. I note reference in the LAP to relatively high levels of retail vacancy in the town centre and the provisions of the plan in this regard. The planning authority have not raised any objection on the basis of uses proposed and indicate that the development is permissible in this location. Having regard to the foregoing and my own observations of vacancy in the town centre, I do not consider that the development would compromise the town centre / retail function of Ballincollig and would otherwise be an acceptable use on these lands. The extension of the urban form to the north of Old Fort Road is considered to be reasonable and appropriate, contributing to the consolidation of the town centre, and is considered an appropriate location for higher densities.

11.1.2. I note the An Taisce submission with regard to sustainable transport patterns, however, having regard to the central location of the subject site and its proximity to town centre services and amenities, transport services, schools and health facilities, as well as recreational facilities, I consider that the proposed development would promote sustainable transport patterns and is an appropriate location for such development.

11.1.3. The proposed development is considered to be consistent with local, regional and national planning policy and will not result in any material contravention of development plan policies or objectives.

11.2. Design and Layout

- 11.2.1. I note submissions from third parties which raise concerns with regard to the appropriateness of the height, scale and density of development for this location, and also regarding the impact of the mix of housing on adjoining residential amenities.
- 11.2.2. The application site is not tightly bounded by adjoining development; however, the topography of the site does present some constraints on its development. The proposed scheme comprises three blocks linked at lower ground level by undercroft / podium car parking. The blocks are aligned roughly north-south, separated by landscaped courtyard areas. Building heights to Old Fort Road are 2 / 3-storey with an additional upper floor set-back. The fall in ground levels across the site provides for additional levels of accommodation, while maintaining the overall height of the blocks. Building heights relate to adjoining development to the south, while Block A is lower than B & C in recognition of the adjoining development to the west. Open space is essentially stepped / provided at three levels comprising street level public open space, podium level communal / shared private open space, and lower level public open space.
- 11.2.3. Old Fort Road functions as a relief route for the main street and provides access to residential lands to the northwest and to town centre parking. Current streetscape lacks active frontage on its northern side and to the west of the application site. The challenge for the development therefore is to create active street frontage connecting to the town centre, while taking account of the varied topography of the site. Building heights along the Old Fort Road frontage are considered satisfactory for the street. The intervening open spaces at street level are considered to achieve the stated design objective of maintaining views through the site toward the hills of the Lee Valley and softening the frontage, without compromising the creation of suitable urban streetscape. In this regard, and in the context of the town centre location of the site, I consider the proposed building heights and relationship with Old Fort Road to be satisfactory.
- 11.2.4. A Materials and Finishes Report was submitted with the application. Proposed finishes are primarily coloured render to main elevations, with brick and concrete at lower podium level and metal cladding to upper floors. It is stated that the materials were selected on the basis of aesthetics, durability, quality, economy & low

maintenance. The applicants also refer to the surrounding pattern of development within the town centre. There is some merit in their reference to the Crescent apartments to the south, which although largely rendered, have not degraded visibly over the 16 years since construction and have generally maintained a high-quality appearance. The proposed use of brick on the lower ground level elevations is welcome, particularly given their orientation and will provide for quality finishes at these locations. Proposed landscaping and surface finishes are acceptable I do not otherwise consider the choice of material as inappropriate. The overall design approach, combined with proposed landscaping measures is considered to deliver a satisfactory standard of development. In this regard, I note the report of the Cork City Architect, which concludes that the development would be a welcome addition to the development of the town.

11.2.5. Adjoining development in Waltham Abbey to the west comprises two-storey terraced houses separated from the site boundary by intervening open space, approx. 20m wide at the closest point. Separation between Block A and the front of adjoining houses will be approx. 27m. When viewed from the west, Block A will appear effectively as a four-storey block, with additional floor set-back, within landscaped open space. I note observers' submissions on the file, however, having regard to the urban context of the site, the orientation of existing and proposed development and the separation distances arising, I do not consider that significant overbearing impacts on Waltham Abbey will arise. Other potential impacts are considered in more detail below, including the mix of housing units.

11.3. Linkages

11.3.1. Third party submissions have raised concerns with regard to the proposed pedestrian and emergency vehicular access between the development and Waltham Abbey to the west. It is argued that there is no requirement for this access which will impact on the adjoining open space and give rise to additional traffic movements and potential overspill parking on adjoining residential roads. Ownership of the lands to complete these works has also been raised.

11.3.2. Access to the development is provided primarily from Old Fort Road. In addition, an emergency vehicle access is proposed from Waltham Abbey to the west, to be

provided with collapsible bollards. I note submissions from adjoining residents and consider that restricting use of such entrance to emergency access only could be adequately controlled by condition. It is also proposed to provide a pedestrian gate at this location. It is not clear whether this would be restricted to resident use only or available for general public use.

11.3.3. In principle, the creation of pedestrian linkages and connectivity is regarded as a positive design approach. The proposed route in this case is open and would be well supervised. Having regard to the short length of the connection to the end of the existing turning area, I do not regard severance of the existing adjoining open space to be a significant issue. The pedestrian route would provide only a minor gain for residents of Old Quarter in terms of walking distance to the town centre, however, the achievement of further link to the laneway along the northern boundary of the site would provide improved access to local recreational facilities, including the regional park. This lane currently provides access to the municipal wastewater treatment plant and soccer grounds, and it is not clear whether this connection can be provided as part of the application.

11.3.4. There is little detail provided in relation to works associated with these connections, although it has been confirmed that Waltham Abbey has been taken in charge. The proposed pedestrian connection will not link directly with the footpath network in Waltham Abbey, however, this comprises a quiet residential cul-de-sac akin to a shared space and I do not consider that pedestrian movements would give rise to significant traffic safety concerns. I note comments with regard to the connection facilitating overspill parking in Waltham Abbey, however, any such impacts arising could be adequately addressed through traffic management and enforcement measures. Waltham Abbey has been taken in charge and in this regard, it is within the control of the planning authority to undertake improvement works at this location and I consider that final details in relation to such pedestrian connection should be agreed with the planning authority. The application identifies the provision of one public lighting lamp standard outside the application site boundary and within the open space of Waltham Abbey adjoining the proposed link. The lighting design document does not take account of existing public lighting at this location and revisions to the submitted scheme would be required in this regard.

11.4. Proposed Residential Amenity

11.4.1. Third party submissions argue that the level of social and physical infrastructure in the town is insufficient to support this development. Concerns are expressed with regard to the mix of units within the development. Submissions maintain that open space provision within the development is inadequate and will give rise to additional demands on open space in adjoining residential areas. Submissions also argue that an increased level of dual aspect apartment provision should be achieved.

11.4.2. The site is located adjacent to existing town centre services, amenities and public transport, as well as public recreational areas to the north, including the Regional Park, which all contribute to the achievement of potentially high levels of residential amenity. I note the provisions of the LAP for the area, which recognises the need for expanded community facilities in the town.

11.4.3. The mix of units is set out below:

	1-Bed	2-Bed (3 person)	2-Bed 4 person	Total	Dual Aspect Units
Block A	13	1	25	39	18
Block B	16	0	28	44	16
Block C	10	0	30	40	20
TOTAL	39	1	83	123	54
Unit Mix	31.7 %	68.3 %			43.9 %
Site area	1.0653ha			Density	115 / ha

11.4.4. The mix of unit types is regarded as acceptable having regard to the town centre location and the pattern of lower-density residential development in the surrounding area. Apartments generally achieve or exceed the standards set out in the Apartment Design Guidelines in terms of internal floor space, ceiling heights and storage. Ceiling heights in ground floor units are identified as 2.89m, with all other floors provided with heights of 2.7m. The requirement of section 3.8 of the Apartment Design Guidelines are met, and the design quality report notes that 91% of units exceed the required floor areas by more than 10%. Terrace / balcony provision is generally satisfactory and in excess of guideline requirements.

Separation between opposing windows and balconies within the proposed development, across courtyard space, are sufficient to address potential overlooking and privacy impacts within the development.

- 11.4.5. The Housing Quality Assessment Report submitted with the application notes the predominant east-west orientation of apartments and the availability of views north to the Lee Valley hills. The application states that a minimum of 54 no. units / 43.9% of the apartments are dual aspect. Notwithstanding this stated level of provision, I do not consider that 11 of the identified units could be properly described as dual aspect. The level of provision therefore falls to approx. 34%. This is below the 50% requirement of SPPR4(ii) for suburban or intermediate locations, however, the subject site is regarded as a town centre site close to quality public transport. The blocks are generally orientated along a north-south axis to maximise easterly and westerly aspects. The reduced standard of provision of 33% outlined in section 3.17 and SPPR4 may therefore be regarded as acceptable in this case. I therefore consider that the requirements of SPPR4 are satisfied.
- 11.4.6. The constraints of the site in terms of topography and road frontage present difficulties in the landscaping and provision of open space. This is addressed through the provision of two landscaped podium level areas between the blocks, overlooked by apartments. These areas sit below the level of the street and the intervening landscaped public open spaces. At the northern, lower level of the site, further landscaped areas are provided providing visual connectivity to public open space / recreational lands to the north. All open space areas are overlooked by residential units. The apartment design guidelines identify a minimum requirement for 782-sq.m of communal open space. This is provided as internal amenity space within the development including gym, multi-functional rooms and communal lounge at lower ground level and podium level, as well as the external landscaped courtyard space. In terms of the quantum of provision and the form of open space, I regard the proposed development as acceptable for these centrally located lands. The availability and proximity to active recreational lands / regional park to the north of the site provides additional amenity opportunities for future residents and I do not consider that material erosion of the amenity value of adjoining public open space land within Old Quarter will arise.

- 11.4.7. The treatment of level changes across the site results in the provision of two significant retaining walls, in the southwestern corner adjoining block A, and along the site access road, east of Block C. In the southwestern corner of proposed development, a difference of approx. 6.5m arises between the second floor / street level accommodation at Old Fort Road and the ground floor accommodation. The resulting retaining wall is provided at an angle away from Block A and reduces in height with distance. Landscaping includes earth mounding at its base with semi-mature tree planting and climbing plants added to help screen and soften the wall. Apartment unit A.004 adjoins this retaining wall and has a westerly orientation. Notwithstanding this proximity, the assessment of daylighting indicates that this dwelling will still receive adequate levels of daylight in accordance with relevant guidance documents.
- 11.4.8. The retaining wall on the east side of the development adjoins the main ramped access road to the site. At its highest point there is an approx. 6.5m change in levels between Old Fort Road and the ground floor level / parking level at this location, requiring a concrete retaining wall. Planting is proposed to soften the appearance of this wall at ground level. First floor apartment C.107 faces onto the top of this retaining wall and the adjoining road / footpath. The balcony serving this apartment will lie within 2m of the roadside boundary, increasing to approx. 3.5m for living room windows. While analysis indicates that adequate levels of daylighting will be achieved by this unit, I consider that some additional treatment of the roadside boundary in order to protect the privacy of residents of this unit would be appropriate. I note that this access road is not a through route and will not likely experience large volumes of pedestrian or vehicular traffic and the proposals are otherwise regarded as acceptable in this regard.
- 11.4.9. An assessment of noise emissions from the wastewater treatment plant to the north of the site was undertaken. Recorded noise levels on the site were dominated by noise from Old Fort Road and it is reported that the treatment plant was not audible during the assessment period. Predicted noise levels at the northern façade of the development fall within referenced day and night-time criterion and no mitigation measures are proposed arising from the recorded and predicted noise values. At time of inspection noise or odour from the treatment plant were not noted to be significant issues. The development is identified as occurring >50m from the closest

treatment process area (sludge digestion / PFT), while the main process area is located at the northern end of the WWTP site. No objections in this regard were raised by the planning authority or Irish Water and I do not consider that the extent of the exclusion zone would be a material reason for refusal in this case.

11.5. Daylight and Sunlight

- 11.5.1. Third party submissions are concerned with regard to the impact of Block A in particular on daylight and sunlight to existing residential development in Waltham Abbey. Submissions raise queries with regard to the adequacy of assessment undertaken.
- 11.5.2. The Daylighting and Overshadowing Report submitted with the application considers daylighting to proposed residential units, lighting to proposed amenity spaces, and daylighting and overshadowing of existing adjoining buildings. The assessments reference BRE guide BR 209: "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice, (Littlefair, 2011) and to the standards outlined in BS EN 17037:2018 "Daylight in Buildings" (BSi, 2018).

Proposed residential units

- 11.5.3. Proposed apartments are predominantly east and west facing and there are no north facing units proposed within the development. The proposed floor to ceiling heights will enhance daylight in the habitable rooms. The submitted daylighting assessment considers a selection of worst-case scenario apartments, located at the base of their respective blocks, adjoining the retaining walls, or facing on to the Old Fort Road (2nd floor) where they may experience overshadowing from The Crescent development. The scope of the assessment is regarded as satisfactory in this regard. The Average Daylight Factor (ADF) analysis indicates that all assessed units exceed the minimum guideline requirements.

Proposed amenity spaces

- 11.5.4. The assessment of sun lighting of amenity spaces within the development concludes that 70 – 74% of the east and west podium courtyard spaces will achieve more than two hours of direct sun lighting on 21st March. This would exceed the minimum requirements of BR209, however, the southern and southwestern corners of the

courtyard spaces will not appear to receive direct sunlight. Having regard to the extent of sunlighting otherwise achieved and the daylighting analysis for the adjoining apartment units, this is not regarded as a significant design issue.

Existing adjoining development

- 11.5.5. In terms of overshadowing, existing sensitive receptors identified in the analysis are Waltham Abbey Housing Estate to the west, the Crescent Apartments to the south, Ballincollig Medical Centre to the east and Ballincollig Community Nursing Home to the northeast. The analysis indicates that no overshadowing will occur during the summer sunshine months and minimal overshadowing during winter and spring months. The analysis indicates that houses in Waltham Abbey are already subject to some overshadowing from The Crescent development to the south in the am period. The proposed development will result in some additional shadowing of areas of public open space but will not impact directly on residential properties within that development. Significant impacts are not anticipated in this regard.
- 11.5.6. Daylighting to existing sensitive receptors is also considered. Significant impacts on daylighting to ground floor windows in Ballincollig Medical Centre, The Crescent apartments or Ballincollig Nursing Home are unlikely having regard to separation distances arising and the height of the proposed development. Houses in Waltham Abbey have greatest potential for impact on daylighting. An assessment of the vertical sky component, however, indicates that all ground floor windows exceed the 27% reference value and no significant effect from the proposed development is therefore identified. This assessment considers ground floor rather than first floor windows as suggested in submissions on the file. Submissions also refer to the use of BS EN 17037:2018 “Daylight in Buildings”, however, I note that this standard is intended for use for new development rather than the assessment of impacts on adjoining development.
- 11.5.7. Having regard to the information available on the file, I do not consider that significant negative impacts on adjoining residential amenity in terms of daylighting and sunlighting will arise and that satisfactory levels of amenity for future residents of the development will be achieved in this regard.

11.6. **Overlooking and Overbearing impacts**

- 11.6.1. Third party submissions raise concerns with regard to the height and scale of development and potential overlooking and overbearing impacts of Block A on existing houses in Waltham Abbey, and an associated reduction in their residential amenities. Amendments to the development are proposed to address these issues.
- 11.6.2. Waltham Abbey comprises primarily two-storey terraced and semi-detached houses, sited approx. 6-7m lower level than Old Fort Road and the ground floor level of the Crescent apartments to the south. Proposed apartment ground floor levels are similar to those of the adjoining houses in Waltham Abbey. At the closest point, separation between the proposed Block A and adjoining houses is approx. 27m increasing to the north. In terms of relationship with Waltham Abbey, the proposed development will appear as a four-storey block (Block A), with fifth floor set back. Having regard to separation distances arising, it is not considered that overbearing impacts on the closest residential properties will arise.
- 11.6.3. The private amenity space of houses in Waltham Abbey will not be subject to potential overlooking and having regard to the orientation of the houses, significant impacts on residential amenity in terms of overlooking or loss of privacy are not anticipated. While there will be a change to the aspect of these closest houses to the west, having regard to the central location of these lands, such change is not regarded as unacceptable.
- 11.6.4. Apartments in The Crescent to the south of Old Fort Road, face north to the proposed development. Separation between opposing windows and balconies in the two developments will be sufficient to avoid significant impacts on privacy and amenity, while maintaining a sense of enclosure of the street. It is not considered that the development will otherwise impacts on the amenities of these properties.

11.7. Landscaping and Trees

- 11.7.1. Third party submissions raise concerns regarding the loss of trees and impacts on biodiversity. There are mature trees on the northern part of the site, below a sloping bank, which include a number of oak trees. A line of tall evergreen trees bound the site of the municipal wastewater treatment plant to the north of the site. The application was accompanied by a Tree Survey Report which identifies 17 no. trees on the site (6 no. oak, 6 no. Lawson Cypress with other self-seeded willow, hawthorn

and birch trees). Removal of cypress trees is recommended in the submitted report as they are impeding growth of oak trees and also of other low value trees. In total 13 no. low value trees are to be removed from the site, while four oak trees will be retained. One oak tree in good overall condition will be removed to facilitate the development. The landscaping scheme provides for relatively significant replacement planting along the northern boundary and the proposals in this regard are satisfactory. The existing boundary fence and planting to the eastern boundary to the community nursing centre to the east will be retained.

11.7.2. Internal planning authority reports confirm that the proposed treatment of existing trees on the site is satisfactory and the proposed measures will ensure the longer-term protection of retained trees. Based on the information on the file, this conclusion is considered to be reasonable. Overall landscaping proposals are otherwise satisfactory. The site does not generally provide suitable habitats for wildlife or species of conservation interest. Tree felling should be undertaken in accordance with the advice of a suitably qualified ecologist to obviate potential impacts on bats.

11.8. **Transportation and access**

11.8.1. Third party submissions raise issues with regard to existing congestion on Old Fort Road and query the scope and conclusions of the transport impact assessment. Submissions refer to deficiencies in existing public transport services and the likely car dependent nature of the proposed development. Deficiencies in parking provision and the potential for over-spill parking on adjoining residential roads are also identified by observers and it is requested that the proposed access to Waltham Abbey be omitted or restricted in use.

11.8.2. Observers express concerns with regard to the design and layout of internal roads and with the design of the junction with Old Fort Road, and refer to deficiencies in the audits and assessments undertaken in this regard. Submissions object to the potential for the routing of construction traffic through Old Quarter and indicate that the Construction and Environmental Management Plan was not available on-line.

11.8.3. I note that the site is well located in the town centre, within walking distance of services and amenities, including public transport services. Ballincollig is currently

served by regular bus connections to Cork City and I note the provisions of the Cork Metropolitan Area Transport Strategy for improved public transport and cycle linkages in the area.

- 11.8.4. A Traffic and Transport Assessment was submitted with the application. The assessment of traffic flows in the area is stated to include the Westfield office development at the western end of Old Fort Road, which is currently under construction (PA ref. 19/4699). The assessment of trip generation is stated to include the proposed creche.
- 11.8.5. The assessment indicates that the development will result in a minor increase in peak hour traffic flows on Old Fort Road (0.3 - 3.6%) in the modelled years. The assessment of junctions indicates that the network will continue to operate within capacity with the proposed development, except for eastern and western signalised junctions of Old Fort and the R608. The western Muskerry / Old Fort Road junction will approach capacity in 2026 in the With and Without Development scenarios, however the impact of the proposed development in this regard is not significant. The eastern junction will operate well above capacity in 2021 without the proposed development, with congestion on the R068 eastern approach particularly in the AM peak, however, it is concluded that the development will not contribute significantly to such congestion at this junction in future years.
- 11.8.6. The analysis submitted indicates that the development will not impact significantly on the operation of the surrounding road network. Estimated trip generation is based on floor areas and does not account for the reduced level of car parking available, and in this regard may be regarded as a relatively conservative assessment of traffic generation. While I note the network capacity issues identified in the transport assessment, having regard to the town centre location of the development, I do not consider it reasonable to restrict development on the basis of such impacts and I note the reports of the planning authority transportation section in this regard.
- 11.8.7. An outline Mobility Management Plan has been submitted with the stated aim to encourage accessibility by sustainable travel modes as opposed to car-based trips. The principles and outline recommendations contained in this Outline MMP will form the basis of a Mobility Management Strategy for the development, which will

be subject to ongoing review. The MMP contains a number of commitments, however, it acknowledges that such measures are founded principally on the initial design and location of the development. I note proposals for improvements to public transport infrastructure and connectivity in the town set out in CMATS, although such proposals remain at draft stage only.

- 11.8.8. I note the DMURS Compliance Statement submitted with the application, however, this comprises a description of the development rather than a technical appraisal or review of the development. A Quality Audit (Preliminary Design Stage) has also been submitted, which includes a Road Safety Audit (Stage 1). Planning authority reports note that a DMURS Street Design Audit has not been prepared in respect of the development, as an input to the Quality Audit. Having reviewed the documentation and drawings submitted and planning authority reports, I consider that the development has had regard to the provision of DMURS and that the requirement for a Street Design Authority as recommended can be adequately conditioned.
- 11.8.9. The Stage 1 Road Safety Audit identified a number of issues relating to the junction with Old Fort Road. The design response is the provision of a raised tabletop junction, while revisions to road markings are to be implemented in consultation with the roads authority. The design team confirm that visibility at the junction is in compliance with DMURS and the Area Engineer confirms that sightlines are acceptable. The planning authority recommend that Stage 2, 3 and 4 audits should be undertaken as part of the development, which is considered reasonable. There is no existing pedestrian crossing point at this location on Old Fort Road and an uncontrolled crossing is proposed at the junction with Old Fort Road. Final details in this regard should be agreed with the planning authority.
- 11.8.10. The junction with Old Fort Road will also serve the adjoining medical centre. Some realignment of the access to this existing development will be undertaken as part of the proposed development, which will be set-back approx. 15m from the Old Fort Road carriageway edge. Having regard to the traffic speeds which will arise at this junction, I do not consider that significant road safety issues arise at this location and I note the requirement to undertake stage 2, 3 and 4 Road Safety Audits of the proposed development in this regard.

- 11.8.11. The gradient of the proposed access road is 1:12, which is at the upper limit of recommended gradients for accessibility. I note however, the existing topography of the site and the availability of alternative means of access to lower levels and do not regard the proposals as unacceptable in this regard. In accordance with the provisions of DMURS, measures such as intermediate landings may be considered to ensure that pedestrian routes are accessible.
- 11.8.12. It is proposed that the west-east cycle lane will have priority at the Old Fort Road junction. The plans show the stop line set back behind the inside of the footpath, however, the identified sightlines (45m) for exiting vehicles at this location are shown forward of this stop line. I note third party submissions in this regard, however, DMURS Advice Note 3 indicates that sightlines should be measured from the outside edge of a footway or where appropriate from the nearside edge of the cycle track. On this basis it is considered that the development is in compliance with DMURS and that the set-down parking spaces will not interfere with sightlines at the junction.
- 11.8.13. The development plan requires the provision of 154 no. residential car parking spaces and 6.5 no. spaces for the proposed creche, totalling 160 no. spaces. The development provides 98 no. car parking spaces on the site, comprising 89 no. residential spaces plus 3 no. additional electrical vehicle spaces and 6 no creche spaces, which equates to 80% of development plan requirements or approx. 0.75 spaces per dwelling. In addition 112 motorcycle parking spaces are provided. The applicants reference the proximity of the site to public transport services and a commitment to sustainable transport, including the implementation of a Mobility Management Plan. These proposals are acceptable to the planning authority and I consider that reduced levels of provision are appropriate for this central location in order to encourage alternative transport modes.
- 11.8.14. 272 no. cycle parking spaces are provided at an average of 2.2 per apartment. The level of bicycle parking is generally regarded as satisfactory, exceeding the requirements of the Apartment Guidelines. I note however, that access to the bicycle parking rooms under Blocks B and C are not ideal, requiring movement from the car park through two sets of double doors with a bike. Direct access similar to that provided under Block A would be preferable.

11.8.15. In terms of construction traffic impacts I note the third-party submissions and the content of the outline Construction Environmental Management Plan submitted with the application. This plan provides for construction access to the site from Old Fort Road and provision of on-site parking for construction employees. These matters may be adequately addressed by condition. The submission of Waltham Abbey Residents Association indicates that the Construction Environmental Management Plan was not available for review on the application website. I have reviewed the submitted and documentation published on-line and am satisfied that the Construction Environmental Management Plan is available on the application website.

11.9. **Water and Drainage**

11.9.1. Third party submissions refer to deficiencies in water, drainage and utility services capacity to accommodate the proposed development. Submissions refer to a lack of surface water drainage proposals in accordance with SUDS principles and a consider potential flooding impacts. Potential amenity impacts from proximity to the wastewater treatment plant are also raised in submissions.

11.9.2. The development site is served by water and drainage infrastructure which was originally provided as part of the overall Ballincollig Town Centre redevelopment. The site is not located in an area identified as being at risk of flooding, and is classified as Flood Zone C. There is a connection to mains water supplies available on Old Fort Road.

11.9.3. An existing 900mm \varnothing storm drain passes southeast – northwest through the site, which will be diverted as part of the development. A wayleave is to be implemented in respect of this diverted main. Drainage design provides for the collection and discharge of surface water to this sewer. It is indicated that the existing sewer network, which serves the town centre area, has sufficient capacity downstream of the application site to accommodate the proposed development, including an allowance for climate change, however, the submitted design details do not provide for any SUDS or attenuation measures. Internal planning authority reports raise no objection to the proposed drainage design subject to conditions including the attenuation of surface water discharge to QBAR, which I consider reasonable,

having regard to the extent of impermeable surfaces proposed. Surface waters should not be permitted to flow off-site and impacts on the drainage of adjoining lands are not anticipated.

11.9.4. Two existing mains foul sewers join in the north-eastern corner of the site, before continuing northwest toward the municipal wastewater treatment plant to the north of the site. The development proposes to connect into this mains network at this junction and Irish Water have confirmed that such a connection can be facilitated based on current network capacity. I note the location of the proposed ESB substation which appears to encroach upon the proposed sewer wayleave. This matter may be subject to condition. Having regard to submissions on the file, there would not appear to be basis to conclude that there is not infrastructural capacity to accommodate the proposed development.

11.9.5. With regard to waste storage, I note the provisions of the Apartment Design Guidelines which recommend the avoidance to waste storage in basement areas. In the context of the proposed development and the prevailing topography of the site, however, I regard the proposals in this case as acceptable and note that access for services vehicles should not present difficulties. Swept path analysis is submitted with the application and I note that the Transportation Section of the planning authority were satisfied with the proposed arrangements.

11.10. Archaeology

11.10.1. Third party submissions refer to potential impacts on features of architectural and archaeological heritage interest in the area, particularly those associated with Monument (C007-043) , Ballincollig Power Mills. A failure to identify and assess an associated adjacent historic lime kiln and store is raised in submissions.

11.10.2. With regard to the historic lime kiln and store to the north of the site, I note that these structures are dated to late 18th / early 19th C and are not recorded on the Record of Monuments and Places. I note the report of the City Archaeologist in this regard, who concludes that while these structures are of industrial and historical significance, they are located outside the development site and are not directly affected by the development.

11.10.3. I note that construction access to the site is proposed from Old Fort Road, at a remove from the kiln site, and not via the intervening laneway. The generally accepted criterion in relation to vibration emissions from construction activity are BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration. I consider that adherence to the criteria set out in these documents would adequately mitigate any potential impacts off-site impacts of construction activity on the surrounding area. Having regard to separation from this historic feature, I do not consider that direct impacts on the structure are likely or that indirect effects on its character and setting would arise from the proposed development.

11.10.4. Having regard to the archaeological potential of the wider area, I consider that conditions relating to monitoring and supervision of site development works by a suitably qualified professional would be appropriate in the event of a decision to grant permission in this case.

11.10.5. I note the presence of the medical centre (protected structure) and other structures to the east, which were part of the original barracks complex and which have themselves been subject to extension and modification. Having regard to the surrounding pattern of development and context of these structures, I do not consider that the proposed development would have a significant negative impact on the setting or heritage value of these properties.

11.11. **Part V**

11.11.1. The Part V proposal is for the transfer of 12 no. units / 10% of units to the local authority (6 no. 2-bed and 6 no. 1-bed units) and cost estimates in this regard are provided. These units are identified on the plans and are distributed through the development. Planning authority reports note that these proposals were generally acceptable but that the proposals do not provide 10% of the floor area and may therefore not achieve the full net monetary value. The final location of units should therefore be subject to further formal agreement via standard conditions.

12.0 Appropriate Assessment Screening

12.1. The proposed development comprises the development of 123 no. apartments and associated development on a previously disturbed site, within / adjacent to the town centre of Ballincollig. The site is bounded by urban development to the east, south and west, while the municipal wastewater treatment plant is located to the north of the site. The River Lee flows west-east approx. 400m north of the site. The closest European sites to the application site are:

- Cork Harbour SPA (004030), approx. 10km east / downstream.
- Great Island Channel SAC (001058), approx. 17km east / downstream.
- The Gearagh SAC (000108) and SPA (004109) approx. 25km west / upstream.

Cork Harbour SPA:

Objectives:

- To maintain the favourable conservation condition of species of conservation interest in Cork Harbour SPA, as defined by identified attributes and targets, in terms of population trend and distribution. More detailed attributes and targets in respect of Common Tern are identified.
- To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it, as defined by attributes and targets in relation to habitat area.

Qualifying Interests:

Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern, Wetland and Waterbirds.

Great Island Channel SAC:

Objectives:

- To maintain the favourable conservation condition of habitats of conservation interest in the SAC, as defined by identified attributes and targets.

Qualifying Interests:

Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows,

The Gearagh SAC:

Objectives:

- To maintain the favourable conservation condition of habitats and species of conservation interest in The Gearagh SAC, as defined by identified attributes and targets.

Qualifying Interests:

Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation, Rivers with muddy banks with *Chenopodium rubri* p.p. and *Bidentium* p.p. vegetation, Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, *Lutra lutra* (Otter).

The Gearagh SPA:

Objectives:

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests.
- To maintain or restore the favourable conservation condition of the wetland habitat at The Gearagh SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

Qualifying Interests:

Wigeon, Teal, Mallard, Coot, Wetland and Waterbirds

12.2. The Gearagh SAC and SPA are located at a considerable distance upstream of the application site and it is considered therefore that no pathway for impacts thereon arises in terms of habitat loss or modification, or disturbance. The site does not

provide any suitable ex-situ foraging habitats for bird species identified as species of conservation interest for The Gearagh SPA.

- 12.3. With regard to Cork Harbour SPA and Great Island Channel SAC, it is considered that the primary threats to the achievement of the conservation objectives for those sites arise from habitat loss / modification and disturbance, and which would result in the displacement of species of conservation interest or a reduction in their numbers. Ex-situ habitat changes or disturbance in locations outside of the SPA but ecologically connected thereto, may also impact on the sites.
- 12.4. The development will not result in any direct loss of habitat with these sites. Having regard to separation distance from Cork Harbour SPA and Great Island Channel SAC, disturbance of species during construction or operation phases are not considered likely to arise. The site does not provide any suitable ex-situ foraging habitats for waterbirds identified as species of conservation interest for the European sites. There is no direct connection between the application site and these European sites.
- 12.5. The pathway for potential impacts on these downstream sites is via the discharge of wastewater to the municipal wastewater treatment plant. Ballincollig WWTP discharges to the River Lee which flows to Cork Harbour approximately 11 km downstream of the WWTP. The WWTP has a capacity of 33000pe and is licenced by the EPA (D0049-01), which process itself is subject to AA screening. I note that Irish Water have confirmed that connection to mains services is acceptable in principle in terms of network capacity. The scale of development proposed on these serviced lands is not significant and will give rise to marginal additional loading on the treatment plant. The 2018 AER for the plant noted that it was non-compliant with emission limit values in 2017 for nitrogen and ammonia, but that such exceedances did not have an observable impact on water quality or on Water Framework Status. Water quality is not identified as a conservation objective for these downstream European sites. It is not considered therefore that the development will give rise to likely significant direct or indirect effects on downstream European sites.
- 12.6. With regard to in-combination or cumulative effects on these downstream European sites I note the potential hydrological pathway. This project should be viewed in the context of development within the wider Cork City area wherein such development

could potentially act in a cumulative manner through increased wastewater flows to municipal WWTP's and subsequent discharge to the River Lee and Cork Harbour. I note that the licensing process for those treatment plants by the EPA is subject to AA. The scale of development proposed on these serviced lands is not significant and with regard to in-combination impacts, given the negligible contribution of the proposed development to wastewater discharge within the wider city area, I consider that any potential for in-combination effects on water quality in Cork Harbour can be excluded.

12.7. Conclusion

It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effect on European sites, Cork Harbour SPA (004030), Great Island Channel SAC (001058), The Gearagh SAC (000108), The Gearagh SPA (004109), or any other European site in view of the sites Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

I reach this conclusion without having regard to any mitigation measures to avoid or reduce the potentially harmful effects of the project on any European Site.

13.0 Conclusion and Recommendation

The proposed demolition development is acceptable in principle on this site. The development of this town centre sites and the achievement of higher densities of development is acceptable having regard to its regard to its central / accessible location and proximity to local amenities and services. The design and layout are acceptable and, notwithstanding third-party submission on the application, I am satisfied that the development will not give rise to unacceptable impacts on the amenities of the surrounding area. The development achieves satisfactory levels of residential amenity for future occupiers. The access arrangements are considered

acceptable subject to final design details being agreed with the planning authority. Impacts on trees will not significantly negatively impact on the visual amenities or landscape of the area. Arrangements for the drainage and servicing of the site are acceptable. Significant impacts on the architectural or archaeological heritage are not anticipated.

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

14.0 Recommended 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 11th Day of June 2020 by O'Flynn Construction Company Limited care of McCutcheon Halley Planning, 6 Joyce House, Barrack Square, Ballincollig, Co. Cork.

Proposed Development:

The development will consist of:

- a) The construction of 123 no. residential units in 3 no. blocks which range in height from 3 to 6 storeys and comprising a mix of 1 & 2 bed apartments;
- b) 1 no. creche / childcare facility, internal residential amenity space and residents gym;
- c) The provision of landscaping and amenity areas including play / amenity areas at podium level;
- d) The provision of a set-down area, footpaths, cycle lane and table-top junction arrangement at the access to the development on the Old Fort Road; and

- e) All associated ancillary development to include pedestrian/cyclist facilities, lighting, drainage, boundary treatments, bin storage, plant, ESB Sub-station and bicycle, motorbike and car parking provided at ground and under-croft level.

at Old Fort Road, Ballincollig, Co. Cork.

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

Having regard to

- i. the central location of the site and the town centre zoning objectives in the Ballincollig Carrigaline Municipal District LAP 2017, wherein residential use is permissible in principle,
- ii. to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2015 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2019,
- iii. the nature, scale and design of the proposed development,

- iv. the availability in the area of a wide range of social infrastructure in proximity to the site,
- v. to the pattern of existing and permitted development in the area,
- vi. the submissions and observations received by An Bord Pleanála in relation to this application.
- vii. The Chief Executive's Report from the Planning Authority; and
- viii. The report of the planning inspector

The Board 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 and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment

Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, there is no real likelihood of significant effects on the environment arising from the proposed development. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority.

15.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the, except as may otherwise be
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	<p>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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development on the site details in respect of the following shall be submitted to and agreed in writing with the planning authority.</p> <p>a) Provision for own-door access to Apartments A.001 – A.004, A.105 – A.108, B.101 – B.107, C.101 – C.103, A.209 – A.210, B.209 – B.210 inclusive communal areas or Old Fort Road via their balconies / terrace areas.</p> <p>b) Measures to protect and enhance the privacy of apartment C107 having regard to its proximity to the adjoining road and footpath.</p> <p>c) The ESB substation shall be relocated to a position outside of the drainage wayleave.</p> <p>Reason: In the interests of traffic safety and residential amenity and the encouragement of sustainable transport modes.</p>
3.	<p>A Quality Audit, incorporating a Street Design Audit in accordance with Advice Note 4 of the Design Manual for Urban Roads and Streets, shall be undertaken in respect of the development. The scope of the audit shall be submitted to and agreed in writing with the planning authority and shall include gradients along internal access routes. All findings of the audit</p>

	<p>shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of pedestrian and cycle safety and convenience</p>
4.	<p>Final design details with regard to the proposed raised table / shared surface at the junction of the development access road and Old Fort Road shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on the site. Such details shall include the final design of pedestrian crossings, surface materials and the design of traffic islands. The final design shall adhere to the provisions of the Design Manual for Urban roads and Streets.</p> <p>Reason: In the interests of road safety</p>
5.	<p>A Stage 2, 3 and 4 Road Safety Audit shall be undertaken in respect of the proposed development. The audits and associated design responses shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interests of road safety</p>
6.	<p>a) Use of the proposed gym shall be restricted to residents of the proposed development and any change of use of this facility shall be subject to a grant of planning permission.</p> <p>b) Use of the proposed creche shall be restricted to uses which fall within Class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001-2018.</p> <p>Reason: In the interests of residential amenity.</p>
7.	<p>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</p>

	<p>commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<p>Proposals for a development naming and 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 dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
10.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 92 No. clearly identified car parking space shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in</p>

	<p>association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.</p> <p>(b) Bicycle parking rooms below Block B and C shall be provided with direct access and shall avoid the requirement for movement of bicycles through two doorways.</p> <p>(c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.</p>
11.	<p>Prior to the 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. The strategy shall be subject to annual review with the planning authority.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
12.	<p>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</p>

	<p>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.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>
13.	<p>The developer shall enter into water and / or waste water connection agreement(s) with Irish Water, prior to commencement of development. The applicant must demonstrate separation distances can be achieved prior to commencement of any works on site in respect of minimum horizontal distance between the existing Irish Water infrastructure to the new unit buildings.</p> <p>Where a diversion is required, the applicant must enter into a diversion agreement with Irish Water prior to commencement of any works on site.</p> <p>Reason: In the interest of public health.</p>
14.	<p>a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>b) The diversion of the 900mm storm sewer shall be completed prior to the commencement of any construction activities in the vicinity of the exiting storm sewer. Full details of such works shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>c) 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.</p> <p>d) 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</p>

	<p>infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management</p>
15.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces final details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take account of existing public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
16.	<p>a) The site shall be landscaped and earthworks carried out 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.</p> <p>b) Details of the boundary treatment of balconies / terraces and planted privacy strips for Apartments A.001 – A.004 inclusive, podium level apartments for Blocks A, B and C and street level apartments with frontage to Old Fort Road, shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity</p>
17.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, 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.</p>

	<p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
18.	<p>(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.</p> <p>(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.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees identified for protection and retention on Tree Survey drawing number 6752-100-0, 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.</p> <p>(d) No trench, embankment or pipe run shall be located within three metres of any trees, shrubs, hedging which are to be retained on the site.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>

19.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
20.	<p>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.</p> <p>Reason: To secure the protection of the trees on the site.</p>
21.	<p>Trees to be removed on site shall be felled in late summer or autumn. Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.</p> <p>Reason: In the interest of nature conservation.</p>
22.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate</p>

	<p>measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
23.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
24.	<p>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</p>

	<p>disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
25.	<p>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:</p> <ul style="list-style-type: none"> a) Location of the site and materials compounds including areas 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. Construction access shall not be provided from Waltham Abbey. 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, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works; j) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings -

	<p>Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.</p> <p>k) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;</p> <p>l) 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;</p> <p>m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>o) 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.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
26.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
27.	<p>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</p>

	<p>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.</p> <p>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.</p>
28.	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
29.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site</p>

	<p>development works and shall undertake a pre- and post-construction survey of the historic lime kiln and cum store to the north of the site.</p> <p>The assessment shall address the following issues:</p> <ul style="list-style-type: none"> i) the nature and location of archaeological material on the site and surrounding area, ii) the impact of the proposed development on such archaeological material. <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation and protection of any archaeological remains that may exist within the site.</p>
30.	<p>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</p>

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.

Conor McGrath

Senior Planning Inspector

11/09/2020