



An
Bord
Pleanála

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

Inspector's Report ABP-308156-20

Strategic Housing Development

150 no. residential units (112 no. houses, 38 no. apartments), childcare facility and associated works.

Location

Monacnapa, Blarney, Co. Cork.
(www.monacnapashd.ie)

Planning Authority

Cork City Council

Applicant

Eoin Sheehan.

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. An Taisce-the National Trust for Ireland

6. The Heritage Council
7. Fáilte Ireland
8. An Chomhairle Ealaíon
9. Cork County Council Childcare Committee.

Observer(s)

1. Adam Ahern
2. Blarney Castle Estate
3. Caroline O'Connor
4. Caroline Walsh
5. Castleown Resident Association
6. Christine O'Mahony
7. Claire McCarthy
8. Denis and John O Donovan
9. Dermot Barrett
10. Donal Dilworth
11. Elizabeth and Declan Feehan
12. Geraldine Kinnerk
13. Geraldine O Sullivan and George McDonnell
14. Jean O Mahony
15. Jennifer Cronin
16. John O' Neill
17. Liam Carter
18. Mairead and Jim O'Riordan
19. Michael Howley
20. Paul and Rosarie Creech
21. Residents of SallyPark
22. Sunberry Drive and Sunberry Heights Residents

Date of Site Inspection

11 November 2020.

Inspector

Stephen Rhys Thomas

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site has a stated area of 7.65 ha and is located on the north-western periphery of Blarney about 9 kms northwest of Cork City Centre. Blarney is bisected by the R617 Blarney Inner Relief Road / Sunberry Road, with the commercial area of the town generally south of the R617. The site is to the north of the R617, accessed via a steep, narrow local road that serves a one off dwelling and twenty detached houses at Sunberry Heights and Sunberry Drive estates. The site is currently in agricultural use and accessed via a short laneway from the Sunberry Drive estate. The site has an elevated location overlooking Blarney to the south, including Blarney Castle, with extensive views to the south and west. Levels rise steeply from south to north across the site with various undulations throughout, upwards to a local peak called Knockacorbally beyond the northern site boundary (OS maps indicate a height of 106m). The eastern boundaries of the site address the rear gardens of houses in Sunberry Drive and Castleown and comprise a combination of mature hedge, fence/wall or left completely open. The northern, western and southern boundaries have significant numbers of mature trees. There are established residential areas further to the east of the site, beyond Sunberry Drive and on the other side of the ridge, overlooking the Martin River and amenity walk. There is farm land to the north and west of the site and a steep, wooded escarpment to the immediate south between the site and the Killowen Road and R617 as they lead out of town to the west. There is also a national school to the south, facing the R617 and backing onto this heavily wooded escarpment.
- 2.2. The R617 carries a lot of traffic from west Cork to access the N20 Cork/Limerick Road about 1.5kms east of the development site. The R617 in the vicinity of the junction with Sunberry Heights has a marked rise in gradient west to east, a speed limit of 50 kph and a number of other entrances and a solid central white line and double yellow lines both sides. Sight distance is restricted in both directions by walls

and vegetation, particularly to the east (left when exiting Sunberry Heights) by the brow of a hill. A car parking area and signalised pedestrian crossing are located east along the R617.

3.0 Proposed Strategic Housing Development

The proposed development will consist of 150 residential units comprising 112 houses 38 apartments and consist of the demolition of an existing garage and southern boundary wall, to be replaced with a new southern boundary wall, as well as the lowering of the existing eastern boundary wall and pier, at 1 Sunberry Drive; a crèche; all associated ancillary site development and landscaping works, to include bin stores, bicycle and car parking, ground works and retaining structures, foul drainage, stormwater drainage, water supply, service ducting and cabling, public lighting, relocation of existing ESB substation, and all boundary treatments.

The proposed development is to be accessed via the existing Sunberry Heights/Sunberry Drive off the Blarney Relief Road (R617). An upgrade is proposed to the existing Sunberry Heights/Sunberry Drive and the existing access to the proposed strategic housing development, including the widening of the footpath at the junction with the Blarney Relief Road (R617), raised platforms, security barriers and fencing as necessary, road markings, and road resurfacing to facilitate improved pedestrian/cycle connectivity. The details are as follows:

Parameter	Site Proposal
Application Site	7.79 ha
No. of Units	150
Unit Breakdown	1-bed apartment: 10 (7%) 2-bed apartment: 28 (19%) 2-bed house: 8 (5%) 3-bed house: 77 (51%) 4-bed house: 27 (18%)

Other Uses	Childcare Facility - 42 child places (309.66 sqm) with 258.8 sqm private open space.
Car Parking	184 shared surface car parking spaces 30 basement car parking spaces
Bicycle Parking	238 spaces
Vehicular Access	A single access point from Sunberry Drive.
Part V	15 units
Density	36.6 units/ha.

4.0 Planning History

PA reference **08/9047** ABP reference **PL04.234024**. Permission refused for the demolition of existing shed and construction of 133 dwellings (13 with external stores), bin stores, 1 creche, new vehicular access, all associated car parking, all ancillary landscaping & site development works. November 2009.

1. The site is zoned for medium density residential development limited to the lower portion of the site with the upper part of the site to be retained as open space in the Blarney/Kilbarry Local Area Plan 2005 and is part of the designated scenic landscape in the Cork County Development Plan 2009. The proposed development includes a significant number of houses on the upper part of the site which has been reserved for open space in the adopted land use zoning objective. The proposed development would, therefore, materially contravene the zoning objective for the site, would be visually obtrusive, in particular from views from Blarney Castle, a significant tourist attraction, and would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied that surface water arising within the proposed development would be adequately dealt with on site or safely discharged to the adjoining surface drainage system, and not add to or exacerbate flooding in the vicinity and downstream of the site.

Note: The Board considered that the integration of the wayleave to the south of the site into the private rear gardens of dwellings to be inappropriate and was of the view, should a fresh application be made on the site, that the wayleave area should be located in public open space.

Nearby sites:

PA reference **16/7122** ABP reference **PL04.248614**

Relating to a site north east of the development site, on the other side of the ridge.

Permission granted by the Board for demolition of existing dwelling house and construction of 88 no. residential units, a crèche and all ancillary site development works. New vehicular entrance from the Monacnapa Estate and a new pedestrian / cyclist entrance along the sites southern boundary from Mangerton Terrace. This development is currently under construction and nearing completion.

5.0 Section 5 Pre Application Consultation

5.1. A section 5 pre-application consultation took place at the offices of Cork County Council on the 11 January 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-303024-18. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

1. Residential Density and Housing Mix

In terms of housing mix, quantum of development and residential density, regard should be had to local and national planning policy, in particular the Blarney Macroom Municipal District Local Area Plan 2017; the Cork County Development Plan 2014-2020; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); the 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning

Authorities' (2018). When calculating density it may be reasonable to exclude the northern portion.

2. Design and Layout of Residential Development

In terms of layout and design the proposed development shall have regard to the site's context and locational attributes including its elevated position overlooking Blarney Castle. The proposed design and layout should provide the optimal urban design and architectural solution for this site and be of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. The following matters should be examined again: elevations, sense of place, pedestrian connectivity and residential amenity impacts.

3. Vehicular, Pedestrian and Cycle Connectivity

Vehicular, pedestrian and cycle connectivity between the development site and the R617, specifically a demonstration of ownership and the responsibility for the works to the access road and junction improvements.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Comprehensive landscaping scheme for the entire site, including an Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site and a rationale for the proposed public open space provision.
2. Photomontages, visual impact analysis and landscaping proposals to indicate potential visual impacts from the Blarney Castle Estate to the south, the wider area and potential impacts on the visual and residential amenities of adjacent residential properties.
3. Existing and proposed ground levels across the site. Detailed cross sections indicating proposed FFL's, road levels, open space levels, etc. relative to each other and relative to adjacent lands and structures.
4. Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018).

5. Rationale for the proposed car parking provision with regard to Cork County Development Plan 2014 car parking standards and the performance related approach set out in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018).
6. Statement of Housing Mix in accordance with objective HOU 3-3: Housing Mix of the Cork County Development Plan 2014.
7. Traffic and Transport Impact Analysis, to consider cumulative impacts of permitted development in the area.
8. Archaeological Impact Assessment.
9. AA screening report.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. An Taisce-the National Trust for Ireland
6. The Heritage Council
7. Fáilte Ireland
8. An Chomhairle Ealaíon
9. Cork County Council Childcare Committee.

5.4. Applicant's Statement

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

1. Residential Density and Housing Mix

HOU 4-1 of the Cork County Development Plan 2014, Medium B density equates to between 12-25 units/ha. Based on the overall zoned area of the subject site, the proposed density equates to 19.2 units/ha, which accords with the Medium B density designation. However, taking into consideration the specific wording of the BL-R-03 zoning objective, which requires retention of upper lands to remain open, the net developable area of the site, equates to 4.1ha. The density of the net developable area is 36.6 units/ha. The location of the site and its context in terms of population and commuting patterns is examined and in accordance with the relevant guidelines the proposed density of 36.6 units per hectare is seen as acceptable. In addition, the proposed development provides for a wide range and mix of house types, table 2 Detailed Housing Mix, contained in the applicant's statement of response to the Board's opinion, refers.

2. Design and Layout of Residential Development

The proposed layout responds to the constraints of the site and the objectives of the local plan. The proposed development has been fully considered against the 12 criteria of the Urban Design Manual, table 3 of the applicant's statement refers. CGI material is presented to illustrate a sense of place and the hierarchy of open spaces. Cut and fill principally at the lower section of the site is optimised to ensure the proposed development can be successfully absorbed into the landscape, and that internal road and footpath gradients can be designed to a maximum of 1:20 to ensure ease of access by all users. A Design Statement and Landscape Masterplan have been prepared. The layout ensures that the residential amenity of Sunberry Heights is preserved through storey and half house types and adequate separation distances of at least 22 metres.

3. Vehicular, Pedestrian and Cycle Connectivity

Internal permeability is demonstrated in terms of the revised layout of the development. In relation to the access road from the R617 junction, the proposed development provides for works to the Sunberry Heights/Drive road to improve the overall safety and functionality of the road for existing and future motorists, pedestrians and cyclists, including; existing footpath cleaning, a new safety/crash barrier across the length of the access road, a new speed reduction table at a mid

point, a raised platform at the junction with R617, carriageway modifications to make it compliant with National Cycle Manual, road resurfacing and new drainage. The new vehicular access to the site will be designed with a 6 metre carriageway and 2 metre footpaths and boundary walls reduced to allow greater sight lines.

With regards to the specific information required to be submitted at application stage, the applicant has listed and provided a summary of the drawings and documentation that have been prepared and lodged with the application and how they respond to the issues raised.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

- 6.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

National Planning Objective 13 provides that "in urban areas, planning and related standards, including in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Urban Development and Building Height, Guidelines for Planning Authorities'. 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

Other relevant national guidelines include:

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

6.3. Local Policy

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

6.4. Cork County Development Plan 2014-2020

6.4.1. NOTE: The following includes the provisions of Variation No. 1, adopted 12th February 2018, which updates the development plan to reflect the revised housing supply figures, approach to Active Land Management and the Metropolitan Cork Strategic Land Reserve arising from the adoption of the Municipal District Local Area Plans in 2017.

6.4.2. Blarney is identified as a Metropolitan Town located within the Cork 'gateway' and at the second tier of the settlement strategy in the development plan Core Strategy. The strategic aim is to promote such towns as critical population growth, service and

employment centres within the Cork 'gateway', providing high levels of community facilities and amenities with infrastructure capacity, high quality and integrated public transport connections. Table B1 of Variation No. 1 states that Blarney has a population target of 7,533 for 2022 from a base of 2,437 in the 2011 Census. A total of 2,566 new residential units are required for the period 2011-2022 with an estimated zoned land requirement of 103 ha.

6.4.3. Chapter 3: Housing includes the following policies and objectives, which are considered relevant: HOU 3-1: Sustainable Residential Communities; HOU 3-2 Urban Design; HOU 3-3 Housing Mix; HOU 4-1 Housing Density on Zoned Land, which states the following in relation to 'Medium B' residential density development (12-25 units / ha):

- Max net density extended to 35 dwellings / ha in smaller towns outside Metropolitan Cork.
- Normally applicable in smaller towns (less than 5,000 population)
- Can be applied in larger towns through LAP's where there is a requirement to broaden the range of house types.
- Densities less than 12 dwellings / ha will be considered where an exceptional market requirement has been identified.
- Densities between 25 and 35 dwellings / ha will be considered where an exceptional market requirement has been identified.
- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and waste-water services.
- Broad housing mix normally required including detached, serviced sites unless otherwise specified in the relevant Local Area Plan.

6.4.4. Chapter 5: Social and Community. Section 5.3 relates to childcare facilities and includes objective SC 3-1: Childcare Facilities. Section 5.5 sets out public open space requirements for residential developments, also relevant objectives SC 5-2: Quality Provision of Public Open Space; SC 5-5: Recreation and Amenity Policy; SC

5-8 Private Open Space Provision. Section 5.7.7 requires a public open space provision of at least 12-18% of a site, excluding areas unsuitable for construction.

- 6.4.5. Chapter 10: Transport and Mobility. Section 10.2 sets out policies on walking, cycling and public transport including objectives TM 2-1: Walking, TM 2-2: Cycling and TM 2-4: Bus Transport (Metropolitan Area). Table 10.1 identifies Blarney as a location for key bus service improvements with an all day target frequency of 30 mins. Section 10.4 sets out parking policy including objective TM 4-1: Car and Cycle Parking.
- 6.4.6. Chapter 12: Heritage, including policies on archaeological heritage.
- 6.4.7. Chapter 13: Green Infrastructure and Environment. Section 13.5 on landscape including objectives GI 6-1: Landscape; GI 7-1 General Views and Prospects; GI 7-2 Scenic Routes; GI 7-3: Development on Scenic Routes. The site is adjacent to Scenic Routes S39 and S40.

6.5. **Blarney Macroom Municipal District Local Area Plan 2017**

- 6.5.1. The site is located within the development boundary of Blarney and is zoned as Medium B Residential Development (12-25 units / ha). It has the site specific zoning objective BL-R-03:

Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. The upper part of the site, closer to the ridge, is generally unsuitable for development and should be retained as open land uses with long term strategic planting as part of the overall scheme.

- 6.5.2. Section 3.2.17 of the Plan states the following in relation to the subject site:

In relation to the BL-R-02 and the BL-R-03 sites, there is no direct access to a public road. Future development proposals on these sites will need to ensure that safe access is provided. This issue will be of particular concern when servicing the BL-R-03 site. Serious consideration should be given, in any proposal on this site, to the following traffic related issues;

- *The impact of increased traffic at the junction of Strawberry Heights and the R617,*

- *The gradient of Sunberry Heights as it approaches the Blarney Inner Relief Road,*
- *Pedestrian and cycling connectivity between the BL R-03 and the town centre.*

6.5.3. Objective GO-06 of the Plan relates to the visual impacts of developments in close proximity to Blarney Castle and states:

Ensure adequate regard is given to assessing the visual impacts of new developments in close proximity to Blarney Castle and Estate so as to ensure that such developments do not compromise the landscape heritage character of the area.

6.6. Applicant's Statement of Consistency

6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of national and regional planning policy including section 28 guidelines and the Cork County Development Plan, 2014 and Blarney-Macroom Municipal District Local Area Plan, 2017.

7.0 Observer Submissions

7.1. 22 valid submissions were received, most were made by individuals containing similar themes and concerns, from a residents' associations and others from businesses. Most observations revolve around the proposal to utilise the existing access road from the R617 to Sunberry Heights to serve the development, the impact upon views in the area, that the density of development is not in accordance with local plans and infrastructural deficiencies in the area. None of the local residents fully supported the development of the lands in question, while all opposed the scale of the development. Note a small number of residents in the wider Cork City area supported and endorsed the principle of housing at this location. In broad terms the planning issues can be summarised as follows:

Visual Impacts – impact of the development on views to and from Blarney Castle. The context of the Blarney Castle Estate extends beyond the village centre and ACA to the areas of woodland and landscape around Blarney. The proposed development will negatively impact on the scenic landscape beauty of the area and this will negatively impact Blarney Castle. The Landscape Visual Impact Assessment

submitted by the applicant is criticised, the impact of cut and removal of borrowed screening is omitted. Proposed development will rise up to the 80 metre contour line and create a visually unacceptable impact as viewed from Blarney Castle.

Density – the proposed site is the wrong location for higher densities and contravenes the County and Local development plan. Though Blarney is targeted for population growth, the site has a number of constraints and should be developed at densities compliant with the development plan.

Scale and Design -the scale and design of the proposed houses and apartments are out of character with existing development in the vicinity.

Residential Amenity – drawings have not adequately demonstrated impact to adjacent property for example, house number 31 and 32 will directly overlook existing property and a separation distance of only 17.48 metres has been provide for. House numbers 11 and 12 are too close to existing homes and will block light and limit privacy. The selection of inappropriate tree species along the boundary of the site will result in significant overshadowing of rear gardens. The rural outlook to properties at Sunberry Drive will be lost. The integrity of existing boundaries and retaining walls after development is doubted by property owners.

Tourism Potential – the proposed development, because of its visual impact does not accord with local policies in relation to the landscape and heritage character of Blarney and the need to promote tourism.

Traffic – the lands in question were never meant to be developed at the densities proposed, vehicular access was to come from the west. The existing pedestrian facilities along the access road are not up to standard. Additional traffic from the proposed development will impact upon tourism related traffic and the construction phase of development has underestimated the impact to the local tourism industry. The removal from the site of a large volume of spoil will equate to 5,000 lorry loads, unacceptable. The Traffic Assessment prepared by the applicant is criticised in relation to the timing of traffic counts and underestimating the overall vehicle movements. The use of the junction from the R617 and access road to Sunberry Heights to service the proposed development is extremely problematic. The existing footpaths are too narrow and the gradients involved mean that shared surfaces and other modes of traffic will never be successful. Sufficient sight lines cannot be

achieved either from the access point to the development or onto the R617. The provision of a crèche will only add to traffic volumes.

The auto-track analysis is incorrect and the configuration of the existing junction struggles with HGV access and the drawing submitted by the applicant are inaccurate. The provision of a new crash barrier will not be effective as ground levels downslope would not support such a structure. The steep gradient of the access road to Sunberry Heights from the R617 is dangerous in all weathers. The proposed works at the junction to the R617 will not achieve safe results.

Ecological Impacts – the proposed development will result in long term impacts upon existing woodlands. The woodlands to the south of the south are home to a protected slug species – *Tandonia Rustica*, the applicant's Ecological Impact Assessment incorrectly underplays the impact of the development of this protected species.

Services – the impact of diverting all surface water run-off to the south west corner of the site has not been adequately designed and may adversely impact upon an existing swale in adjacent woodland. The existing surface water system in the area struggles to cope and the additional volume of surface water from the site has not been properly assessed. Calculations made by the applicant do not include the surface water drainage from the completed cut embankment, ground water springs will inevitably be found and these have not been accounted for. It is suggested that the overall surface drainage design strategy for the entire site is flawed, not least because of inadequate groundwater assessments.

Upgrading the sewer system in the area would require works along the access road to Sunberry Heights, this is not feasible given the gradient and configuration of the road.

Access to a potable water supply to the north of the site has not been requested from the landowner.

Legal issues - consent to carry out works to the access road are queried, the road is not taken in charge and the ownership by the initial developer of the lands (Findon Investments) is questioned.

A number of submissions incorporate studies of their own, including: landscape architecture reports assessing woodlands, ecology and visual impact, heritage impact studies, video footage, planning history files and photographs.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 5 November 2020. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of six elected members of the Ward Council at an online meeting held on the 22 October 2020, and is outlined as follows:

- The proposed development may contravene the Blarney LAP and Cork City Plan objectives.
- The proposed access to the site is steep and already problematic.
- Concerns about surface water management on site.
- Proposed development does not fit in with existing housing or take account of Blarney Castel. Density is too high and out of scale with the area.
- The construction phase of the development will be affect local residents.
- It is a speculative venture and the crèche will most likely not be built.

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

Residential Density and Housing Mix – the housing mix is satisfactory, though more detached units would have been welcome. The proposed density 36.6 units per hectare is in excess of what is planned for. In addition, it should be noted that more suitable sites close to a planned future rail station at Stoneview can accommodate higher densities. The site, as an edge of small town location, lower densities are appropriate, as outlined in the LAP and Sustainable Residential Development in Urban Areas guidelines. Even though Table HOU 4-1 of the LAP points towards 35 units per hectare as appropriate in smaller towns outside Metropolitan Cork, this

does not apply to this very sensitive site. The proposed development does not accord with the zoning objective for the site or the provisions of the LAP or County Development Plan.

Design and Layout – the recommended 22 metres separation distance between existing and proposed development is not met at a number of locations. Units 11 and 12 should be omitted. Finished floor levels cause problems given the clopping nature of the site. The apartments will be visible from Blarney Castel and the location of some apartment units close to mature trees will impact residential amenity, relocation could be considered. Apartment and dwelling sizes all accord with standards, the area of public open space is acceptable and the provision of a crèche is welcome.

Vehicular, Pedestrian and Cycle Connectivity – internal connections are acceptable. Given the location of the site away from the town centre and the gradients involved it is likely that most journeys will be car borne. In terms of roads design and improvements, a number of technical issues can be addressed by condition, but include a variety of works necessary far beyond the site. The traffic modelling for the proposed development is queried because of the absence of all relevant junctions and a Mobility Management Plan is required. Because of these omissions permission should be refused.

Visual Impact – the impact of the entire development, but specifically the apartment blocks and embankment cut will impact upon the views of the wider landscape from Blarney Castle. However, it is noted that the skyline is not broken, a revised planting scheme for the northern portion of the site can assist with the integration of the development into the landscape.

Surface Water and Drainage, Public Water Supply – no objections are raised to the drainage proposals submitted by the applicant, subject to technical agreement on remedial works necessary.

- 8.3. The planning authority conclude that the proposed development is not acceptable and recommend two reasons for refusal to do with residential density and traffic hazard.
- 8.4. In the event that permission is granted 40 conditions are recommended. The planning authority recommend standard and technical conditions in common with

larger residential schemes. However, the planning authority include specific conditions to address points made in their report as follows: omission of two units, revised landscaping, special development contribution to do with road and footpath works outside the site and survey and analysis of surface water culverts south west of the site in order to agree upgrade works as necessary.

8.5. Interdepartmental Reports

- 8.5.1. Internal reports were contained in appendix B of the report and include: Transportation, Roads, Area Engineer, Conservation, City Architect, Drainage, Parks, Environment and Archaeology.

9.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Department of Culture, Heritage and the Gaeltacht
- An Taisce-the National Trust for Ireland
- The Heritage Council
- Fáilte Ireland
- An Chomhairle Ealaíon
- Cork County Council Childcare Committee (issued to Cork City Council Childcare Committee)

- 9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 10 September 2020. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. With regard to wastewater, in order to cater for the

development, upsizing of more than 600 metres of existing pipework is required, at a cost to the developer. In relation to water supply, a more feasible connection to the water supply is from the north of the site, third party consents may be necessary. A Statement of Design Acceptance has been issued and a relevant condition is suggested.

- **Transport Infrastructure Ireland (TII)** no observations.

10.0 **Assessment**

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

- Zoning and Density
- Residential Amenity
- Visual Amenity and Heritage
- Layout and Landscape
- Traffic and Transportation
- Water Services
- Other Matters

10.2. **Zoning and Density**

10.2.1. For clarity the planning authority point out that though the site was brought within the expanded boundary of Cork City Council in May 2019, the County Development Plan is the relevant plan. However, the strategic goals of the City Plan are also relevant. I agree and further point out that the Blarney Macroom Municipal District Local Area Plan 2017 contains focused objectives with regard to the site.

- 10.2.2. Blarney is identified as a Metropolitan Town (and its inclusion in the expanded City boundary) in the Core Strategy of the Cork County Development Plan 2014, for which the strategic aim, is as a critical population growth, service and employment centre within the Cork Gateway. Figure 2.3 of the Plan identifies a population target of 7,533 people to 2022 (a growth of 5,096 people from 2011) in an additional 2,566 housing units. The proposed development of 150 residential units, which could be occupied by up to 420 people (based on the average family size of 2.8 for Cork County (2016 census)), will meet development plan population and housing targets. The proposed development aligns with the core strategy of the relevant plan.
- 10.2.3. The site is zoned Medium B density residential development and the County Development Plan sets out a guide to residential densities in table 3.1 *Settlement Density Guide*. Blarney is listed as a location where higher densities could be sustained, especially sites close to high quality public transport proposals. The planning authority point out that higher density would be appropriate close to the rail line and the possible location of a future railway station at Stoneview. Medium B density residential development is applicable to sites at peripheral locations such as the subject site and the planning authority highlight the LAP zoning objective that explains why a lower density is advised. For information purposes, Medium A densities amount to 20-50 units per hectare and Medium B amounts to 12-25 units per hectare. The planning authority do not support the proposed residential density of 36.6 units per hectare, stating it would be contrary to the Development Plan for the area and this forms the basis for their first reason for refusal. Many local observers also point out that the site should not be developed at such a high residential density, grounding opposition in the negative planning history of the site over the years and referring to the material contravention of the local area plan if granted permission.
- 10.2.4. The stated site area for the development equals 7.79 Hectares, and the net developable site area set out by the applicant amounts to 4.1 Hectares. The net developable area results from the LAP objective for the site that requires the upper part of the site, closer to the ridge, be retained as open land uses with long term strategic planting as part of the overall scheme. The LAP does not define what the upper portion might be. The applicant has, and this results in a net residential density for the site of 36.6 units per Hectare, 150 units across 4.1 Hectares. The planning

authority are satisfied that the basis for the resultant residential density for the site has been correctly calculated.

- 10.2.5. The applicant's Statement of Consistency views the residential density as being in accordance with Objective HOU 4-1 of the Cork County Development Plan 2014, where Medium B density equates to between 12-25 units/ha. According to the applicant, based on the overall zoned area of the subject site, the proposed density equates to 19.2 units/ha, in line with the Medium B density designation. The density of the net developable area on the lower portion of the site is 36.6 units/ha. The applicant's Statement of Consistency further expands the matter of density and compliance, as follows: the gross area of the subject site is c. 7.79 Hectares with a corresponding density of 19.3 units per hectare which is within the Medium B density range.
- 10.2.6. The applicant also turns to the zoning objective for the subject site, as well as Appendix B of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and explains that the landscape buffer to the north has been excluded from the calculation of net site area. The local access road is also excluded from the net developable area in compliance with Appendix B of the Guidelines. This reduces the net site area for density calculation purposes to c. 4.1 Hectares, with a corresponding density of 36.6 units per Hectare. The applicant considers that the proposed density for the net developable area is supported by national, regional and local policy objectives, while also noting that the density of the overall site falls within the Medium B Density required by the zoning objective. The planning authority disagree and state that the higher density proposed for the site is at variance with the objectives of the plan. However, as the applicant views it, they are satisfying both national guidelines and local policy by calculating density in different ways.
- 10.2.7. The issue of residential density is important to analyse in detail as it forms the basis for the planning authority's first reason for refusal and introduces the concept of a contravention of the Development Plan. A situation that the applicant has not made allowance for in their public notices as they believe there is no contravention of the development plan.
- 10.2.8. The Local Area Plan objective BL-R-03 for the site is as follows:

“Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. The upper part of the site, closer to the ridge, is generally unsuitable for development and should be retained as open land uses with long term strategic planting as part of the overall scheme.”

10.2.9. The plan expressly states that residential development is excluded from the upper part of the site. The plan does not define upper and lower portions of the site. The applicant has decided that the upper portion of the site is all land that rises above the 75 or 77 metre contour line, the planning authority agree. In accordance with the plan landscaping comprising meadow grass and woodland trees are situated in this upper portion. So far, the proposed development is in accordance with the plan, the planning authority agree and so do I.

10.2.10. At arriving at a residential density for the site the applicant excludes this upper portion (and some road access), leaving 4.1 Hectares as the developable area. This has resulted in a net residential density for the site of just over 36 units per hectare.

10.2.11. Measuring residential density is guided by Appendix A of the Sustainable Residential Development in Urban Areas guidelines. The guidelines advise that the net site density measure is a more refined estimate than a gross site density measure and includes only those areas which will be developed for housing and directly associated uses, significant landscape buffer strips are to be excluded. The guidelines also state that net density is the most commonly used approach in allocating housing land within Local Area Plans and is appropriate for development on infill sites where the boundaries of the site are clearly defined and where only residential uses are proposed. The applicant follows this lead and discards the upper landscaped buffer portion of the site and has determined a residential density of 36.6 units per hectare for the lower portion.

10.2.12. The planning authority’s interpretation of their own plan, from what I understand is that Medium B Density Residential Development (12-25 units/ha) applies to the site and that 36.6 units per hectare is contrary to this zoning objective. The planning authority are not explicit about the use of net or gross density and this is relevant up to a point. The LAP confirms a residential density range of between 12-25 units/ha, across the site but restricts housing to the lower portion of the site, the upper portion is to be reserved for landscaping. The LAP does not differentiate

graphically on the maps where this upper portion might be. However, the applicant has decided where development should occur, and the planning authority agree. The planning authority disagree about the quantum of development involved and the resultant residential density proposed for the area where development will occur. On a point of detail I note that the County Development Plan under objective HOU 4-1 Housing Density on Zoned Land, states that in relation to 'Medium B' residential density development (12-25 units / ha), densities between 25 and 35 dwellings / ha will be considered where an exceptional market requirement has been identified. No such exceptional market demand has been identified by the applicant or the local planning authority on this distinct point. For the planning authority this is simply a material contravention of the plan and local observers agree.

10.2.13. Firstly, in my view, the applicant is correct to remove the upper portion of the site for the purposes of measuring net density at 36.6 units per hectare. This level of residential density is more or less in accordance with the density ranges advised by section 6.11 *Edge of centre sites* (20-35 dwellings per hectare), of the Sustainable Residential Development in Urban Areas guidelines. It is also correct to assign a much lower gross residential density figure of 19 units per hectare, when the entire site is brought in. But this is not what the LAP demands of its BL-R-03 objective, that states: Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. There is no room for interpretation here, the plan is unequivocal, a low density range should apply to the lower portion of the site and that density should fall somewhere between 12-25 units per hectare. The aim of the objective is to preserve the upper portions of the site in order to assist with the integration of residential development at the foot of the site, this is considered a reasonable objective in the circumstances; observers, the planning authority, the applicant and I agree with this. In my view there are no elements of the County Development Plan objective HOU 4-5 that could permit the consideration of higher densities at this location, this site is not outside Metropolitan Cork and no exceptional market requirements have been identified.

10.2.14. Whether residential density is measured as a net or gross figure can be taken as a moot point in this instance, the fact remains that the density proposed for the lower portion of the site amounts to 36.6 units per hectare, this is in excess of the 12-25 units per hectare range required by the Local Area Plan. The proposed

development therefore materially contravenes the LAP with respect to residential density, a material contravention statement was not prepared by the applicant to address this fact, there were no public notices and so the Board have no jurisdiction to grant permission in this instance. For the Board to invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) the subject matter of the material contravention must have been referred to within a Material Contravention Statement i.e. the public should have been given notice as to what part of the statutory plan is to be materially contravened. As I have explained this is not the case, there was no material contravention statement and no public notice. I consider that the inclusion of a residential density of 36.6 units per hectare, within an area of land for which the residential density range is 12-25 units per hectare, would be a material contravention of the LAP and not be in accordance with section 8(1)(a)(iv)(I) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), that requires such a fact to be published. Even though the design, form and residential densities proposed by the applicant may be entirely acceptable at this location and in accordance with national guidelines, in my opinion they materially contravene the LAP and permission should be refused on that basis alone.

10.3. Residential Amenity

- 10.3.1. Future Residents - The applicant has submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In all cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. According to the Schedule of Accommodation submitted by the application, all house types significantly exceed the relevant floor areas advised.
- 10.3.2. In all cases, over 22 metres separation distance between opposing first floor windows has been provided. In locations where the gable ends of some house types are closer such as at the upper central open space, either landing windows or obscured glazed windows are provided, and this is satisfactory.

10.3.3. In terms of private open space, garden depths are mostly provided at a minimum of 11 metres and according to the plans provided by the applicant result in areas of 60 or 102 sqm across all house types. A very small number of rear garden depths are triangular in form but are associated with large detached or semidetached houses with side access. In all of these cases where garden depths are quite shallow, there are wider parts to the rear garden that extend to 11 metres. I do have concerns about the configuration and gradients involved in a number of rear gardens, notably sites 1-10, house type 1G and 1G(i). These sites are on the lower side of the main access street and though they have side access, the rear gardens are approached by steps, site section L and M are instructive as well as drawings. In addition, the rear gardens are shown as level up to the boundary of the site, with tall woodland trees beyond. These gardens will be overshadowed and dark spaces almost all the time. The current ground levels fall away very steeply at this lower field location and I have reservations about the wisdom of so much fill proposed. A 2 metre high weldmesh fence/concrete post and panel fence on a retaining structure is proposed along the length of this southern boundary, but there are no section drawings that show how this retaining structure is to be constructed. Local observers have noticed this too and raise concerns in relation to the feasibility of such a boundary. However, on balance, the habitable rooms associated with these dwellings will be a significant distance from the boundary and treeline, winter light will penetrate the denuded tree canopy and high summer light will reach these rooms. I am satisfied therefore that the rear amenity space is adequate for these dwellings. In general, the rear gardens associated with all dwellings vary in shape and area and provide in excess of 60 sqm, the minimum sought by guidelines. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

10.3.4. The proposed development also comprises 38 apartments in two three storey blocks over a basement car park at the lower portion of the scheme and comprise 10 one bed units and 28 two bed units. The two blocks are arranged south of a generously scaled public open space and off a spur from the main access street. In addition to basement car parking 9 surface spaces are located nearby. A very narrow amenity strip is located south of the two blocks and tabled by the applicant to be taken in charge by the Council. The Sustainable Urban Housing: Design Standards for New

Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are provided with large balcony spaces that range from 7 to 12 sqm, with the majority between 14 and 18 sqm, all to an acceptable standard. All apartment units are stated as dual aspect, but I query some units. The blocks comprise a combination of limestone cladding at ground floor, selected brickwork and small areas of render, this is an acceptable format.

10.3.5. The floor to ceiling heights associated with apartment blocks are all 2.7 metres, this accords with the requirements of SPPR 5 of the guidelines with respect to floor to ceiling heights. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m and the standard for a 2 bedroom (four-person) apartment is 73 sq.m. The accommodation schedule shows that this has been exceeded by more than the minimum 10% in all cases. The proposed apartments are all in excess of the minimum floor area standards (SPPR 3), with none close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded.

10.3.6. The planning authority raise no particular opposition to the residential amenities offered to future occupants, subject to standard conditions, however, the proximity of the apartments to the southern boundary and woodland beyond is questioned as inappropriate. I have some concerns too, but this is more to do with the usability and maintenance of the rear southern amenity space. I find this space to be ill defined, narrow in configuration and of no practical use to residents. It is unlikely to be taken in charge by the Council and will become a dark and damp space with very little amenity value. I recommend that this space is integrated into to the basement car park and utilised for access of daylight and defensive planting. I also question the dual aspect aspirations of some units 1 and 16, the angled bedroom windows facing mostly north are not acceptable. It would be more appropriate to enlarge units 1 and 16 to include the cycle parking currently proposed at ground level and thus create satisfactory dual aspect. A condition can deal with this; enlarge these two units and relocate bicycle spaces to a slightly reconfigured basement. Units at the centre of each block with a small side facing bedroom window either face south across woodland or north across public open space and this is broadly acceptable. In terms

of the apartment component of the scheme, I am satisfied that the location and layout of the duplex apartment blocks is broadly satisfactory, only minor amendment or adjustment to design by condition is necessary.

- 10.3.7. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.
- 10.3.8. Existing Residents - The proposed development will be located on lands that have been in long term use for agricultural purposes. The lands are currently in productive use, being stubble at present. The boundaries of the site are characterised by mature tree lines with a woodland character to the northern and southern boundaries. The eastern boundary to the backs of existing housing at Sunberry Drive and Castleowen is less consistent, comprising a combination of mature hedgerow, block walls or completely open to the landscape. Houses associated with Castleowen maintain a distance of over 20 metres to the shared boundary and any direct impact from proposed dwellings will be experienced at 16 and 17 Castleowen. The interface of the development at the boundary with house numbers 1-9 Sunberry Drive has yielded the most detailed concerns received from observers.
- 10.3.9. In my view there are two principle areas where residential amenity issues may arise for existing homes. Firstly, occupants of detached houses at Sunberry Drive raise a number of concerns where the existing amenity of their homes will be compromised or where the planned extension of their dwellings has not been taken in to account. Secondly, the houses located in Castleowen estate to the east, where direct residential amenity issues may be slight, but some privacy concerns and site boundary conditions raise issues.
- 10.3.10. Sunberry Drive – House numbers 4-9 along the northern boundary of Sunberry Drive are detached dwellings on large garden plots, set between 12 and 17 metres from the boundary with the site. In all case, the garden level and hence the ground floor level of these houses are below the prevailing ground level of the

subject site. Site sections O-O show the relationship between number 8 Sunberry and plot 43, a difference of 1.91 metres between ground floor levels. Site Sections N-N show the relationship between number 5 Sunberry Drive and plot 33, a difference of just over 4 metres and back to back separation distances of 21 metres. A similar set of circumstances relate to 7 Sunberry Drive and plots 38/39. The separation distances between the rear of dwellings will amount to just over 21 metres and this is acceptable, no amount of excessive overlooking is anticipated. The proposed houses will be located at height above the existing dwellings, but this is not such a vast level change so as to be overbearing. Lastly, the Sunberry dwellings are located south of the proposed two storey dwellings and so overshadowing is unlikely to result.

10.3.11. Number 4 Sunberry is a corner site and presents two boundaries to the development. At this location, a small pocket park is proposed together with plots 17, 18, 31 and 32. Number 4 Sunberry Drive has been granted permission for a substantial extension and the owner is concerned that the proposed planting associated with the pocket park will overshadow the new extension (not constructed) and that proposed dwellings will overlook their property. On the matter of the pocket park and tree species selection, an appropriate condition can be attached to address appropriate planting. In terms of overlooking, overshadowing and overbearing appearance, I find that the same set of circumstances pertain to this site as they do to numbers 5,6,7,8 and 9 Sunberry Drive, so I anticipate no issues in any of those quarters. However, I do find that plot 31 (house type 1A(i)) is a little cramped for the site and even though overlooking will not be an issue due to a blank rear elevation, overbearing impact may result, I recommend its removal. In addition, the removal of plot 31 and its amalgamation with the pocket park to the south will provide a more comprehensive public realm at this location of the scheme.

10.3.12. The final interface area is between plots 11-18 and numbers 1-4 Sunberry Drive. The primary concern for these residents is the change in outlook and loss of privacy. Site sections G-G show a relationship in terms of heights and there is little variation in levels, so I anticipate no issues. Separation distances are either offset or greater than 22 metres. A loss of the farmland aspect will result, but these views are not protected and the lands have been zoned for residential uses for some time now. Number 2 Sunberry Drive will be adversely affected by plots 11 and 12, the planning

authority recommend the removal of these two units and I agree. The space leftover would be better served as landscaped planting.

10.3.13. With regard to the removal of plots 11, 12 and 31, in addition to these left over spaces being incorporated as minor open spaces, it would be beneficial if plots 13 and 32 could be of a house type that turns the corner in order to provide a greater degree of overlooking of these spaces. For instance, a version of house type 4A/4B could work at these locations.

10.3.14. Castleowen – the issues that arise for residents of Castleowen are of a much lesser magnitude than those for Sunberry Drive. The greatest impact will result from plot 45 and 16/17 Castleowen. But even here the separation distances are so great and the change in levels not noticeable that I perceive no residential amenity impacts at all. Perhaps the greatest perception of impact will result in the change in aspect or outlook from the rear of numbers 17 to 22A Castleowen, where the open farmland landscape will be replaced with open meadow planting and housing to the background. As before, the views at this location are not protected in the development plan and I am satisfied that there will be no loss of residential amenity. Boundary treatments will be an issue that can be easily addressed by condition.

10.3.15. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants, subject to the minor alterations I recommend. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing houses in the area as well as those houses within Sunberry Drive and Castleowen housing estates.

10.4. **Visual Amenity and Heritage**

10.4.1. A number of observers have raised concerns that the proposed development will be out of character with nearby housing estates. The density and quantity of housing is viewed as out of step with existing housing. In addition, the impact of the development on the views from Blarney Castle across the wider landscape is seen as unacceptable by many, including the operators of Blarney Castle. A number of photo and conservation surveys have been submitted to support the objections

lodged in relation to visual impact and an overall degradation of the historical and cultural significance of the site. The planning authority are not so concerned about any perceived negative visual impact from the development, the upper part of the site is not developed, dark slate roofs are proposed, and natural screening is provided below the site. However, the Council's Conservation Officer does point out detailed considerations and solutions in relation to the diminution of the health of screening trees because the apartment blocks and houses may be located too close to the tree line.

10.4.2. Firstly, I note the documentation prepared by the applicant that includes an Architectural Design Statement, CGI and Photomontage Booklet, Tree Survey and a Landscape and Visual Assessment. All of these studies lead the applicant to be satisfied that no negative impact would result from the proposed development, as viewed from various locations across the town and from Blarney Castle. A number of objections have arisen from local residents but also from Blarney Castle Estate, they submitted a Landscape Assessment and Heritage Impact report of their own.

10.4.3. The reports and images submitted by applicant and observers are useful and provide a variety of views and opinions from different locations, different viewpoints and at different times of the year. The matter of visual impact has been well addressed in all documentation within the application file. I do not underplay the importance of Blarney Castle in the context of the heritage and tourism value of the overall town. I accept that the historical conception of the town, its layout and wider planned landscape are important. I note that the Architectural Conservation Area for the town is extensive and includes the built heritage of the town, the valley floor around the castle but not the wider valley and planted woodlands or the subject site itself. I accept that the wider historic woodland planting and productive farmland has a part to play in the setting of the castle and town. However, I do not accept that the proposed development either by design or quantum necessarily or negatively impacts the wider landscape. Specifically, I note that the current proposal for the site, in accordance with the LAP objective for the site, retains the upper portions of the lands free from development.

10.4.4. The three storey over basement apartment blocks are tucked away in the south western corner of the site behind a significant woodland area. Concerns about the proximity of development to these trees are noted and addressed in the residential

amenity section of my report. However, regrading the profile of the site at this interface location will need careful consideration if the trees downslope are to survive. I am satisfied that minor amendment and robust tree protection measures will be sufficient to maintain the trees south, but outside of the site.

10.4.5. I have considered all of the material before me in relation to the visual and cultural impact that the proposed site has on the vitality and touristic potential of the town as a whole. I am satisfied that even though the proposed development will be visible from the upper reaches of the Castle itself, wider views in and around the town are not noticeable or damaging in any way. With regard to views from Blarney Castle, I notice from the material submitted from various quarters, promoter and detractor alike, that the distant view of the wider landscape will change. However, the changes planned for are no greater than already present east of the site and that the retention of open lands on the upper slopes of this large field preserve the heavily wooded crest of the hill. In this respect the proposed development meets the objectives within the LAP to do with visual impact, heritage and tourism. I see nothing especially out of place in the proposed development, located on lands zoned for development, that would cause a significant visual impact and so I see no reason to refuse permission on these grounds.

10.4.6. Natural Heritage - Some concerns have been raised by observers that the proposed development will impact upon the natural heritage value of Blarney and the wildlife associated with woodland in the immediate vicinity is a case for concern. Specifically, a detailed submission has highlighted the potential impacts to adjacent woodland. In addition to concerns about tree surveys, bats and other fauna, the absence of a detailed assessment of a threatened and vulnerable protected species *Tandonia rustica* (slug) from the applicant's Ecological Impact Assessment is viewed as a notable deficiency. So too is the removal of substantial areas of scrub from the margins of the site.

10.4.7. The applicant has prepared a variety of documents to address ecology and biodiversity aspects of the development, including: EIA Screening Report, EclA Report, AA Screening Report and an Arboricultural Impact Assessment Report. I note that the EclA last record for *Tandonia rustica* in the vicinity was 24 November 2008 and that the occurrence of the species on the site is unlikely because the habitat within or adjacent to the lands is unsuitable. The planning authority are silent

on any issues to do with *Tandonia rustica*, however, some concerns are shown towards the viability of tree protection measures and conditions are recommended in this regard. I understand from the submissions made that *Tandonia rustica* is primarily a woodland species and the proposed development is to take place on farmland. I am satisfied that the measures proposed by the applicant to retain and preserve trees and hedgerows on the margin of the site are sufficient. The widescale removal of existing trees and scrub from the margins of the site to date, whilst unfortunate can be addressed by appropriate replacement planting and tree protection measures; a suitable condition can address these issues. In addition, I am satisfied that other aspects to with habitats/ecology have been suitably addressed by the applicant in their various reports and appropriate conditions can be attached to address the implementation of measures proposed.

10.5. **Layout and Landscape**

10.5.1. In broad terms the quantum and approach to public open space is good. Houses and apartments front onto and overlook public open spaces and play areas. This provides a good degree of passive supervision to enable public open spaces to function safely and provide an adequate level of amenity. The overall strategy for the site was to overcome the challenging topography and provide a hierarchy of spaces. This has been achieved by the provision of a number of smaller and functional open spaces close to residential units combined with much larger liner spaces at the margins of the site. These open spaces are designed to manage the topography of the site and in some cases retaining walls are planned to integrate with the amenity of these spaces. I note the opinion on the overall design of the site as presented in the report of the Cork City Council Architect in relation to their view on whether the site has had sufficient regard to the topography in its design and layout. A number of observers however, are concerned about the extent of cut and fill proposed and specific planting proposals on the boundary of their property.

10.5.2. With reference to the topography of the site, I note that the applicant has prepared a landscape masterplan and a number of detailed cross sections to illustrate how slope and cross fall are dealt with. In particular, I note section F-F and the illustration of the interaction between viewing/playing area edge and the start of the woodland/native planted strip, this is satisfactory, and I have no significant concerns. The planning authority have also considered that the overall landscape plan is

acceptable, but require finer detail in tree planting specie and groupings around the northern portion of the site.

- 10.5.3. The planning authority do not raise any significant concerns with regard to the distribution and form of public space throughout the proposed scheme. I agree that the provision of open space is adequate and the retention of existing vegetation where possible is to be welcomed. I also note the landscape plan indicates the retention of historic boundary treatments such as hedging and some trees. I am satisfied that the landscape plan, for the most part, addresses the balance between the retention of existing vegetation and the provision of usable and passively supervised open spaces. I note that an adjacent landowners had some concerns regarding boundary treatment and the tree species proposed. The landscape masterplan details that existing boundaries and hedgerows will be retained and augmented with additional planting. However, I consider that more detailed landscape plan along the boundaries to existing residences would be beneficial.
- 10.5.4. Overall I consider the design and layout of the scheme to be acceptable and an appropriate design response to the challenging topography on this zoned site, together with the landscaping measures proposed are sufficient to provide for a sense of place, with variety and distinctiveness.
- 10.5.5. Road Hierarchy – The applicant has shown a site that is connected to the wider street network at one location, gaining access from Sunberry Drive. This area is a mature low-density housing development of 14 houses. The main streets of the proposed development are detailed at between 6.0 and 5.5 metres in width and shared surface streets range between are 5 metres in width. The road dimensions are broadly in accordance with the Design Manual for Urban Roads and Streets (DMURS) and therefore acceptable. The applicant has prepared a DMURS Statement of Consistency, that outlines the principles of the guidelines and how they have been applied to the proposal. The planning authority have highlighted a requirement to comply with DMURS standards and I agree. I am satisfied however, that the applicant has attempted to deal with the topography of the site adequately and the provision of shared surfaces is to be welcomed, even in the challenging topographical conditions of the site. In broad terms, the road layout is satisfactory.

10.6. **Traffic and Transport**

- 10.6.1. The proposed development of 150 residential units will be accessed from Sunberry Drive estate and utilise a narrow and steep access lane shared with 22 other houses from the R617. A large number of observers are critical of this fundamental part of the overall development. Existing problems with the access road are described in detail with the aid of photographs and video imagery and concerns around both the construction and operational phase of development. In addition, observers point back to historical planning applications where traffic was raised as an issue and that either development should be severely limited or access taken from the west of the site. The planning authority are also critical of the traffic element of the proposed development and traffic hazard forms the basis for their second reason for refusal.
- 10.6.2. The applicant has prepared an Engineering Service Report that includes the scope of works necessary to accommodate the development. These include works at the proposed junction of the development site with Sunberry and extensive works along the length of the access road from the R617. The proposed works will include clearance of vegetation from the existing 1.2 metre footpath, extension of the existing security fence/crash barrier system across the entire length of the estate road on its western side, install a Speed Reduction Table at the mid-point on the estate road, a raised platform at the junction with the R617 and finally designate the access lane as a shared street with new road markings and overlain with a high friction surfacing. A letter of consent from Cork City Council has been submitted with the application together with a letter from the applicant's solicitor setting legal title to carry out the entirety of the works and a correspondence from solicitors outlining a Deed of Grant to carry out works on lands formerly owned by Findon Investments Limited, the original developers of Sunberry. A Transport Assessment report, DMURS Statement and RSA have also been submitted. The applicant has also included an Outline Construction Management Plan & Construction Waste Management Plan, that deals with traffic during the construction phase of development.
- 10.6.3. Having visited and accessed the site both on foot and by vehicle, I have reservations about placing additional vehicular, pedestrian and cyclist traffic from the R617 through Sunberry for a variety of reasons. Firstly, in physical terms, the site is located on a hill side and accessed by a steep and curved accessed lane, with a footpath on one side and sheer retaining wall on the other. This is not an uncommon

situation throughout Blarney, the town centre is based around the historic core on the valley floor and over time housing has climbed the steep hills to the north. Development from the latter part of the twentieth century such as Sunberry, Castleowen and Bracken Wood all adopt an abrupt engineering solution to access and approach roads, resulting in steep and uncompromising pedestrian and cycle environments. Matters have changed little in recent times and I point the Board towards the relatively recent Cluain Ard development, currently under construction and nearing completion. Steep roads, crash barriers and limited pedestrian facilities define this modern development. In summary, the subject site is to be accessed from a less than optimal laneway with problems that the applicant seeks to fix and which the planning authority require amendments and that many observers disagree with.

10.6.4. In terms of traffic generation, the applicant has prepared a Traffic and Transport Assessment (TTA). The TTA notes that the access road to Sunberry is very lightly trafficked. I would agree, the access lane accommodates slightly more than twenty houses at present. Local residents, however, cite issues at peak times accessing the R617 (a video submission illustrates this point) and difficulties experienced by heavy goods vehicles, such as bin lorries. I agree with this too, however, these are temporal occurrences and more to do with the existing junction condition onto the R617, rather than to do with traffic volumes.

10.6.5. The TTA accepts that the R617 is a busy road, though its design capacity is much more. From my limited observations of the R617, I agree that it is busy however, the R617 has other issues besides from just traffic volumes. In the vicinity of the site the R617 comprises bends, a not insignificant gradient, double yellow lines for significant portions, a central white line and a confusing traffic junction with St Ann's Road to the west. All of these factors define the character of the road and consequently the behaviour of drivers on it. In my experience and in this case in particular, the existing design parameters of the R617 give the perception of a fast road, despite it being in a 50kph zone. This magnifies the importance of the need to improve the junction condition of the Sunberry access road with the R617 if it is to satisfactorily and safely accommodate the development proposed. To this end, the applicant has suggested junction improvements that though not perfect, the planning authority are satisfied with, if minor amendments are made. Local residents do not support any of the improvements proposed by the applicant along the Sunberry access road for a

variety of reasons; lack of legal consent, not DMURS compliant and simply not practical. The planning authority have stated that many of the design issues to do with works along the alignment of the Sunberry access road can be addressed by condition, I agree. However, the simple justification for the principle of allowing 150 homes to utilise this sub-optimal access road remains.

10.6.6. The applicant's TTA has modelled the development in the context of a number of junctions in the vicinity, the planning authority have stated that more in-depth junction analysis would have been preferred, taking into account normal (out of Covid 19 lockdown) operating periods, submission of all data used and flawed assumptions with regard to modal shift. These are cogent concerns, but I shall just concentrate on one junction, the Sunberry access road with the R617. At this location the TTA states the junction will have more than adequate capacity to accommodate the worst case traffic associated with the subject scheme. Going as far as to say that the results are so favourable that the junction could accommodate significantly higher traffic volumes without any capacity related problems arising, partly because urban junctions benefit from driver courtesy which is not reflected in the modelling. Local residents disagree and so do I but for different reasons. As I have explained elsewhere in this report the design and configuration of the R617 at this location does little to nurture courteous and yielding driver behaviour and reliance on this human factor undermines the applicant's overall conclusions, in my opinion. In this context, the applicant's RSA is noted but in my view, it is quite possible that a signalised junction might be more appropriate at this location. The planning authority do not go as far as to suggest same, but highlight significant and unsafe queuing conditions on the Sunberry arm of the junction. The introduction of a fully signalised junction at this late stage in the process and without modelling is however, not recommended. In addition, the planning authority recognise the suboptimal pedestrian and cyclist environment presented by a number of roads and junctions throughout Blarney. In this respect, additional measures and works are listed and the planning authority desire details to be agreed prior to commencement of development and at a cost to the developer.

10.6.7. Whilst it is commendable that the planning authority recognise that the existing pedestrian environment around Blarney is sub-optimal, I think it unreasonable to require the developer to foot the bill for all these improvements. However, I am

concerned that the junction improvements at Sunberry Drive with the R617 should be fit for purpose and these may mean additional measures are required along the R617 from the junction with St Ann's Road to the west and Mangerton Terrace to the east, the developer should meet these costs. If granted, I recommend an appropriate condition along the lines of those required by the planning authority to require the design and implementation of such works prior to the occupation of any units in the scheme.

10.6.8. The planning authority have recommended a refusal of permission based around traffic hazard, arising from excessive queuing on the Sunberry access road, a lack of a suitable transport strategy to reduce car based journeys and road safety concerns around traffic queuing in adverse weather. These issues are important, but I am satisfied that they are not so significant or irreversible so as to warrant a refusal of permission. Firstly, I note that previous application on the subject lands for 133 residential units was refused permission, but not on traffic safety grounds. Secondly, the applicant has presented upgraded measures to facilitate the development and the planning authority are broadly in agreement with these, as am I subject to some level of further refinement. Lastly, other matters that concern traffic and transport can be addressed by condition, for instance; a more achievable Mobility Management Plan and that construction works should be more in line with the technical standards of the planning authority.

10.6.9. The Outline Construction Management Plan & Construction Waste Management Plan sets out a fairly standard approach to the construction phase of development and traffic management. Though inconvenience to residents is noted by the applicant, no special measures are proposed. Local residents are very worried about the construction phase of the development and cite nuisance from traffic queuing to possible damage to the road as a result. The Council's Traffic Operations Report also highlights issues that need to be addressed with the submission of a fully developed construction traffic management plan. I agree that the constraints of the site access and the construction phase have not been fully tackled by the applicant, but these matters can be addressed by condition.

10.6.10. The internal road layout is logical, and I anticipate no major issues. The planning authority have highlighted details to be agreed concerning some junctions and road surfaces and these can be conditioned I agree. I note that the internal road

network stops well short of the site's western and northern boundaries, this suggests to me no ambition to develop these adjacent lands in the future. This is a pragmatic approach, given that the lands are not zoned and that the site is at the western extremity of the town's urban influence; so these lands are unlikely to be developed in the near future.

10.6.11. In summary, I draw the attention of the Board to the reports of the planning authority with respect to Traffic and Transportation in this regard, there may be some technical information lacking. Notwithstanding this, I note the following. The site is located on zoned lands, within the built-up area on the edge of Blarney. It is a relatively modest development of 150 residential units, located on the edge of an existing estate and within the 50kph zone. If traffic and driver behaviour is an issue at this location, it is a matter for law enforcement and improvement of the road network to prioritise vulnerable road users over vehicular traffic. There should be plans in place for the upgrade of the road network in the area and in the improvement in public transport/pedestrian and cycle facilities, but I am satisfied that these can be addressed in the local area by conditions. There will undoubtedly be an increase in traffic numbers as a result of the proposed development. This may lead to congestion at certain times. However, this is an urban area and some level of congestion is to be anticipated. I am however satisfied that this increase in traffic numbers would not be so great as to warrant a refusal of permission. I consider that the matter may be adequately dealt with by means of condition if the Board is disposed towards a grant of permission. I have no information before me to believe that the proposal, if permitted would lead to the creation of a traffic hazard or unacceptable level of obstruction of road users at this location.

10.6.12. Car Parking - Table 1A of the Cork County Development Plan is referred to in this regard. A total of 214 car parking spaces are proposed to cater for the proposed development. This equates to 1.43 spaces per residential unit. The planning authority considers that the proposed quantum is acceptable, and I am also satisfied. I also note that the report of the planning authority states that there is an expectation to upgrade the bus network at Blarney, though no plans have been finalised. This is to be welcomed and the level of car parking proposed is broadly acceptable, however, the submission of a Mobility Management Plan should facilitate modal shift at this location.

10.6.13. Cycle Parking - A total of 238 bicycle spaces are proposed and a number of secure/sheltered bicycle storage racks are proposed, which is welcomed. The planning authority have no issue in this regard.

10.7. Water Services

10.7.1. Observers have raised some issues to do with water services. Specifically, that works required to be carried out to facilitate the development will be disruptive because the piped infrastructure is located long the access lane to Sunberry. In addition, some observers note that the preferred access to a potable water supply is from the north of the site and the application has no direct access to this infrastructure.

10.7.2. In terms of water services, Irish Water raise no particular issues, though they outline that the that upgrades to the wastewater network (upsizing of approx. 320m of 150mm diameter sewer and upsizing of approx. 310m of 225mm diameter sewer) will be required to cater for the development. Irish Water advise that a relevant portion of the costs for such works will have to be borne by the developer. In addition, it is advised that the most feasible connection point to the water network is to the existing watermain located to the north of the site. This water main lies outside the applicant's land holding, however IW also point out that connection to the overall network is feasible without upgrades being necessary. It would appear that the most feasible connection to the water supply falls to third party consents and the responsibility to obtain such consents lies with the developer. As there are no major issues of concern regarding the site and water services, I see no barrier to permission being granted subject to conditions regarding a connection agreement with Irish Water and agreement on wayleaves as necessary.

10.7.3. Surface Water and Flood Risk - The attention of the Board is drawn to the fact that some observers raise concerns in relation to flooding. The principle concerns range around the applicant's intention to discharge surface water arising from the proposed development to the existing stream/watercourse at a rate equal to the Greenfield Runoff Rate. Given that the site has not been identified as at risk of flooding, a Flood Risk Assessment has not been submitted. Observers have levelled criticism at the applicant's calculations and surface water attenuation proposals, in addition,

concerns are raised at the ability of the existing watercourse proposed to receive additional volumes.

10.7.4. In terms of surface water management, the applicant states that all surface water run-off from roof areas and hardstanding areas will be collected in the site's drainage network. The Surface water system shall include Attenuation designed for the 1/100 Year event and attenuation shall be provided for in three zones. The principal point of discharge for surface water shall be to an existing stream/watercourse located to the west of the site, connecting with a similar land drain southwards. The existing stream/watercourse currently provides drainage from the development site; however, observers dispute this point. There are two road crossings along the existing field drain/watercourse beneath the Killowen Road and the R617 Regional Road. The applicant states that both crossing points can accommodate the flows proposed, the planning authority disagree. The planning authority raise a couple of pertinent points including detailed surveys of this infrastructure have not been carried out and that the field drain and culverts are located outside the applicants' site on third party lands. However, the planning authority conclude that it is likely, given the greenfield rate of discharge proposed that some works necessary to improve these crossings would be acceptable.

10.7.5. On the day of my site visit I observed water spilling onto the Killowen Road and a commercial road sweeper was operating along the road to clear leaves from gullies. Given the planning authority's drainage section assurances that the surface water strategy is sound, I am satisfied that issues can be dealt with by condition and address any remedial works necessary. A second point of discharge for surface water will be to the existing surface water sewer on Sunberry Drive and drain a minor portion of the overall site (3.5% of all site run-off). Observers have raised concerns about the degree of cut and fill proposed and its impact upon the ability of the site to attenuate flows to greenfield rates. However, the planning authority are satisfied that the current flows are not being significantly changed and the overall surface water management regime is supported, I agree.

10.8. Other Matters

10.8.1. Planning History in Area - Some of observers raise the matter of previous refusals of planning permission on the site and comments made by engineers at the time of the

original Sunberry scheme. I have examined the planning history of the site and in the vicinity. I have assessed this proposal before me, de novo, noting that each application is assessed on its own merits and in the context of current development plans and national guidance documents.

- 10.8.2. Part V - 15 units distributed throughout the site are proposed to address the matter of Part V provision. The mix is as follows: 2 x 1 bed units, 6 x 2 bed units and 7 x 3 bed units. The planning authority have recommended a standard planning condition in this respect. I have no issue in this regard.
- 10.8.3. Archaeology - There are no recorded monuments or places (RMP) located within the proposed development site, as is stated by the planning authority Archaeologist. Due to the topography of the site and years of intense ploughing the site has a reduced archaeological potential. The planning authority state that the principle of development is supported, however archaeological monitoring by a suitably qualified archaeologist is recommended. If the Board is disposed towards a grant of permission, I recommend that an appropriately worded condition be attached to any such grant.
- 10.8.4. Legal issues – A number of observers have raised legal issues about the right of the applicant/developer to carry out works in at Sunberry Drive and its access lane from the R617. In addition, one observer notes that permission to cross land and access a watermain has not be given. The application is accompanied by a number of letters of consent that appear to me to cover most eventualities in terms of carrying out works to enable the development. It should be noted that if granted such a permission is subject to the provisions of section 34(13) of the Act, the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission.

11.0 **Screening for Environmental Assessment (EIA)**

- 11.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Report. The Screening Assessment concludes that having regard to the criteria specified in Schedule 7 of the Planning and Development Regulations, 2001; the context and character of the site and the receiving environment; the nature, extent, form and character of the proposed

development; that an Environmental Impact Assessment of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. I am satisfied that the submitted Environment Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I have assessed the proposed development in the context of the Schedule 7A information and other information which accompanied the application, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment and landscape details and I have completed a tabular screening assessment as set out in Appendix A.

- 11.2. The current proposal is an urban development project that would be in the built up area but not in a business district. The number of proposed dwellings is 150 and the net developable site area is 4.1 hectares (overall site area is 7.79 hectares gross). The proposed development is well below the applicable thresholds. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposed development would be located on productive farmland beside existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage, although the upper portions of the site remain free from development. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report that concludes no impacts upon the conservation objectives of the Natura sites identified.
- 11.3. The development would result in works on zoned lands. The majority of the proposed development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate. I recommend to the Board that the proposed development would not be likely to have significant effects on the

environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

11.4. The conclusion of this assessment is as follows:

11.5. Having regard to

a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

b) the location of the site on lands zoned to protect and provide for residential uses in the Blarney Macroom Municipal District Local Area Plan 2017,

c) The existing use on the site and pattern of development in surrounding area;

d) The planning history relating to the site,

e) The availability of mains water and wastewater services to serve the proposed development,

f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),

g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction Waste Management Plan (CWMP).

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

12.0 Appropriate Assessment Screening

- 12.1. An AA Screening Report dated September 2020 was submitted with the application and prepared by Doherty Environmental Consultants Ltd. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.
- 12.2. The site is not located within or directly adjacent to any Natura 2000 area (SAC or SPA) and there are no watercourses on the site, though surface water from the site will drain to an adjacent watercourse to the south. Two European Sites, comprising the River Blackwater SAC and the Cork Harbour SPA, occur within a 15km radius of the project site. In addition, it is conceivable that some hydrological connections may exist beyond the site and so the River Lee, which receives surface waters draining the project site, drains to Cork Harbour, where in addition to the Cork Harbour SPA, the Great Island Channel SAC is also located. There is currently no attenuation of rainwater run-off from the site as it is currently agricultural land. The proposed development will incorporate sustainable drainage systems (SUDS). Foul and surface drainage infrastructure will be entirely separate up to the final point of discharge to the combined foul sewer. Foul effluent from the proposed development will be conveyed to and processed by the municipal treatment system.
- 12.3. The site is characterised as productive agricultural land with mature hedge/tree fields boundaries. A number of the mature *Quercus petraea*, *Fraxinus excelsior* and *Fagus sylvatica* trees occurring within the woodland to the south and along the northern and western boundaries support features, such as crevices and thick ivy cover that are known to be used by bat species as roost sites. Within the woodland a number of dormant badger setts were recorded. There was no evidence indicating the use of these entrances and setts by mammals in recent times. The site does not support rare habitats of species. The habitats and species which are present are common types and are not used by species which are associated with the nearby Natura sites.
- 12.4. As the nearest European Site (the Cork Harbour SPA) is located approximately 11km (as the crow flies) or 23km downstream from the project site, the project will

not have the potential to result in direct impacts to European Sites. For the purpose of addressing the zone of influence the applicant has concentrated on potential hydrological pathways and the potential for mobile qualifying species of European Sites to interact with the project site, Table 5.1 of the AA Screening Report refers. It has already been stated that the site is not located within or directly adjacent to any Natura 2000 area. There are a number of Natura 2000 sites within 15km of the study site and zone of influence, details as follows:

Site Name and Code	Distance (km)	Qualifying interests
River Blackwater SAC (Site code 002170)	14 km	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculum fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]

		<p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaiite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>
Cork Harbour SPA (Site code 004030)	12 km (23 km downstream)	<p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>• Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p>

		<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p>
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12.5. Given the lack of a surface water pathway between the site and River Blackwater SAC, it should be excluded. I am of the view that the Cork Harbour SPA is the only area within the zone of influence of the development as pathways do not exist to other areas.

Assessment

12.6. I note the following:

12.6.1. The site is not located within a Designated Site and no loss/fragmentation of habitat will occur – the proposal is located a minimum of 11 km (23 km downstream) from the nearest Designated Site.

12.6.2. The site does not contain suitable supporting habitat for Annex II species or SCI bird species. The project will not result in the reduction of any wetland habitats or foraging/roosting habitat for special conservation interest bird species of the Cork Harbour SPA occurring downstream at the Lee Estuary sections of the Cork Harbour SPA.

12.6.3. The project will not result in disturbance to the special conservation interest bird species of the Cork Harbour SPA occurring within the Lee Estuary section due to the distance from the site and no anticipation that there will be any likely significant effects to water quality.

12.6.4. The project will not result in habitat or species fragmentation.

- 12.6.5. As the project is not predicted to result in disturbance to special conservation interest bird species of the Cork Harbour SPA there will be no potential for it to affect the density of these species occurring within the Lee Estuary section of the SPA.
- 12.6.6. The key indicators of conservation status for the special conservation interest bird species occurring within the Lee Estuary section of the SPA are the population trends and the distribution of these species within the Cork Harbour SPA. Due to the separation distance involved and absence of an effective hydrological impact pathway there will be no potential for the project to result in any changes to the population status or distribution of these species.
- 12.6.7. Irish Water have confirmed that the proposed connection to their network can be facilitated.
- 12.6.8. No cumulative/in-combination effects on Natura 2000 sites are considered relevant.
- 12.7. In my opinion, significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects on the integrity of the Natura 2000 network. The risk of contamination of any watercourse is extremely low and in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible to European sites due to the distance involved and levels of dilution. Cumulative impacts are not anticipated and neither is there any potential for different impacts resulting from the combination of various projects and plans.
- 12.8. Mitigation measures are referred to within the Outline CEMP, EclA and other documentation submitted. Appendix 1 of the AA Screening report refers to surface water management measures and they are clear in the text that the intention is for protection measures that would be applied regardless of the downstream European sites. This is not mitigation in the meaning of measures to avoid or reduce harmful effects on a European site and it is clear that the intention of the measures referred to is not related to European sites. In my mind they are not mitigation measures but constitute the standard established approach to construction works on greenfield/brownfield lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected

that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission.

- 12.9. Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect the Cork Harbour SPA (004030) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

13.0 Recommendation

- 13.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

- 13.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is REFUSED for the development, for the reasons and considerations and subject to the conditions set out below.

14.0 Draft 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 11 September 2020 by Eoin Sheehan, Ballygrogan, Co Cork.

Proposed Development:

A planning permission for a strategic housing development on a site at Monacnapa, Blarney, Co. Cork

The proposed development will consist of 150 residential units comprising 112 houses 38 apartments and consist of the demolition of an existing garage and southern boundary wall, to be replaced with a new southern boundary wall, as well as the lowering of the existing eastern boundary wall and pier, at 1 Sunberry Drive; a crèche; all associated ancillary site development and landscaping works, to include bin stores, bicycle and car parking, ground works and retaining structures, foul drainage, stormwater drainage, water supply, service ducting and cabling, public lighting, relocation of existing ESB substation, and all boundary treatments.

The proposed development is to be accessed via the existing Sunberry Heights/Sunberry Drive off the Blarney Relief Road (R617). An upgrade is proposed to the existing Sunberry Heights/Sunberry Drive and the existing access to the proposed strategic housing development, including the widening of the footpath at the junction with the Blarney Relief Road (R617), raised platforms, security barriers and fencing as necessary, road markings, and road resurfacing to facilitate improved pedestrian/cycle connectivity.

The details are as follows:

Parameter	Site Proposal
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Application Site	7.79 ha
No. of Units	150
Unit Breakdown	1-bed apartment: 10 (7%) 2-bed apartment: 28 (19%) 2-bed house: 8 (5%) 3-bed house: 77 (51%) 4-bed house: 27 (18%)
Other Uses	Childcare Facility - 42 child places (309.66 sqm) with 258.8 sqm private open space.
Car Parking	184 shared surface car parking spaces 30 basement car parking spaces
Bicycle Parking	238 spaces
Vehicular Access	A single access point from Sunberry Drive.
Part V	15 units
Density	36.6 units/ha.

Decision

Refuse permission for the above proposed development based on the reasons and considerations 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.

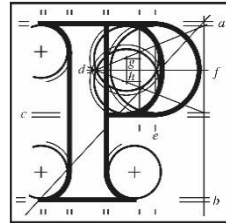
Reasons and Considerations

1. The proposal for the construction of 150 residential units, on lands zoned Medium B Density Residential Development in the Blarney Macroom Municipal District Local Area Plan 2017, materially contravenes zoning objective BL-R-03, that states Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. The proposed development includes a residential density in excess of that planned for on the lower portion of the site which has been reserved for a residential density range of between 12-25 units per hectare in the adopted land use zoning objective, which objective is considered reasonable. It is considered that the inclusion of a residential density of 36.6 units per hectare, within an area of land for which the residential density range is 12-25 units per hectare, would be contrary to the Local Area Plan and not be in accordance with section 8(1)(a)(iv)(l) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), that requires such a fact to be published. Accordingly, the Board is not in a position to grant permission for this development.

Stephen Rhys Thomas
Senior Planning Inspector

09 December 2020

15.0 Appendix A



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-308156-20
Development Summary		150 no. residential units (112 no. houses, 38 no. apartments), childcare facility and associated works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Cork County Development Plan 2014-2020 and Blarney Macroom Municipal District Local Area Plan 2017

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			

<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the removal of farmland and construction of residential units on lands zoned residential in keeping with the residential development in the vicinity.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposal includes construction of a residential estate which is not considered to be out of character with the pattern of development in the surrounding town.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in an increase in residential units of 150 units which is considered commensurate with the development of a settlement identified as one of nine “Metropolitan Towns” within the Cork Gateway.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Stand alone development, with minor developments in the immediately surrounding area.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No conservation sites located on the site. An AA Screening Assessment accompanied the application which concluded no significant adverse impact on any European Sites.	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no features of landscape, historic, archaeological, or cultural importance on the site. The design and layout of the scheme considers the topography of the site and mitigation measures are in place to address visual amenity concerns.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are connections to watercourses in the area via attenuated surface water management systems. However, the development will implement SUDS measures to control surface water run-off to greenfield run-off rates. The site is not at risk of flooding.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to land slides or erosion. The topography of the area is sloped.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to protect and provide for residential uses and community infrastructure uses in the Trim Town Development Plan 2014-2020 (as amended), and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ **Stephen Rhys Thomas**

Date: _____ **09/12/2020**

