



An
Bord
Pleanála

Inspector's Report ABP-307801-20

Development

The construction of 40 apartments in 2 separate three and four storey blocks, consisting of 6 one-bed apartments, 29 two-bed apartments and 5 three-bed apartments, bin storage and bike storage, ESB sub-station, access road and parking, connection to services and all associated site works.

Location

Drakes Point, Knocknagore,
Crosshaven, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

19/6562

Applicant(s)

O'Flynn Construction (Co.) Unlimited
Company

Type of Application

Permission

Planning Authority Decision

Grant, subject to 47 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

Dara Fitzpatrick & Rodney Daunt

Observer(s)

None

Date of Site Inspection

29th October 2020

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located c. 0.3 km to the south of the centre of Crosshaven on the western side of a valley that rises upwards in a southerly direction from the Owenboy Estuary. This site lies, variously, to the north and to the west of the Drakes Point and Brightwater housing estates, the former of which is being extended further to the south. It is bound to the west by Church Road, the R612, and to the south and east by a new spine road (L6420) to these housing estates, which connects with Church Bay Road (L2500) further to the north-east. The northern boundary of the site adjoins a treelined publicly accessible footpath, which runs between Church Road and Crosshaven Tennis Club to the north-east of the site. On the far side of this footpath to the north lies a pitch n' putt green, beyond which lies Crosshaven House and the centre of Crosshaven. This green is accompanied by a further publicly accessible footpath, which bounds it to the east and which connects with the aforementioned footpath at a point beside the Tennis Club Pavilion. This footpath can be accessed by means of a pedestrian gateway on the spine road and it affords access via the grounds of Crosshaven House to the centre of Crosshaven.
- 1.2. Church Road is treelined on its eastern side. On its western side are dwelling houses sited at higher levels than the Road. Amongst these dwelling houses and to the north-west of the site lies Holy Trinity Church of Ireland and Templebreedy National School.
- 1.3. The site itself is amorphous and it extends over an area of 1.70 hectares. This site is subject to downwards gradients in a north easterly direction. It is presently vacant and overgrown, apart from an area within the southern portion of the site that is laid out as a temporary car park for construction workers. A grove of trees lies within the north western portion of the site and it is continuous with woodland to the north and south. The western boundary of the site with Church Road is denoted by means of a stone wall and its southern boundary with the spine road is denoted by means of temporary chain-link fencing. The eastern boundary is denoted by means of a hedgerow and the northern boundary by means of trees and vegetation.

2.0 Proposed Development

2.1. The proposal would entail the construction of 40 apartments in two separate three and four storey blocks with a total floorspace of 4776 sqm, i.e. 2422.4 + 2353.3. These apartments would comprise the following:

- 6 one-bed units,
- 29 two-bed units, and
- 5 three-bed units.

Block 1 would be sited towards the south-eastern corner of the site and Block 2 would be sited towards the north-eastern corner. Open space would be laid out on three of their four sides with a more extensive area of open space between them. The north easterly fall in the site would be reworked to provide level surfaces for the two blocks and their accompanying access arrangements. Thus, the blocks themselves would comprise lower ground floors with public access at (upper) ground floor level. Their top storeys would be recessed, and their elevations would be composed of projecting/recessed features and a variety of finishing materials.

2.2. The site would be accessed from a central point in its southern boundary with the spine road. An on-site road would be construction on a north/south axis with parking spaces laid out along its length. In all 78 car spaces, 8 motorbike spaces, and 32 bicycle spaces would be provided. A turning head would be laid out at its northern end.

2.3. The existing grove of trees in the north western portion of the site would be retained and augmented by tree planting in the south western portion of the site. Open space with a footpath running through it would be laid out on the western side of the on-site road. Along the open western and southern boundaries of the site with the spine road, street tree planting has been undertaken at regular intervals.

2.4. Under further information, the proposed circular turning head to the on-site road was re-specified as a hammer head and a neighbourhood play area was introduced to the open space between the apartment blocks. The open space and footpath to the west of this road were omitted in favour of biodiversity grasslands. The design and layout of two of the lower floor apartments in each of the blocks was revised to

improve the amenity of these units, i.e. in Block 1, units 1 and 14, and, in Block 2, units 1 and 12. The number of car parking spaces was stated as being 77.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of Clarification of Further Information (CFI), permission granted subject to 47 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information (FI) was sought with respect to:

- Submission of an Ecological Impact Assessment (EclA) and a revised landscaping scheme,
- Submission of a tree survey, and recommendations arising, and a woodland management plan,
- Demonstration of compliance with the Planning Authority's Recreation and Amenity Policy and provision of greater detail of proposed communal open space,
- Adequacy of lighting and outlook in certain proposed lower ground floor apartments to be addressed,
- Demonstration of compliance with apartment standards,
- Appropriateness of certain finishing materials to be addressed,
- Amount of proposed parking provision to be addressed,
- Possibility of upgrading walkway through trees to the north of the site to be explored,
- Delineation of works proposed to be taken in charge and those to be the responsibility of a private management company to be made, and
- Points of detail from an Estate's perspective to be addressed.

Clarification of further information (CFI) was sought with respect to:

- Submission of outline Construction and Environmental Management Plan (CEMP) reflecting EclA,
- Co-ordinated proposals from the applicant's ecologist and arborist, and
- Clarification of details with respect to the proposed bat roosting boxes.

3.2.2. Other Technical Reports

- Inland Fisheries Ireland: Defers to Irish Water.
- Irish Water: No objection, standard observations.
- Cork County Council:
 - Public lighting: No objection, subject to conditions.
 - Housing: No objection.
 - Area Engineer: No objection, subject to conditions, including special contribution conditions with respect to connectivity along the L2500 to the village and for the repair of public roads damaged by construction traffic.
 - Ecology: Following receipt of CFI, no objection, subject to conditions.
 - Environment: No objection, subject to conditions.
 - Estates: Following receipt of FI, no objection, subject to conditions.

4.0 Planning History

06/8771: 41 apartments in 2 three and four storey blocks with 82 car parking spaces:
Permitted at appeal PL04.224883: Unimplemented.

5.0 Policy and Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), Crosshaven is identified as a key village, which lies in the landscape character area known as

Indented Estuarine Coast within which landscape value and sensitivity are very high and the landscape is of national importance.

Housing, Recreation and Amenity Objectives, and Parking and Cycling Standards of relevance to the proposal are listed below:

- HOU 3-1: Sustainable Residential Communities,
- HOU 3-2: Urban Design,
- HOU 4-1 Housing Density on Zoned Land,
- SC 5-5: Recreation and Amenity Policy, and
- Appendix D: Parking and Cycling Standards.

Within the vicinity of the site, Crosshaven House and its eastern and western pavilions, Holy Trinity Church of Ireland, and Templebreedy National School are all protected structures.

Under the Bandon Kinsale Municipal District Local Area Plan 2017 – 2022 (LAP), the site is shown as lying within the settlement boundary of Crosshaven. Objective DB-01 encourages the development of 286 additional dwelling units within this boundary and that around the other Bays associated with Crosshaven. Adjoining land to the north of the site is the subject of Objective O-01: “Open space to protect setting of Crosshaven House and retain mature trees.”

Section 4.5.45 of the LAP states that “The woodland at Knocknagore is an important asset to the setting of the village and for the community in Crosshaven, it provides an important backdrop to the village and adjacent residential development and it should be maintained and protected for future generations.”

Section 4.5.43 states that “...Templebreedy National School...is a proposed Natural Heitgae Area (pNHA-0107) for a protected species of bat. The attic of the school and the mature trees located nearby, combine to provide an important nursery and habitat.”

5.2. National Planning Framework

National Planning Objective (NPO) 33: “Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”

5.3. National Planning Guidelines

- Sustainable Residential Development in Urban Areas Guidelines,
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines,
- Urban Development and Building Heights Guidelines, and
- Design Manual for Urban Roads and Streets.

5.4. Natural Heritage Designations

- Templebreedy National School, Crosshaven pNHA (000107)
- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

6.0 The Appeal

6.1. Grounds of Appeal

The appellants are residents of Crosshaven and Fountainstown. They cite the following grounds of appeal:

- Attention is drawn to Section 2.17 of the completed application forms, which the appellants state has been inaccurately completed.
- The site is described by the appellants as being variously within either the curtilage or the attendant grounds of Crosshaven House, a protected structure and a national monument (Entity ID CO13338). The dovecote adjacent to this House and Templebreedy Church and Graveyard are also national monuments (Entities ID CO13418 & 13347). As it is at a lower level than the

site, the height of the proposal would be exaggerated from Crosshaven House.

- The nearby pNHA concerns a colony of Leisler Bats, which are of international importance. There has been a 70% decline in the numbers of these Bats between 2011 and 2020, a decline which co-relates with the local loss of habitat resulting from development: Thus, the remaining habitat on the subject site is of heightened importance.
- The submitted bat report is critiqued. While the applicant has not undertaken a bat survey since beginning development in the area 16 years ago, the local school principal has undertaken such surveys. (A bat logo adorns the school uniform). The appellants, too, undertook a survey on 30th July 2020 at 2pm and they found that several Leisler Bats were present on the site. Accordingly, this site should be the subject of a NIS.
- Red squirrel also resides in Crosshaven Woods and yet it has not been surveyed.
- No summertime survey of wild plants on the site has been undertaken.
- The lighting along the proposed spine road would cause a barrier to bats, and the loss of dry meadow would impact upon the insects that they feed upon.
- The tree report is critiqued on the basis that it is too interventionist and fails to recognise the natural cycle of woodlands. The feasibility of tree retention in the vicinity of the northern elevation of Block 2 is questioned.
- Excavations required to form the proposed turning circle would affect water retention in the ground to its west, with adverse implications for trees.
- Oystercatchers from the Owenaboy SPA use the pitch and putt green to feed upon and they commute over the site to the Bays to the south of Crosshaven. They would be disturbed by the proposal.
- A local community group is working on a Biodiversity Action Plan for Crosshaven, a highlight of which would be the above cited Leister Bat colony that is threatened by the current proposal.

- Attention is drawn to Section 2.19 of the completed application forms and an attendant lack of transparency.
- Local concerns with the applicant's earlier developments nearby have not been addressed under the current application and so effective project splitting is occurring.
- The track record of the applicant on its existing development site and the alleged mis-handling of tree matters is rehearsed, as is the Planning Authority's approach to enforcement.
- The cumulative impact of the applicant's ecology report is critiqued in the light of the above cited 70% decline in the Leister Bat colony and the widespread culverting of local streams.
- Local transport and service infrastructure would be strained further by the proposal.
- Since the previous permission was granted for the site, a lot has changed, e.g. a biodiversity emergency has been declared, the Board refused appeal PL04.240501 on ecological grounds, even though its further from the pNHA than the subject site. Under the current proposal, contraventions of the CDP would arise and they are itemised in the appellants' original letter of objection to the Planning Authority.

6.2. Applicant Response

The applicant begins by drawing attention to a similar proposal for the site, which was permitted at appeal PL04.224833. In the intervening years, there has been no material change in planning policies for the subject site.

The applicant responds to the grounds of appeal as follows:

- Concerns over the validity of the application are addressed insofar as a Stage 1 Screening Exercise for AA was submitted as part of the EclA, the proposal requires neither a mandatory nor a sub-threshold EIA, and the site has previously been held not to be within the curtilage of Crosshaven House.

Only informal pre-planning consultation occurred, as stated on the completed application forms, and so the reporting of the details of this consultation is not a legal requirement.

- A list of the documents submitted with respect to ecology is delineated.

The above cited Screening Exercise concluded that the proposal would not have an adverse impact upon a Natura 2000 site. The Planning Authority's ecologist concurred with this conclusion.

The Bat Report recommended the installation of 6 bat boxes and their monitoring, mitigation measures for bats were aligned with woodland proposals, landscaping of the site would be overseen by an ecologist, and it would include a woodland edge and pollinator habitat.

Draft Condition No. 4 pertains to the submission of a detailed CEMP, which incorporates all ecological mitigation measures, and draft Condition No. 5 requires that such measures be supervised by an ecologist.

- The extent of the curtilage of Crosshaven House is shown by means of an open space zoning in the LAP. The Board has previously accepted this depiction and it does not include the subject site.

The proposal would be similar to its predecessor, which was held by the Board's inspector to have no significant impact upon Crosshaven House or other protected structures in the vicinity of the site.

- Traffic concerns are allayed by the following considerations: The site is 600m away from Crosshaven village centre and a special contribution has been levied to ensure improved connectivity with the same, schools are also within walking distance, the site is served by a bus stop, and, more importantly, the village centre is served by the 220 bus route.

Traffic concerns were not raised by either the Planning Authority or the Board, when it considered the previous proposal for the site.

- Insofar as the appellants cite PL04.240501, this case is not comparable to the current proposal, as it related to a hotel development within the demesne of Crosshaven House, which is zoned open space.

- Matters of enforcement are raised, however, the only actual enforcement case cited relates to a quite separate development in Fountainstown dating from the 1990s.

Work on trees in the applicant's adjoining development site was undertaken for safety reasons by tree surgeons under the supervision of an arborist.

Alleged contraventions of the CDP/LAP were not accepted by the PA.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Planning Framework, national planning guidelines, the Cork County Development Plan 2014 – 2020 (CDP), the Bandon Kinsale Municipal District Local Area Plan 2017 (LAP), the history of the site, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedural matters, legalities, and local concerns,
- (ii) Land use, density, and public transport,
- (iii) Visual and residential amenity,
- (iv) Development standards,
- (v) Traffic, access, and parking,
- (vi) Ecology,

(vii) Water, and

(viii) Screening for Stage 1 Appropriate Assessment.

(i) Procedural matters, legalities, and local concerns

7.2. The appellants raise several issues arising from the completion of Section 2.17 of the planning application forms. These issues are summarised below, along with the applicant's response.

- The applicant has failed to acknowledge that the site lies within the curtilage of Crosshaven House, a protected structure. The applicant responds by stating that the Board has previously accepted that this is not the case. In this respect, it refers to the zoning of the LAP, which shows the extent of the grounds of this House as open space. The site lies beyond this zone.
- The applicant has failed to acknowledge that Crosshaven House is also a national monument, as is the adjacent dovecote and Templebreedy Church and graveyard. The former national monument would be affected by the proposal insofar as it is at a lower level than the site and the two apartment blocks would be four storeys high. The applicant responds by stating that the current proposal would be similar to the former proposal for the site, which was the subject of appeal PL04.224883. The inspector advised that this former proposal would have no significant impact upon this national monument. Under the current proposal this would be so, too, and so the applicant did not need to acknowledge it.
- The proposal should have been the subject of EIAR. I note that, under Schedule 5 of the Planning and Development Regulations, 2000 – 2020, proposals for over 500 dwellings within urban areas are the subject of a mandatory EIAR. I note, too, that the current proposal is for 40 dwellings and so it is well below any number that could be considered to be sub-threshold. A preliminary examination has been undertaken and the conclusion reached that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposal and so no EIAR is required.
- The applicant raises the question of Appropriate Assessment. I address this question under the eighth heading of my report below.

- 7.3. The appellants express concern that the applicant's completion of Section 2.19 of the planning application forms lacks transparency. This Section relates to pre-application consultation, which the applicant records took the form of a letter and subsequent phone call. As no meeting ensued the need to complete a written record under Section 247 of the Planning and Development Act, 2000 – 2020, did not arise.
- 7.4. The appellants express concern that the applicant, as developer of the adjacent site to the south, has been responsible for infringements of previous planning permissions and that they should be addressed under the current application to avoid project splitting. They also allege that works to trees have been mishandled and the Planning Authority has failed to prioritise enforcement action. The Planning Authority's case planner responded to the infringements concern by stating that they could not be conflated with the current application for consideration. The applicant has responded that, while enforcement enquiries have arisen, no enforcement notice has been served on the adjacent site. It also explains that work to trees on this site was undertaken for safety reasons and under the supervision of an arborist.
- 7.5. I conclude that there are no impediments of a procedural or legal nature that prevent the Board from proceeding to assess and determine the current application/appeal.

(ii) Land use, density, and public transport

- 7.6. The CDP identifies Crosshaven as a key village and the LAP shows the site as lying within the development boundary around Crosshaven within which, under Objective DB-01, more housing is to be provided. This site was previously the subject of permission for a similar proposal, which was granted at appeal, under PL04.224883. Accordingly, unless there has been a material change in planning circumstances in the interim, the current proposal should be granted, too.
- 7.7. The appellants express the view that a lot has changed since the earlier appeal on the site. They refer to the bio-diversity emergency and the Board's refusal of PL04.240501. I will discuss considerations concerning bio-diversity under the sixth heading of my report below. The applicant has commented that the appeal cited by the appellants is not comparable to its proposal as it was for a hotel in the grounds of Crosshaven House. I note in this respect that housing was included in this proposal and that it was refused on conservation and land use zoning grounds. Only insofar

as tree loss had a bearing on the second ground of refusal was there a link to biodiversity.

- 7.8. The Sustainable Urban Housing: Design Standards for New Apartments (SUH: DSNA) Guidelines advise on locations that are suitable for apartments. They refer to the need for proximity to the centres of settlements and high frequency public transport. The site would be linked to an existing footpath network between it and the centre of Crosshaven over a distance of c. 300m. While this village centre has a limited range of shops, it is served by Bus Eireann's 220 and 220X routes which between them provide a high frequency service, which links Crosshaven to Carrigaline, where there is a good range of shops. The former route operates on a 24-hour basis and the latter route operates during the day. These routes also run on to Cork city centre and westwards to Ballincollig and Ovens. Apart from the centre of Crosshaven, the compactness of this key village is such that existing civic facilities are conveniently placed for the site, for example, educational, ecclesiastical, and recreational. I thus consider that, in terms of the SUH: DSNA Guidelines advice, the site is a suitable location for apartments.
- 7.9. The Urban Development and Building Heights (UDBH) Guidelines advise on the height of housing. In suburban locations they state that general building heights of three to four storeys must be supported in principle. The site lies outside the centre of Crosshaven and beside two suburban type housing estates known as Brightwater and Drakes Point. The proposal for this site is for the construction of 2 four-storey apartments blocks, thereby reflecting the advice of the UDBH Guidelines.
- 7.10. The Sustainable Residential Development in Urban Areas (SRDUA) Guidelines advise on density. Thus, in small towns and villages, net densities in the range of 20 – 35 dwellings per hectare are encouraged. The site has an area of 1.7 hectares and the proposal is for 40 dwellings. Under Appendix A of the SRDUA Guidelines advice is given on the calculation of net residential density and so, for example, the area of significant landscape buffer strips can be excluded from site areas. Under further information, the applicant advises that the woodland in the north western portion of the site extends over an area of 0.5526 hectares and that this area would be retained under the proposal. This woodland would fulfil the role of a landscape buffer between the proposed apartment blocks and Church Road to the west of the site and so I consider that it can reasonably be excluded from the calculation of site area for

the purpose of calculating net density. On this basis, the net density of the proposal would be 34.87 dwellings per hectare and so within the stated range of the Guidelines.

- 7.11. Under Objective HOU 4-1 of the CDP, Crosshaven lies outside Metropolitan Cork and so Medium “B” net densities of 12 – 25 dwellings per hectare are normally appropriate. However, under SPPR 4 of the UDBH Guidelines, the net densities set out in the SRDUA Guidelines take precedence.
- 7.12. I conclude that the proposed apartment development would, in principle, be an appropriate land use and acceptable form of housing on the site and that it would exhibit the required height and density under national planning guidelines.

(iii) Visual and residential amenity

- 7.13. The proposal would entail the construction of 2 four storey apartment blocks, which would be sited, in the case of Block 1, towards the south-eastern corner of the site, and, in the case of Block 2, towards the north-eastern corner. The lower ground floor finished level of the former Block would be 67.8m OD and the lower ground floor finished level of the latter Block would be 65.3m OD.
- 7.14. The proposed apartment blocks would employ rectangular forms in their composition and openings. Their mass would be relieved by recessed top storeys, projecting and recessed elements to their elevations, and a variety of finishing materials. Their resulting designs and external appearances would be well proportioned and attractive.
- 7.15. The applicant has submitted cross sections, which show how the fall across the site, generally in a north-easterly direction, would be capitalised upon to “cut-out” upper and lower terraced levels upon which to variously layout the on-site road and construct the apartment blocks. Thus, the lower ground storeys of these blocks would, in their entirety, be lower than the adjacent road levels.
- 7.16. The applicant has also submitted photomontages of the proposal, which depict it from publicly accessibly vantage points within the immediate vicinity of the site and, in one instant, from a more distant vantage point to the north-east. These photomontages illustrate how the existing topography of the area and existing trees and hedgerows would combine to accommodate and partially screen the proposal. Thus, from higher level vantage points, it would be seen against the backdrop of the

existing landscape, which combines natural and built features, and, from lower level vantage points, it would be seen in conjunction with existing/retained and proposed trees and hedgerows.

- 7.17. During my site visit, I looked towards the site from the vicinity of Crosshaven House and I observed that the incidence of large deciduous trees on either side of the footpath to the north of the site would largely screen the proposal from view.
- 7.18. Two end of row dwelling houses in the Drakes Point housing estate have northern side elevations that would overlook proposed Block 1. These elevations would contain habitable room windows at ground and first floor levels. The nearest of them would be a minimum of 47m away from the southern elevation to Block 1. Differences in levels would ease further the relationships that would arise between these corresponding elevations. In time, tree planting would afford a measure of screening, too.
- 7.19. Several dwelling houses in the Brightwater housing estate have front elevations that would overlook proposed Block 1 at distances of c. 39m and upwards. One end of row dwelling house would have a western side elevation that would overlook proposed Block 2. This elevation contains habitable room windows at first floor level, which would be c. 38m away. Existing/retained trees and hedgerows along the eastern boundary of the site and roadside trees would provide significant screening of these blocks.
- 7.20. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(vi) Development standards

- 7.21. Under the Planning Authority's request for further information, the applicant engaged with the SUH: DSNA Guidelines to demonstrate the proposal's compliance with quantitative and qualitative standards required under Specific Planning Policy Requirements (SPPR).
- 7.22. With respect to housing mix, the proposal would provide 6 one-bed (15%), 29 two-bed (72.5%), and 5 three-bed units (12.5%) and so the stipulations of SPPR 1 & 2 would be easily met with respect to one-bed units.

- 7.23. With respect to SPPR 3's minimum apartment floor areas and the specific space areas set out in the Appendix, the applicant's Quality Housing Assessment (QHA) indicates that full compliance would be achieved.
- 7.24. With respect to SPPR 4, 5 & 6, each apartment would be dual aspect, each apartment would have a floor-to-ceiling height of 2.7m, and no more than 3 units would be accessed off a single stair and lift core. Thus, full compliance would be achieved.
- 7.25. Under the Planning Authority's request for further information, concern was expressed over the amenity that would be afforded by Units 1 and 14 in proposed Block 1 and Units 1 and 12 in proposed Block 2. The applicant undertook a daylight analysis of the proposal, which demonstrated/deduced that adequate or better levels of daylight would be received in all the proposed units. With respect to the specific units of concern, which would be at lower ground floor levels, their internal layouts were swapped around so that their daytime accommodation would benefit from the more generous outlooks available through openings in their western elevations.
- 7.26. Under the Planning Authority's request for further information, the applicant was asked to assess the proposal in terms of its recreation and amenity provision. The applicant responded by drawing attention to how the majority of the site would be landscaped, i.e. 1.156 hectares or 68%. Such landscaping would combine the retention of the grove of trees in the north-western portion of the site, the addition of further tree-planting to the south-west, and the provision of communal open space, including a neighbourhood play area, between and around the proposed apartment blocks. A further area of communal open space to the west of the proposed on-site road was reallocated to be an area of species rich grasslands. The applicant also drew attention to the footpath network to the north of the site, which affords access to tennis courts and a pitch n' putt green, and to the footpath network to the south of the site, which facilitates walkers and joggers. The Planning Authority accepted that the recreation and amenity provision of the proposal would be appropriate. I concur with this position.
- 7.27. The proposal would afford a satisfactory standard of amenity to future occupiers.

(v) Traffic, access, and parking

- 7.28. The proposal is for 40 apartments and so additional traffic would be generated on the public road network, during its construction and operational phases.
- 7.29. Under the proposal, a new vehicle and pedestrian access to the site would be formed at a central point in the southern boundary of this site. It would be accompanied by sightlines that would comply with the relevant x and y dimensions advised by the Design Manual for Urban Roads and Streets (DMURS), i.e. 3m and 50m. This access would be off the spine road, which serves Drakes Point and Brightwater housing estates and which links Church Road with Church Bay Road. The junction thus formed would be laid out as a raised “table top” and the spine road would be designated a slow zone, i.e. with a 30 kmph speed limit. Corresponding signage and speed ramps would be installed at its two entrance points from the aforementioned Roads.
- 7.30. The Area Engineer draws attention to the intermittent nature of the public footpath along Church Bay Road (L2500) between its junction with the spine road and the centre of Crosshaven. He expresses the view that this deficiency should be remedied on foot of any further development. He also draws attention to an existing problem with subsidence in the spine road, which has been attributed to construction traffic generated by the latest phase of house building by the applicant to the south of the site. This problem, too, should be resolved. The Planning Authority has responded by attaching condition no. 46 to its permission, which requires that a special contribution be made towards both these matters.
- 7.31. I note that the applicant has not appealed condition no. 46. I note, too, that, whereas special contributions are not normally viewed as appropriate for funding road repairs, in this case confidence exists as to the cause of the subsidence and so the attributing of the cost of repair to the applicant would be reasonable.
- 7.32. Under the proposal, an on-site road would be constructed. Under further information, the turning head to this road was re-specified, to reduce its footprint in order to assist the protection of adjacent trees. This road would be accompanied by perpendicular parking spaces along its length. A total of 77 car, 8 motorbike, and 32 cycle parking spaces would be provided.

- 7.33. Under Appendix D of the CDP, parking standards are set. For each apartment, 1.25 car parking spaces are required as a minimum, motorbike spaces are required to number 10% of the total number of car parking spaces, and cycle spaces are required to be provide at a rate of 0.5 spaces for each one/two-bed unit and 1 space for each three-bed unit.
- 7.34. Under the proposal, the 40 apartments should be accompanied by 50 car parking spaces, 5 motorbike spaces, and 24 cycle spaces. Under further information, the applicant was asked to address the proposed over-provision of 77 car parking spaces. It responded by drawing attention to the generous specifications of the proposed apartments and how these would facilitate family-living. Accordingly, a higher than normal level of car parking provision would be appropriate.
- 7.35. The notes which accompany the car parking standards in Appendix D state that developers can exceed the stated standard based on “house type, design and layout of the estate”. They also state that, where good public transport exists, the Planning Authority can seek a reduction in the number of spaces.
- 7.36. I note that the one-bed units would be consistently 71.2 sqm in area, the two-bed units would range between 99.9 and 118 sqm, and the three-bed units would be 124.1 and 136.3 sqm. Accordingly, these units would be designed to a generous specification. I note, too, that, as discussed under paragraph 7.8 above, the centre of Crosshaven is served by good public transport. In these circumstances, I consider that an over-provision of 27 spaces would be excessive. The submitted site layout plan shows 17 car parking spaces beside the area of useable communal open space, including the proposed neighbourhood play area. If these spaces were to be omitted, then this area of communal open space could be expanded, thereby compensating partially for the reallocation of such space to the west of the on-site road for bio-diversity, and yet an extra 10 car parking spaces would still be available.
- 7.37. I consider that, notwithstanding the reduction in car parking spaces, the number of motorbike spaces should remain as proposed to promote this mode of transportation.
- 7.38. Under the SUH: DSNA Guidelines, the number of cycle spaces recommended is one per bedroom, plus 50% for visitors and any deviation must be justified by reference to, for example, location. I consider that, given Crosshaven’s status as a key village

and its location at some remove from more major urban centres, to insist upon the full application of the recommended standards would be unreasonable. Instead, I consider that the virtual doubling of the proposed number of cycle spaces would be reasonable, i.e. 60, a total that would subsume the need to provide additional spaces for larger units and some visitor spaces. The additional spaces could be provided in conjunction with the redesign of the area vacated by the 17 car parking spaces.

7.39. I conclude that traffic generated by the proposal would be capable of being satisfactorily accommodated on the public road network and that access arrangements for the site would be satisfactory, too. Subject to a reduction in the number of proposed car parking spaces and an increase in the number of proposed cycle spaces, parking provision for the site would be satisfactory.

(vi) Ecology

7.40. The appellants draw attention to the nursery roost of Leisler's Bats, which exists in the attic to Templebreedy National School, c. 90m to the north-west of the site. This species of bat is protected, and the roost is of international importance. Accordingly, it is the subject of pNHA-000107.

7.41. The appellants express concern over a reported decline of 70% in the numbers of Leisler's Bats between 2011 and 2020. This decline coincides with a local loss of habitat, due to the cumulative impact of development, and so they contend that the remaining habitat is of heightened importance. They undertook a bat survey during the afternoon of the 30th of July 2020 and found several Leisler's Bats to be present on the site. They thus consider that a Natura Impact Study (NIS) should be prepared for the site.

7.42. The appellants also express concern over specific aspects of the proposal, which they consider would be detrimental to habitat of value to Leisler's Bats. They cite the loss of a dry meadow, and with-it insects that these Bats would feed upon, and proposed streetlighting that would act as a barrier to them in crossing the site. Other related concerns are cited, too, with respect to, on the one hand, an overly interventionist approach to tree management, which gives insufficient weight to the natural cycle of trees, and, on the other hand, a lack of realism with respect to tree retention in the vicinity of proposed Block 2 and the adjacent turning head.

- 7.43. The applicant has responded to the above concerns by drawing attention to the various reports that its ecologist and arborist submitted by way of response to the Planning Authority's request for further information and clarification of that information. These included an Ecological Impact Assessment (EclA) and an outline Construction Environmental Management Plan (CEMP). The ecologist and arborist also agreed a common approach to woodland management on the site, which seeks to ensure that a habitat favourable to Leisler's Bats is maintained by the retention of trees wherever possible. In this respect, too, additional tree planting would be undertaken (cf. the landscape layout plan, which shows the planting of 90 trees in the south western portion of the site, 60 in the south eastern portion, and 36 trees along the proposed on-site road), species rich grasslands would be sown, and 6 bat boxes would be installed. The streetlighting installed would be designed to minimise impact upon bats and the turning head was re-specified as one with a smaller footprint to facilitate a reduction in potential impact upon adjacent trees.
- 7.44. The EclA is accompanied by a Bat Survey Report undertaken by the applicant's ecologist. In it he outlines a partial survey of the school attic, which he undertook, and a survey of trees on the site. The former survey was inconclusive as to the continuing presence of Leisler's Bats in the attic, which combines several spaces not all of which were accessible, and the latter survey identified 13 of the 96 trees assessed as having moderate potential for roosting bats (cf. Table 3.8 of the EclA). An accompanying commentary explains that potential bat roosting features are often associated with decay in trees. The 13 trees identified were considered to be of sub-optimal quality, for example, they would not have potential as maternity roosts. Nevertheless, it is highly likely that some would be used occasionally as roosts, and, with greater decay, such frequency may increase.
- 7.45. The 13 trees are included in Table 3.2 of the Ecological Mitigation and Monitoring Plan, which present a total of 18 trees that are considered to be of ecological value, i.e. 10 of the 13, which have moderate potential for roosting bats, and 8 veteran trees, 6 of which are "valuable", including the remaining 3 which have moderate potential for roosting bats, and 2 of which are "truly ancient". This Table reflects a joint approach adopted by the applicant's ecologist and arborist and so 2 trees originally proposed for removal would now be retained, i.e. Nos. 504 and 579.

- 7.46. Under the arborist's final report dated 27th May 2020, of the 18 trees considered to be of ecological value, 1 would be removed, i.e. No. 610, a decayed holly tree that is adjacent to the spine road and so deemed to be a safety risk, and 4 would be the subject of tree surgery. In all 8 trees would be removed and 10 would be the subject of tree surgery.
- 7.47. The Planning Authority's ecologist raised no objection to the proposal as revised from an ecological perspective, subject to the submission of a more detailed CEMP and its supervision by an ecologist on-site and the implementation of the mitigation measures set out in the EclA. Such measures would include construction phase exclusion zones with respect to lighting and night-time generators (cf. Map 2 in the Ecological Mitigation and Monitoring Plan).
- 7.48. The appellants express concern that the proposal would threaten the continuance of the Leisler's Bat colony and that this matter should be the subject of a NIS. In light of the information submitted by the applicant and in particular the arborist's final report, landscaping proposals for the site, and relevant mitigation measures, I do not consider that this concern can be sustained. As this colony is the subject of a pNHA rather than a Natura 2000 site, the question of a NIS does not arise.
- 7.49. Other specific concerns raised by the appellants pertain to the absence of a summertime survey of wild plants and the possible presence of red squirrel. The EclA comments on the dry meadow and scrub that would, under the proposal, be removed from the site. This habitat is deemed to be of low ecological value, and it would be replaced in part by species rich grasslands. Elsewhere, the significant woodland area in the north-western portion of the site would be retained as such and so wild flowers associated with this area would be safeguarded. The EclA also comments on red squirrel to the effect that the applicant's ecologist observed no evidence of their presence on the site.
- 7.50. I conclude that the proposal would be physically removed from pNHA-000107 and so it would not damage this protected site. I conclude, too, that it would be satisfactory from an ecological perspective.

(vii) Water

- 7.51. The proposal would be served by the public water mains and the public sewerage system. Irish Water has raised no objection, in principle, to connections to its utilities in these respects.
- 7.52. The applicant's Engineering Report addresses stormwater drainage. This Report draws attention to the master plan for the Brightwater and Drakes Point housing estates, which allowed for apartment development on the site in its provision of a stormwater drainage system. It also draws attention to the direct discharge of stormwater from this drainage system to the Owenboy Estuary and so attenuation of flows is not deemed to be necessary. Cork County Council's Area Engineer agrees with this position. A hydrocarbon bypass interceptor with silt storage would be installed within the drainage system at a point prior to its connection to the manhole denoted as S19 in the existing spine road to the housing estates.
- 7.53. The OPW's flood maps indicate that the site is not the subject of any identified flood risk.
- 7.54. I conclude that the proposal would be capable of being satisfactorily supplied by water and served by the public sewerage system. Stormwater drainage arrangements would also be satisfactory.

(viii) Screening for Stage 1 Appropriate Assessment

- 7.55. I will draw upon information submitted by the applicant, the advice of Cork County Council's ecologist, and the NPWS website in undertaking a Stage 1 Screening of the proposal for Appropriate Assessment.
- 7.56. The site extends over an area of 1.7 hectares and it is located on the western side of a valley that runs north/south from the centre of Crosshaven and the Owenboy Estuary. Under the proposal, 2 four-storey apartment blocks would be constructed towards the eastern corners of the site to provide a total of 40 apartments and an on-site road would be constructed, which would run north through the centre of the site from an access point in its southern boundary.
- 7.57. Under the proposal, the site would be linked to the Owenboy Estuary by means of a stormwater sewer, which would discharge into this Estuary and onwards into Cork Harbour. Accordingly, the site would be linked hydrologically to the Natura 2000 sites

in and adjoining this Harbour, i.e. Cork Harbour SPA (004030) and Great Island Channel SAC (001058). The former site is composed of multiple individual sites, the nearest of which is 750m downstream (Lough Beg denoted as OL453) and 960m upstream (Carrabinny to Crosshaven denoted as OL522) from the outfall into the Owenboy Estuary, while the latter site is 9km to the north via Passage West. I consider that, given these distances and their attendant dilution factors, the former rather than the latter Natura 2000 sites might be affected by the proposal.

7.58. The Qualifying Interests of Cork Harbour SPA are as follows:

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

Wetland and Waterbirds [A999]

The Conservation Objectives for each of these Qualifying Interests is to maintain its favourable conservation condition.

- 7.59. The EclA advises that, as the site itself is c. 900m away from the nearest of the SPA's sub-sites, the proposal would have no direct impact upon the same. While bird species that are Qualifying Interests do forage in fields and the appellants report on the neighbouring pitch n' putt course, too, the site itself does not provide habitat suitable for such foraging.
- 7.60. The EclA also advises that, in the absence of any open watercourses either on or near to the site, the risk of contaminated water entering the Owenboy Estuary by means of such watercourses during the construction phase of the proposal would not arise. During the operational phase, the site would be linked to this Estuary by means of an existing stormwater sewer.
- 7.61. The EclA comments that at the outfall of the stormwater sewer into the Owenboy Estuary significant scouring of the intertidal habitat does not appear to be occurring. It also comments that the additional flow, which would be generated by the proposal, would be small relative to the existing flow that is generated by the Brightwater and Drakes Point housing estates. This flow would pass through a hydrocarbon bypass interceptor with silt storage, which would be installed on-site at a point before the proposed stormwater drainage system is connected to the existing stormwater sewer. Water quality would thereby be safeguarded.
- 7.62. The Conservation Objectives for the Cork Harbour SPA could be potentially effected by a deterioration in water quality, for example, the food chain and habitats for the birds species identified as Qualifying Interests could be harmed.
- 7.63. I consider that the proposed hydrocarbon bypass interceptor with silt storage represents a "best practice" construction method for ensuring that stormwater run-off from the site is uncontaminated. I consider, too, that this method would be effective and its inclusion within the proposal would have occurred in the absence of the Cork Harbour SPA, as the objective of ensuring that water quality in the Owenboy Estuary is safeguarded exists independently of this Natura 2000 site.
- 7.64. I am aware that the construction of the Drakes Point housing estate continues further to the south of what has already been built and that the extension to this estate

would be served by the same stormwater sewer as the site. On the basis that this extension would be subject to a similar “best practice” construction method for ensuring that stormwater run-off is uncontaminated, any in-combination effect with the current proposal would not give rise to likely significant effects upon the Conservation Objectives of the Cork Harbour SPA.

7.65. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004030, or any other European site, in view of the site’s Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- With respect to direct effects, the distance between the site and the nearest European site, and
- With respect to indirect effects, the habitat of the site, which is unsuited to foraging by bird species that are Qualifying Interests for European Site No. 004030, the absence of any watercourse between the site and this European Site, and the “best practice” construction method of the stormwater drainage system for the site.

In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European site.

8.0 Recommendation

8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to national planning guidelines pertaining to apartment developments, the Cork County Development Plan 2014 – 2020, the Bandon Kinsale Municipal District Local Area Plan 2017 – 2022, and the planning history of the site, it is

considered that, subject to conditions, the proposal would be an appropriate type of residential development at this location, which is within the development boundary around Crosshaven, and its height and density would be acceptable. This proposal would afford a satisfactory standard of amenity to future residents and it would be compatible with the visual and residential amenities of the area. The site would be capable of being accessed and serviced satisfactorily. The ecological interest of the locality would be safeguarded. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and subsequent plans submitted on the 12th day of November 2019, as amended by the further plans and particulars submitted on the 19th day of March 2020 and by the clarification of these plans and particulars submitted on the 19th day of June 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The 17 car parking spaces adjoining the open space on the eastern side of the on-site road shall be omitted and the strip of land thus vacated shall be incorporated into the adjoining open space.</p> <p>(b) A total of 60 cycle spaces shall be provided in covered bicycle sheds.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Reason: In order to accord with relevant car parking standards and advice and to facilitate and promote the use of sustainable modes of transportation.</p>
3.	<p>Prior to the commencement of development, a detailed and site-specific Construction and Waste Management Plan for the proposed development shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interest of amenity and public health and safety.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The landscaping scheme shown on drawing no. 4000 (revision 2), as submitted to the planning authority on the 19th day of March 2020 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>This landscaping scheme shall be amended to reflect the additional area of open space required under Condition 2(a) of this Order.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with</p>

	<p>others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>(a) The mitigation measures in the Ecological Mitigation and Management Plan submitted to the planning authority on the 19th day of June 2020 shall be fully implemented.</p> <p>(b) The Invasive Species Management Plan submitted to the planning authority on the 19th day of June 2020 shall be fully implemented.</p> <p>(c) The implementation of these Plans and construction works on-site shall be monitored by a suitably qualified and experienced ecologist.</p> <p>Reason: To safeguard and promote the ecological interest of the site.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Drainage arrangements for the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>(a) The internal road network serving the proposed development, including the turning head, site access point, parking areas, footpaths and kerbs, road markings, and signage shall comply with the detailed standards of the planning authority for such road works.</p> <p>(b) Traffic calming items and associated signage shown on drawing no. 3868-Ap-101 submitted to the planning authority on the 19th day of March 2020 shall be installed in accordance with a timetable to be agreed in writing with the planning authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, to</p>

	<p>facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority before making available by the developer for occupation of the residential units in the proposed development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
14.	<p>Proposals for an estate/street name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
15.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas</p>

	<p>not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
16.	<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>
17.	<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 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>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or</p>

	<p>other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
19.	<p>The developer shall pay the sum of € 96,627 (ninety-six thousand, six hundred and twenty-seven euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of (a) the provision of works along the L2500 to provide pedestrian connectivity to the village centre, and (b) to repair/resurface the spine road, which serves the Brightwater and Drakes Point housing estates, due to damage caused to it by construction traffic. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution of €98,662 (ninety-eight thousand, six hundred and sixty-two euro) 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</p>

	<p>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. The application of any indexation required by this condition 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.</p> <p>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.</p>
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Hugh D. Morrison
Planning Inspector

3rd December 2020