



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-310274-21**

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#### **Strategic Housing Development**

276 no. residential units (137 no. houses, 139 no. apartments), creche and associated site works. associated site works.

#### **Location**

Ardrostig and Waterfall Road opposite the Rise/Halldene Villas junction, Bishopstown, Co. Cork

#### **Planning Authority**

Cork City Council

#### **Applicant**

Ardstone Homes Ltd.

#### **Prescribed Bodies**

1. Transport Infrastructure Ireland (TII)
2. Cork County childcare Committee
3. Health and Safety Authority
4. Irish Water
5. National Office for Environmental Health Services

#### **Observer(s)**

10 submissions received. The list of names is attached as Appendix 1 to this report.

#### **Date of Site Inspection**

10.08. 2021

**Inspector**

Fiona Fair

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1.1. The site with a stated area 9.95ha is located just outside the established city suburb of Bishopstown on the Waterfall Road, just south of the N40 and west of the Bandon roundabout. This road connects into Bishopstown via an overpass of the N40 which leads to Bishopstown Road/Bandon Road junction and serves various housing estates in Bishopstown. The site is approximately 5km south of Cork city centre and approx. 4kms from Ballincollig.
- 2.1.2. The northern boundary of the site fronts onto Waterfall Road and there are a number of mature trees/hedgerow along this site boundary. Waterfall road is a narrow rural type road characterised generally with hedgerow and trees on either side. The site is currently in agricultural use and comprises of one large field with natural hedgerows marking the perimeter boundaries. It is a visually prominent site, with the levels rising steeply towards the southern boundary. The site currently consists of arable lands and the ground levels site fall steeply from the south (+60m O.D.) to the north (Waterfall Road boundary +20m O.D.) with the steepest contours located particularly in the southerly section of the site.
- 2.1.3. Development in the vicinity of the site is primarily low density residential (one off houses). Waterfall Village is located to the west but contains relatively few services. Single dwelling houses are located to the east and west of the site fronting Waterfall Road. The house lying immediately to east (Valhalla) is within the applicant's ownership along with another house further east of this. The site area includes a strip of land on which it proposed to develop a shared pedestrian/cycleway to link the site with the walkway which runs east of the overpass as far as the Heiton Buckley site and the Audi garage. This land lies within the ownership of a third-party Grafton Group PLC - letter of consent included. A two-storey farmhouse (and some fire damaged farm buildings) lie to the north of the site along with lands which are zoned within the Cork City Development Plan 2015 (Ref: Map 8 Of Vol 2 Residential, Local ABP-310274-21

Services and Institutional Uses). A 'Seveso' site, Irish Oxygen Company is located approximately 100 metres to the western boundary of the site, which is accessed via a narrow c. 3m wide country road which is in poor condition. Two electricity lines traverse the site.

### **3.0 Proposed Strategic Housing Development**

3.1.1. The proposed development (as per the public notice) will consist of:

The construction of a mixed-use residential development of 276 no. residential units with ancillary single storey crèche (271 sq. m), café (147 sq. m), landscaping, road improvements, pedestrian / cycleway and associated site development works.

The proposed development makes provision for 137 houses comprising of:

- 40 no. 2-storey 3-bedroom semi-detached units,
- 12 no. 2-storey 3-bedroom detached units,
- 56 no. 2-storey 3-bedroom terraced units,
- 14 no. 2-storey 4-bedroom semi-detached units and
- 15 no. 3-storey 4-bedroom terraced units.

The proposed development includes 139 no. apartments/duplexes to be provided as follows:

- Block 1 - 18 units (11 no. 1-bedroom & 7 no. 2-bedroom over 4 storeys),
- Block 2 - 18 units (11 no. 1-bedroom & 7 no. 2-bedroom over 4-storeys),
- Block 3 - 18 units (10 no. 1-bedroom & 8 no. 2-bedroom over 4-storeys),
- Block 4 - 18 units (10 no. 1-bedroom & 8 no. 2-bedroom over 4-storeys),
- Block 5 - 27 units (12 no. 1-bedroom & 15 no. 2-bedroom over 5 storeys),
- Block F - 32 units (16 no. 2-bedroom duplex apartments & 16 no. 3-bedroom duplex apartments over a 4-storey split level building).
- Block G – 8 units (4 no. 2-bedroom duplex apartments & 4 no. 3-bedroom duplex apartments over 3 storeys).

- Apartment Block No. 5 makes provision for a café fronting Waterfall Road at ground floor level.
- The proposed development will provide for a new vehicular access and pedestrian entrances onto Waterfall Road, a two-way cycle track and pedestrian footpath along the site frontage to Waterfall Road which will continue via the site, and to the rear of properties fronting onto Waterfall Road, to link to an existing shared surface pathway south of the N40, upgrades to this shared surface path to provide two-way cycle track and pedestrian footpath, upgrades to Waterfall Road to extend the existing pedestrian pathway to the subject lands, pelican crossing on Waterfall Road opposite The Rise/Halldene Villas junction (approximately 445 metres north east of the main development site), uncontrolled pedestrian crossing at the Audi Cork/Heiton Buckley entrance junction adjacent to N40 (approximately 370 metres north east of the main development site).
- Infrastructure development works are also proposed comprising the relocation / undergrounding of E.S.B. powerlines, wastewater infrastructure upgrades, surface water attenuation, water utility services, public lighting, bin stores, bicycle stores, ESB substation, CCTV and all ancillary site development works.

3.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land. The 'Potential Contraventions of Existing County Development Plan and / or Local Area Plan' arises in respect of:

- The proposed development provides for a net residential density of 38.7 units / hectare. This is in excess of the suggested maximum 25 units / ha indicated in the County Development Plan for lands zoned for Medium B residential development.
- The proposed development includes for 411 parking spaces. When the minimum 2 spaces per housing unit, as required in the Development Plan are discounted, as well as 7 no. spaces associated with the proposed creche, the remaining

quantum of car parking (130 no. spaces) for the apartment element of the scheme equates to a ratio of just over 0.9 spaces / unit. This is below the Development Plan minimum standard of 1.25 spaces per unit.

3.3. The application was accompanied by various technical reports and drawings, including the following:

- Planning Report;
- Statement of Consistency;
- Material Contravention Statement;
- Statement of Response to Pre-Application Consultation Opinion;
- EIAR Screening
- Statement in accordance with Article 299B(1)(b)(ii)(II)(c) of the Planning and Development Regulations 2001 - 20021
- Childcare Needs Assessment
- Community and Social Infrastructure Audit
- Architectural Design Statement
- Housing Quality Assessment; – Area and Schedule Report
- Infrastructure Report - including Irish Water Confirmation of Feasibility,
- Irish Water Correspondence and agreements.
- Site Specific Flood Risk Assessment
- Public Lighting specifications
- Construction Environmental Management Plan
- Appropriate Assessment
- Hedgerow Appraisal
- Bat Assessment
- Landscape Statement
- Landscape and Visual Impact Assessment
- Tree Survey

- Photomontages & CGIs
- Daylight / Sunlight Report
- Traffic and Transport Assessment
- Statement of DMURS Compliance
- Plans and sections on access/connectivity proposals.
- Mobility Management Plan
- Stage 1 Quality / Safety Audit.
- Archaeological Impact Assessment
- Geophysical Survey Report (2018)
- Building Lifecycle Report
- Property Management Report

3.3.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 017 – 2023. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Housing 2020. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including unit sizes, heights, public and private open space, room sizes and storage.

3.3.2. The following tables set out some of the key elements of the proposed scheme:

**Table 1: Development Standards**

Site area	9.95 hectares / c. 7.13 ha developable
No. of residential units	276
Non-residential Uses	Creche - 271 sqm (60 childcare spaces) Café – 147 sq. m
Part V units	27 units (10%)
Proposed NFA	28,983 m <sup>2</sup>
Density	38.7 units per hectare



No. of dual aspect units	75%
Building heights	2 – 5 storeys
Car parking spaces	Total 411 274 for houses (2 spaces / unit) 7 creche parking spaces 130 apartments & duplexes
Bicycle parking spaces	370 (2.66 per unit)
Passive and active Public Open Space within the development	Of the developable area 14 % is reserved as POS in the form of 5 formal POS's Additional 2.1 ha elevated lands to the south also POS Biodiversity Park (Total 33%)
Access	A single estate road access from Waterfall Road. No access proposed from individual properties on to the local road.

**Table 2: Breakdown of Residential Units by Type**

	Apartments / Duplexes	Houses
1 Bed	54	0
2 Bed	65	0
3 Bed	20	108
4 Bed	0	29
Total	139	137
	51%	49%

**Table 3: Mix of Unit Type Proposed**

Apartments	99	36%
Duplex's	40	14%
Houses	137	50%
Total	276	100%

3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.

## 4.0 Planning History

### Planning History on Site:

- **ABP Ref: 310164-21 – S.H.D. application** for 276 no. residential units (137 no. houses, 139 no. apartments), creche and associated site works was withdrawn.
- **ABP Ref: 303137 -18 S.H.D. application** to An Bord Pleanala for 240 no. residential units (154 no. houses and 86 no. apartments) and associated site works was refused permission on 20 March 2019.

Three reasons for refusal were cited as follows:

‘1. Having regard to the scale of the proposed development and the resulting volumes of vehicular and pedestrian/cyclist traffic likely to be generated, it is considered that the proposed development would be premature by reference to existing deficiencies in the local road network in terms of capacity, width, alignment, public lighting and pedestrian and cycle facilities, and where these deficiencies would render the network unsuitable to carry the increased road traffic likely to result from the development, and the period within which the constraints involved may be reasonably be expected to cease. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed interface of the development with Waterfall Road would militate against the creation of an attractive and active urban streetscape. The provision of a stone wall in conjunction with a railing for the entire length of the site frontage, notwithstanding the difference in road levels across the site frontage, is considered to detract from the passive surveillance and creation of an active urban streetscape reinforcing the function of Waterfall Road as a road, which is contrary to the principle of design Manual for Urban Roads and Streets. The

proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. The Board has serious concerns regarding the future residential amenity of the proposed development and in particular the proposed duplex units. The ground floor units of Duplex Blocks A and B have limited daylight/sunlight to the rear of these units, poor quality private amenity space and poor outlook from the main living accommodation to the private amenity space. The configuration and access to private and semi-private amenity space serving the corner duplex units A1, A2, and A3 is inappropriate and would be prejudicial to the residential amenity of the future occupants of these units. It is considered that the overall design of the proposed development, including a poor disposition of public open spaces and a significant series of level differences between the proposed houses and their private open spaces would offer a poor standard of amenity for future residents and would set an undesirable future precedent for inappropriate private and semi-private amenity space provision. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'

**Note:** While the Board concurred with the Inspector's concerns regarding the unsatisfactory nature of the documentation submitted with the application, and especially the Traffic and Transportation Assessment, and her concerns regarding the car-dependent nature of the proposed development, as outlined in her recommended reason for refusal number 4, the Board decided not to include this refusal reason, having regard to the substantive reasons for refusal set out in its Order, and in particular refusal reason number 1.

**Reg. Ref. 02/5741 (PI.04.202239)** Permission refused for the construction of gravity foul sewer to a foul sewage pumping station and associated rising main.

**Reg. Ref. 83/321** Outline planning permission for a bungalow refused.

## 5.0 National, Regional and Local Planning Policy

I am of the opinion that key policy and guidance documents of relevance to the proposed development are as follows:

### **National Planning Framework (NPF) (2040)**

Cork is one of the five cities identified nationally to support significant growth.

Relevant National Policy Objectives (NPOs) to the proposed development are summarised below:

- **NPO 2 (a):** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- **NPO 3 (b):** Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- **NPO 3(c):** Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- **NPO 7:** A tailored approach to urban development in the four cities including Cork.

### **Southern Regional Assembly: Regional Spatial & Economic Strategy (2020).**

#### **Section 28 Ministerial Guidelines**

- Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020.
- Urban Development and Building Height Guidelines 2018.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities.
- Quality Housing for Sustainable Communities (2007).
- Design Manual for Urban Roads and Streets (2019).
- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- Guidelines for Planning Authorities on Childcare Facilities 2001.

- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- The Planning System and Flood Risk Management (2009).

## **Statutory Plan for the area**

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

The Local planning policy context is informed by the Cork County Development Plan 2014-2020 and the Ballincollig and Carrigaline Municipal District Local Area Plan 2017.

The site is located within the settlement of Cork City South Environs as identified in the Ballincollig Carrigaline Municipal District Local Area Plan 2017 (Ref: Map p. 119 of L.A.P.). The Southern Environs area is listed as a 'Town with Public Transport Corridor Potential' in Table 3.1 Settlement Density Guide of the Cork County Development Plan 2014 with high density development (35 units per ha +) 'applicable in locations close to future quality public transport proposals', Medium A density (20-50 units per ha) 'generally applicable for future development' and Medium B (low) density (12-25 units per ha) 'applicable in a limited number of peripheral locations identified in the Local Area Plans.'

Paragraph 3.5.4 of the L.A.P. notes that the Southern Environs Area 'forms part of the County Metropolitan Strategic Planning Area. The current policy approach is to recognise that the majority of new housing units would be accommodated within the existing boundary of the Cork City South Environs, therefore avoiding any unnecessary incursions into the green belt and restricting the scale of future development in the area.'

Paragraphs 3.5.9 – 3.5.10 notes that a housing unit requirement of 1,284 was identified in the Cork County Development Plan 2014 and that 'it is proposed to

utilise all the land currently identified for housing development in the area which will deliver 1,285 units approximately.’ (2,274 in Variation No. 1 of the County Plan).

Two Strategic Land Reserves (both denoted SLR6) have been identified in the general Ardarostig area – one lying to the immediate south of the site – the other east of the Bandon Road (Ref: Cork County Development Plan 2014, Variation 1, and Pages 15-16 of the Ballincollig and Carrigaline L.A.P. 2017).

Site Specific Objective:

SE-R-10 – (Ref: Southern Environs Map 1 on P. 119 of the L.A.P.) ‘Medium B density residential development’ which is explained in the table on P.110 of the L.A.P. as follows:

‘Medium B density residential development which will be restricted to the low-lying northern portion of the site and will include appropriate improvements to the local road network. Development will be serviced by a single estate road access and there will be no access from individual properties on to the local road. The southern portion of the site should be landscaped and developed as a usable public or private open space.’

## 6.0 Section 5 Pre Application Consultation

- 6.1.1. A Section 5 pre application (ABP – 307742-20) consultation took place at the offices of An Bord Pleanála on the 10th November 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted with the request to enter into consultations **required further consideration and amendment** in order to constitute a reasonable basis for an application for strategic housing development.
- 6.1.2. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could

result in them constituting a reasonable basis for an application for strategic housing development:

### **1. Connectivity and Permeability**

Further consideration/ justification for the proposed upgrades to the local transport network in terms of width, alignment and public lighting, necessary to provide pedestrian and cycle facilities from the site to both the Bishopstown area and/or the Bandon Road roundabout. The further consideration/ justification shall include design details on the delivery of works proposed including the phasing of works, the delivery of any infrastructure and the inclusion of any agreements which are necessary to undertake works.

### **2. Public Open Space**

Further consideration/justification of the development along the south of the site including, inter alia, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship of the open space designation within the proposed development which illustrates the topography of the site. The further consideration/justification of the documentation should address the site-specific objective on the site SE-R-10 which requires the delivery of useable public or private open space on lands which have been designated as a “biodiversity area”. The prospective applicant should satisfy itself that any application complies with section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, regarding the material contravention of the provisions of the development plan other than zoning.

6.1.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the applicant was notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from the notification:

1. Statement of compliance with DMURS principles including permeability and connections with existing street network; hierarchy of routes and street function; enclosure including building frontage, furniture and planting along streets; parking; widths of carriageways and footpaths; pedestrian crossing points; and

types of junctions and corner radii. The submitted documents should demonstrate specific compliance with the stated provisions of DMURS.

2. Submission of all boundary treatments around the perimeter and within the site. Proposals will integrate any existing and/or proposed treatments on the adjoining residential developments.
3. A Road Safety Audit.
4. A Traffic and Transport Assessment.
5. A phasing plan detailing the delivery of infrastructure in conjunction with the residential units.
6. Additional CGIs/visualisations/3D modelling and cross section drawings showing the proposed development relative to the Waterfall Road and considering the steeply sloping topography of the site.
7. Detailed design of proposed surface water management system proposed integrating any relevant recommendations from Drainage Section of Cork City Council, including run off rates, integration of SUDS features and the locations of any stormwater outfall connections.
8. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking. The report shall include full and complete drawings illustrating daylight and sunlight analysis for the proposed apartments.
9. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
10. A map showing all areas to be taken in charge.
11. A Community and Social Infrastructure Audit
12. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.



13. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

## 7.0 Applicant's Statement of Consistency

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the **three** issues raised in the Opinion.

### 7.1.1. Item No. 1: Connectivity and Permeability

The applicants submit the process by which the Waterfall Road would become a full urban street, by means of the following:

- Provision of a 2-way cycle lane developed in accordance with the National Cycle Manual and running along the site frontage to Waterfall Road, together with a 2 m footpath.
- Provision of high quality cycle / pedestrian infrastructure network from Waterfall Road through the proposed development site to local services at Bandon Road Roundabout/N71, tying in with existing public path/cycleway south of the N40 which will be subject to significant upgrades.
- Upgrades to Waterfall Road to extend the existing pedestrian pathway to the subject lands, thereby providing direct connectivity to Bishopstown to the north of the N40.
- The creation of a set down crescent area at the north east corner to serve the café element of the scheme and the related development of a DMURS compatible network of streets and junctions as part of a self-regulating environment. At the request of Cork City Council, appropriate provision is also made for a future bus stop.
- The inclusion of a DMURS compliant simple priority junction for primary vehicular access located to ensure adequate sightlines are achieved east and west on Waterfall Road.

- Creation of a gateway features east and west of the development providing for natural traffic calming in accordance with DMURs specification. The location of this junction could serve the development of the Coveney lands in the future.
- There has been further positive engagement with Cork City Council, consideration and agreement on the upgrades required to the local network. These include upgrades to the east to facilitate cycle and pedestrian access to the neighbourhood centre and amenities around the Bandon Road Roundabout, public transport and the wider Bishopstown area to the north. The agreed works includes works within and in the immediate vicinity of the site, works on the wider network to be carried out with the consent of Cork City Council as part of the proposed development and a contribution to other works to be carried out by Cork City Council and which will benefit future residents of the proposed development.
- In addition to the significant works to be carried out by the applicants they have indicated to Cork City Council that they would have no objection to the payment of a special contribution of €67,250 as suggested by the A/Senior Executive Engineer. We understand that this development contribution will be a recommendation of the Cork City Chief Executive's Report to the Board. The Planning Authority have indicated that this is a reasonable and proportionate contribution to the following works which the proposed development will benefit from i) The Rise/Waterfall Road junctions: 2no. raised table crossings of The Rise junction mouths ii) The redesign of The Rise/Halldene Villas junction iii) Rossa Avenue/Bishopstown road junction iv) Halldene Villas – Waterfall Road path

#### 7.1.2. **Item No. 2: Public Open Space**

A revised proposal which is fully consistent with the Local Area Plan Specific Residential Objective (SE-R-10), which requires delivery of a useable public or private open space is now proposed. The appropriate treatment of the challenging southern portion of the site has been agreed with Cork City Council and the proposals prepared by Parkhood and outlined in the accompanying Landscape Design Report, propose an accessible Biodiversity Parkland of 2.1 hectares that

includes a mixture of formal and informal pathways. The area will also be subject to extensive native planting that will offset vegetation removal from other sections of the site that will be required in order to facilitate the development.

The cross sections included in the landscape pack (Dwg.no: 6824-PHL-00-ZZ-DR-L-1015) illustrate the relationship to the site with the proposed housing development and the manner in which the proposed amenity paths will be achieved in the context of the steep topography and challenges posed by the terrain. While the terrain is challenging the area is accessible as illustrated in the site layout plan and landscape proposals via a universal ramped access point to the west and a stepped access in the centre of the open space. The alterations made to the connectivity and open space proposals and which have been agreed with Cork City Council represent a comprehensive response to the Board's Opinion resulting in a proposal that fully complies with the site specific zoning objective.

7.1.3. 13 Points of Specific Information were requested to be Submitted with any Application.

7.1.4. **Point No. 1: Compliance with DMURS principles including permeability and connections with existing street network.**

The DMURS report outlines how the proposed development will result in the creation of a sustainable community connected by well designed links, layout and accesses. These measures combined will deliver attractive, convenient and safe access in addition to promoting modal shift and viable alternatives to car based journeys. Connectivity is to be primarily achieved through the delivery of a combined pedestrian and cyclist links to Bandon Road. In addition, and following consultation with Cork City Council the public path along Waterfall Road is to be upgraded by the applicant in terms of the provision of a pedestrian crossing at The Rise/Halldene Villas junction and an agreed contribution to wider improvements. These works will ensure safe and sustainable access to transport, local services and amenities in the Bishopstown area.

Eastern and western approaches to the site along Waterfall Road will be upgraded to provide traffic calming gateway features while the internal roads within the development will be designated a 30 km/h slow zone. The report also includes

various measures intended to achieve the DMURS objectives including a self-regulating street environment created through the introduction of on-street parking, tight corner radii, reduced visibility splays and staggered junctions.

#### 7.1.5. **Point No. 2: Boundary treatments**

The accompanying landscape drawings and sections prepared by Parkhood provide full details of all proposed boundary treatments and which integrate with and respect existing boundary treatment with the adjoining residential development.

#### 7.1.6. **Point No. 3: A Road Safety Audit**

The accompanying Road Safety Audit prepared by Burton Consulting Engineers has comprehensively examined the proposed development in terms of pedestrian, cyclist and traffic safety. Queries raised by the auditor have been addressed through the required amendments to the scheme design and in the responses on the feedback form.

#### 7.1.7. **Point No. 4: A Traffic and Transport Assessment**

A Traffic and Transport Assessment (TTA) prepared by NRB Consulting Engineers was submitted. The conclusions of the TTA can be summarised as follows:

- The proposed development will have an unnoticeable impact upon the established local traffic conditions and can easily be accommodated on the road network, with access via a simple priority junction onto Waterfall Road.
- While it is evident that the existing Waterfall Rd/Bandon Rd junction suffers some congestion particularly during the weekday AM Commuter Period, it should be noted that the development contributes just in excess of 5% of the traffic loading to the existing junction. Whilst it is acknowledged that there are some capacity constraints evident at the junction (as confirmed by the modelling), the provision of capacity enhancements is not considered a sustainable approach and may

serve to undermine the proposed pedestrian and cycling improvements being put forward as part of the development.

- It is proposed to provide significantly enhanced secure safe cyclist and pedestrian links to Bandon Road, with new/improved pedestrian crossings of Waterfall Rd at The Rise and at the Audit Garage towards Bishopstown.
- A review of the Road Safety Authority database records indicates that there is no significant history of accidents that would be affected by the level of additional traffic. In this regard, given the very low additional traffic volumes, we conclude that the development will not have any adverse impact upon traffic safety on the overall network.

#### **7.1.8. Point No. 5: A phasing plan**

A Construction and Environmental Management Plan (CEMP) was prepared by Denis O'Sullivan and Associated Consulting Engineers it provides details on the proposed phasing of the development. It is intended that the proposal will be constructed over 4 phases as detailed in Drawing No. 5181-4004 in Appendix B of the CEMP. Works to improve connectivity will be undertaken in Phase 1 and the applicants have no objection to the imposition of a condition requiring that these be completed prior to the occupation of the dwellings.

#### **7.1.9. Point No. 6: Additional CGIs/visualisations/3D modelling and cross section drawings.**

The application is accompanied by a comprehensive report prepared by 3D Design Bureau containing CGIs/visualisations/3D modelling and verified views and these in addition to the site cross sections prepared by JFA Architects illustrates the proposed development relative to the Waterfall Road. Both demonstrate that the proposed development has full regard to the steeply sloping topography of the site and represents an innovative design solution to a challenging site, which will result in a high quality residential environment for future residents. 7. Detailed design of proposed surface water management system proposed integrating any relevant

recommendations from Drainage Section of Cork City Council, including run off rates, integration of SUDS features and the locations of any stormwater outfall connection.

**7.1.10. Point No. 7: Detailed design of proposed surface water management system.**

The accompanying Infrastructure Report prepared by DOSA Consulting Engineers outlines in detail the proposals with regard to surface water drainage at the site and which have been agreed with Cork City Council prior to the submission of this application.

**7.1.11. Point No. 8: Issues of residential amenity (both existing residents of adjoining development and future occupants).**

The Board's concerns as expressed at the Tri-Partite meeting regarding the potential impact of Apartment Building 1 on the residential amenities of the existing property to the west have been fully addressed and the design of the Apartment Building has been amended to ensure that there is no overlooking. This has been achieved by the reconfiguration of the apartment layouts which has resulted in no room windows on the eastern elevation of the proposed building. An assessment of residential amenity of both existing and future occupants has been comprehensively addressed in Page 10 of the Architectural Design Statement prepared by JFA Architects.

The application is accompanied by Daylight and Sunlight Assessment Report prepared by 3D Design Bureau. This assessment has studied the effect the proposed development would have on the level of daylight and sunlight received by the neighbouring residential properties that are in close proximity to the proposed development.

Both the VSC and APSH results show that the windows of the surrounding properties would incur an imperceptible level of effect. The sun lighting in the gardens of these properties also comply with the Guidelines. The two properties in

close proximity to the subject site will not face any perceptible changes in their daylighting or sun lighting.

The report also assessed the daylight and sunlight for the proposed apartments and concludes that future occupants would be able to enjoy good levels of daylight within the proposed units and will have access to a selection of amenity areas that are capable of receiving excellent levels of sunlight

**7.1.12. Point No. 9: Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.**

The relevant consent letters required to carry out the works, including proposed pedestrian and cyclist improvements and pedestrian crossing been included with the application. Consent letters have been obtained from Ardstone Residential Partners Fund, a sub-fund of Ardstone Partners ICAV, Grafton Group Plc and Cork City Council.

**7.1.13. Point No. 10: Taking in Charge Information.**

Drawing 5181-0403 prepared by DOSA Consulting Engineers illustrates all areas to be taken in charge.

**7.1.14. Point No. 11: A Community and Social Infrastructure Audit.**

The Board will note the accompanying Community and Social Infrastructure Audit prepared by HW Planning. The proposed development site is located on the edge of the south western environs of the City. The improved connectivity proposed as part of the scheme will ensure that future residents of the scheme will benefit from the extensive range of services available in the area, from education and healthcare to retail and other services. The proposed development will also benefit from existing amenities such as the Curraheen River Walk as well as numerous local sporting clubs and organizations.

**7.1.15. Point No. 12: Material Contravention Issue.**

The application is accompanied by a Material Contravention Statement prepared by HW Planning which outlines why the proposed development should be granted permission, having regard to a consideration specified in section 37(2)(b) of the

Planning and Development Act 2000. The report deals with matters such as density and parking standards for which updated National guidance has been published since the publication of the current Cork County Development Plan.

Ultimately it is a matter for An Bord Pleanála to determine whether the proposed development in fact materially contravenes the relevant Development Plan / Local Area Plan. However, for the purposes of this planning application, the applicant has identified the aspects of the proposed development that may be considered a material contravention

**7.1.16. Point No. 13: Article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 – stand along document.**

The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 accompanies this application in a standalone document EIA Screening Report prepared by HW Planning.

## **8.0 Third Party Submissions**

- 8.1.1. Ten number third party submissions received, the list of names for submissions is attached as appendix to this report, they are collectively summarised under the following headings:

### **Principle / Strategic Context**

- Proposed development is premature given infrastructural deficits in the area.
- The developer has cited the Strategic context of the site as justification for size and density.
- Cork County Council in its Strategic Land Reserve Assessment report of 19.10.2018 point's out infrastructural deficiencies. It is stated:
  - Major water services infrastructure requirements, as well as, major local road and junction improvements, would indicate that development of this



site may be premature and the lands are not well placed to deliver housing in the short / medium term.

- Given existing congestion in the area and the pending nature of the CMATS (the NTA Cork Metropolitan Area Transport Strategy), development of these lands is considered premature, pending the delivery of significant road and public transportation improvements for the area and enhanced pedestrian / cycle connectivity, footpaths and street lighting.
- The local road network is also deficient with the roads being very narrow in parts, lacking in footpaths and public lighting. The ability to upgrade these roads may be constrained by narrow bridges over the disused railway and one off housing and a significant land take would be required.
- Significant upgrading of the N71 to dual carriageway standard, with footpaths etc would be required.
- Downstream congestion issues in Togher, Wilton and Bishopstown would also need to be addressed.
- Development of SLR6 West, which is annexed from the existing suburbs by the N72 and N40, is more difficult as it does not have suitable access to the local road network. The site is not within the catchment of high frequency bus services and proposals for connectivity to the local cycle network are undeveloped. Development here would be premature.
- Irish Water states that upgrades to the overloaded sewer network will be required.
- Premature pending major water services infrastructure requirements, as well as major local road and junction improvements.
- The application has failed to address any of the key planning issues that arose in the previous refusal of March, 2019 under ABP-303137-18 or the Opinion of the Board of December, 2020 under ABP-307742-20.

### **Density**

- Proposal breaches the density set out for the area up to 25 u/ha set out in Cork County Development Plan.

- Previous application for lesser units refused.

### **Visual Impact**

- Concern with respect to the location of apartment blocks along Waterfall Road.
- The height of apartments are inappropriate given existing two storey properties.
- Apartments proposed are obtrusive and not in keeping with semi – rural nature of the area.
- Out of character and unsympathetic with its surroundings.

### **Residential Amenity Impact**

- Proposal would give rise to a significant increase in demand for school places.
- Green areas proposed are inadequate – too steep and non functional.
- The daylight sunlight assessment has not assessed the daylight/overshadowing impact of proposed 3/4-storey Apartment Block 1 on the adjoining two-storey dwelling known as ‘Macan’ on the Waterfall Road to the immediate west, which is located only 4.8m from the boundary. This represents an unresolved daylight sunlight issue.
- The shared living room/kitchen/dining room in unit 2-02 in Apartment Block 2, in unit 4-03 in Apartment Block 4, and in house nos. 02-01 (House G, 00F), 03-01 (House G, 00F), 04-01 (House G, 00F) do not meet the minimum average daylight factor, which is unacceptable.
- On the related point of residential amenity, it is noted that the residential amenities of the occupant(s) of the proposed one-bedroom apartments 1-14 and 1-17 (and potentially 1-09 on the 2nd floor) will not only have north facing balconies but will also have a translucent fixed glazed window to part of their bedroom to avoid overlooking of the balconies of proposed apartments 1-08 and 1-13 to their west, as well as the adjoining two-storey dwelling known as Macan.
- The long linear layout configuration of units 61-91, a total of 31no. units of c. 13% of the overall development, with stepped rear garden spaces incorporating retaining walls up to 2m in height is a poor urban design response to the proposed development site, and the amenities of future residents will be compromised.

- There is also the potential for unit nos. 6 and 7 (House Type A1/A2) at FFLs +36.500m to +36.950m and ridge height +45.900m to +46.350m to overlook the adjoining two-storey dwelling known as Macan on the Waterfall Road which is at a FFL of +35.740m and a ridge height of +43.900m. Only a 2m high fence is proposed along the boundary with Macan. House nos. 1-5, positioned only c. 10m from the eastern boundary with Macan will also overlook that dwelling. This is overly intrusive vis a vis one existing individual dwelling.
- Boundary treatments with the existing dwellings is lacking.

### **Connectivity, Traffic and Transportation Impact**

- Concerns of connectivity and traffic impact.
- Proposal is not in accordance with DMURS
- Absence of public transport – drop off service only by 236, 237 and 239 bus routes.
- The nearest bus route would be that of 208 at Dean's Hall on Curraheen Road some 15 min walk away.
- Creche will attract traffic from outside of the site itself. Drop off and pick up problematic and cause congestion.
- The inadequacy of Waterfall road (essentially rural in nature) makes it useless for a proper cycle and pedestrian route. It is not continuous or to a standard that is workable.
- Additional traffic on Waterfall Road is unacceptable.
- There is an acceptance that the development will add to queues and build up of traffic.
- This development will require use of a car – car based.
- There is no bus service to this part of the city.
- A bus stop on Waterfall Road given its current alignment and width would pose as a traffic hazard.
- No room for road widening to introduce a bus stop – traffic hazard.

- The configuration of the proposed cycle lane and footpath through the applicant's lands does not address the deficiencies in existing local road network for the benefit of existing residents on, and users of, Waterfall Road.
- New cycleway / pedestrian route off the main road poses a significant safety concern.
- Public liability issues with proposed CCTV cameras.
- The whole application is premised on the strength of its connectivity, yet the proposed pedestrian and cycle connection, because of its location and lack of overlooking, with no passive surveillance, will be unsafe, and as noted in the NRB Feedback response to the item 3.3 of the Road Safety Audit regarding the existing cyclepath, will also be 'very infrequently used'.
- Level of connectivity of the site is overstated.
- The traffic assessment underestimated the level of traffic using this road and was not carried out at an appropriate time. The level of schools/CIT/MTU traffic unrepresented in these surveys - development will be car dependent – existing bottleneck at Waterfall Road/Bishopstown Road which is a non standard junction and at junctions with The Rise estate;
- Development is in addition to development permitted recently at Hawkes Road – 64 units.
- Requests that if permitted a condition be required to provide a right hand turning lane at the estate entrance and junction improvements at Bandon Road/Waterfall Road at applicants expense prior to first occupation;
- Poor design of junction Bandon Road and Ardostig and also the Hawkes Road junction.
- Relocation of entrance will cause a traffic hazard due to poor sightlines.
- Advises of several traffic accidents in the area.
- The proposed vehicular entrance to site is in a poor position, with limited sightlines at the brow of a hill, and is unsuitable

- Considers footpath improvements to Waterfall Road to be inadequate – quotes case of Lehenaghmore in Cork where such inadequate infrastructure exists thereby further promoting car usage and sedentary lifestyles;
- The footpath on the flyover should be widened to facilitate regular pedestrian use and a direct cycle path should be put in place to connect to existing cycle paths. This should be required for pedestrian and motor safety.
- Construction traffic a concern.
- Developments should be located within safe walking / cycling distance of schools and services.
- Quantum of car parking proposed is inadequate and does not meet the CDP requirements. 10% deficit for houses and ratio of 0.86 for the apartments / duplexes.

### **Ownership**

- Two solicitors letters on file.
- A strip of land along the northern portion of the site is not within the ownership of the applicant.
- The lands are owned by a Mr. Sean Murphy and no consent has been given for them to be included within the red line boundary of the application site.
- Cork City Council did not confirm the lands of the applicant, the subject of this application, are abutting the public road – the council have indicated that part of the road within the red line boundary is not owned by cork City Council but is taken charge.
- This is not a de minimus issue and the lands in question extends to he entire northern boundary and over which the applicant seeks to develop and access the public road for its development.
- S34(13) of the Planning and development Act 200 is noted.
- Land Registry and Folio Map submitted CK Folio 7099 – indicates lands along the road frontage with Waterfall Road to be within Freehold of said Mr. Murphy

## **Ecology & Biodiversity**

- Numerous trees will be destroyed, in a time when trees are being planted elsewhere to try to combat climate change.
- The proposed pedestrian and cycle connection traverses a belt of mature hedgerow trees, classified as broad-leaved woodland (Fossitt code, WN) which is considered to be of higher local importance in ecological terms. It is noted that trees will need to be felled to facilitate the connection of the proposed pedestrian and cycle connection to the existing cyclepath.
- Negative impact upon the environment and the birds and (protected) bats that need the existing trees.
- The bat assessment states that, 'A total of 31 trees present at the site in association with the field boundary and scrub/woodland edge area will need to be removed to facilitate the proposed development.' These trees are being taken down, depriving birds and bats of their natural habitat.

## **Drainage**

- There is a concern that the proposed SUDs treatment in the linear park in the north-western area of the site raises serious concerns for owners of the existing Eden property to the immediate north, where a septic tank and percolation area located adjacent (other side of boundary wall) to this proposed feature will potentially lead to non-functioning of septic tank, and potentially give rise to localised flooding during heavy rainfall periods.
- There is a lack of suitable drainage infrastructure for this part of the proposed development.
- Note the prematurity of granting permission for the proposed development in the absence of a defined upgrade plan for the foul sewer network in the vicinity.
- There may also be concerns with respect to compliance with the Water Framework Directive.

## **9.0 Planning Authority Submission**

- 9.1.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted a report

of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 15<sup>th</sup> July 2021. The report may be summarised as follows:

- The Planning Authority is satisfied that the proposed strategic housing development is in keeping with the land - use zoning and other relevant development objectives of the NPF, RSES, Cork County Development Plan 2014 and Ballincollig Carrigaline Municipal District Local Area Plan 2017 and, subject to compliance with the recommended conditions set out, represents proper planning and sustainable development.
- The proposal includes a creche unit in accordance with National Guidance in relation to such facilities in housing developments greater than 75 no units which is welcomed.
- The proposal also includes a café unit. There is no objection to it in principle.
- The proposed development would if permitted provide a density of 38.7 units/ha, in excess of the Medium B density range outlined in L.A.P.
- Cork City Council and A.B.P. were supportive of higher density on this site in its submission on the previous S.H.D. application.
- The rationale for considering the option of permitting a higher density on site is supported on the basis of the implementation of improvements to the local pedestrian and cyclist facilities and improving connectivity to the adjoining city suburbs. On the basis of these improvements, it is considered that the proposed density can be supported in principle.
- The proposal is acceptable in terms of layout and building height.
- The proposed development is considered acceptable in relation to the issue of provision of passive surveillance to the green areas.
- The development lands are located within a High Value Landscape as identified in the Cork County Development Plan 2014 and the details on file indicate that the site is not readily visible from designated scenic routes in the wider area.
- A Landscape and Visual Impact Assessment was submitted. Cork City Council agree with the findings of this report – having regard to the zoning of the site visual impact is inevitable, however it is considered that the design approach in response to the site's topography and contextual setting is appropriate and the resultant visual impact therefore expected and of moderate significance.

- The proposal complies with housing and apartment national standards - internal space standards/amenity standards/housing mix etc
- 17 of the apartments are denoted as 2-bed (three person) units. Three are located in each of Blocks 3, 4 and 5 with four such units located in each of Blocks 1 and 2. It is noted from the Part V proposals that 13 houses are proposed for such with 4 duplex units and 10 units in Block 4. Three of the units in Block 4 are 2 bed 3 person units which as Part V units would comply with minimum standards. However, the remaining 14 No. 2 bed 3 person units are not identified as Part V units and do not therefore comply with minimum standards for 2 bed apartments (i.e. 73 sq. m.). As a result, they would need to be revised in scale to meet minimum standards. A condition is recommended in this regard. The condition identifies the apartments.
- Dual aspect of 70% is considered acceptable. No. of apartments per floor per core is 6 and this is acceptable. Floor to ceiling height acceptable. Storage proposed is above the minimum. However, given the number of apartments proposed it is recommended that communal storage space should be provided for the apartment units in addition to storage in individual apartments.
- All balconies and terraces exceed the minimum width and area requirements as per the Area and Schedules Report submitted.
- It is considered that there is scope to increase private amenity space for the ground floor units in the apartment blocks and that landscaping privacy screens could be provided to same. It is recommended that a revised Site Layout Plan and Landscape Plan be sought by way of condition to address this issue.
- The upper floor units to duplex units F would have north facing balcony areas – which is stated will take advantage of views over the city. It is considered that these units would however benefit better from having south facing balconies. A suitable condition is recommended in this regard.
- It is considered reasonable that specific play spaces are provided within the public open spaces identified. Two formal play areas are proposed on site, one in the large central green area the other in the green to the south of the proposed creche.
- Combined with the formal areas of public open space, 34% of the entire site is proposed as open space. This is considered to be acceptable. Issues of



accessibility and design concerns (overlooking and avoidance of anti-social behaviour potential) were discussed at pre planning stage and the design response has factored in such concerns. The Parks Section in its report is supportive of the design approach.

- Conditions are recommended vis a vis boundary treatment along the western boundary with 'Macan'.
- The PA have received nuisance complaints from citizens in relation to the permitted construction hours of a number of recent S.H.D. permissions in the City Council area. Given the location of the site and proximity of dwellings it is requested that hours of construction commence at 0800 am and not prior.
- The proposal to introduce a link to connect pedestrians/cyclists to the existing footpath on the southern side of the N40 (South Link) is welcomed.
- The shortcomings in the N40/Bandon Road interchange for pedestrian and cyclists are identified in the Urban Streets and Road Design (Planning) Report. It is pointed out that its segregated design will leave the new community disconnected and will place significant limitation on using/accessing sustainable forms of transport. It is pointed out that the inclusion, at a minimum, of a continuous, contiguous pedestrian network on Waterfall Road to the existing pedestrian network is necessary to address gaps and provide for linkages with public transport and educational facilities. A condition is recommended.
- DMURS and National Cycle Manual recommend the provision of verges for the pedestrian and cycle infrastructure. This segregates users, achieves quality facilities and lead to an increase in cycling and walking. Urban Streets and Road Design (Planning) Report has recommended that the cross- section width of the pedestrian and cyclist infrastructure proposed for the Waterfall Road and the link to the N40/Bandon Road is modified to incorporate verges. A condition is recommended.
- There are some issues regarding the internal estate street design – these can be addressed by condition.
- The Traffic (Regulation and Safety) Section considers that overall, from a Traffic Regulation and Safety perspective the development is broadly acceptable.
- The Traffic (Regulation and Safety) Section recommends a number of

conditions in relation to road safety including the omission of 3 parallel parking spaces from the Waterfall Road and the agreement of the final location of the pedestrian crossing on the Waterfall Road, implementation of R.S.A., road markings, public lighting as well as the CMPT (discussed above) and parking (discussed below).

- The Area Engineer welcomes the continuation of the proposed footpath along the road frontage and outside the dwelling 'Valhalla'. He raises some issues of concern in his report in relation to sightlines and tree planting, the bands of paving to the gateways on Waterfall Road – maintenance issues and resurfacing works which will need clarification and agreement. He also notes that there are a number of 'shared areas' at the internal road junctions. Due to concerns regarding future maintenance of the development, the raised crossings shall not be constructed using brick, flag or cobble paving. In addition it is recommended that all lining and signage associated with the development to be agreed between the developer and the City Council.
- The Infrastructure Section advises it has no objection to the proposed development.
- The potential to connect with SLR6 identified in the L.A.P is shown in the document Architectural Design Statement, in which 3 potential future connection points shown to the east. This is considered acceptable.
- The creche and adjoining internal road to the west and south are proposed for Phase 2 of the scheme. An internal road is proposed for Phase 1, and this is to the north of the creche. A.B.P. are requested to consider and assess these two issues – and whether they can be dealt with by an appropriate condition? If this can be done safely given the traffic implications and further construction access arrangements etc this should be conditioned as being part of Phase 1.
- A Bat Assessment was carried out and a report submitted in this regard with mitigation measures recommended. The Heritage Officer has not reported on the application. It is recommended that a condition is attached re mitigation measures in the report are to be carried out. A.B.P. is referred to previous submissions and assessments.
- A Tree and Vegetation Survey have been submitted. The Parks Section notes the modest loss of tree and shrub vegetation and has no objection to same.

- The submission from Irish Water (I.W.) in respect of wastewater notes the proposal to decommission an existing pumping station (PS) and to fund construction of a new PS on the same site and that this is outside the red line site area. I.W. advises that upgrades to the wastewater system in the Bishopstown area will be required to facilitate the proposed development and it is the applicant's responsibility to seek the necessary consents to deliver these PS works.
- The proposed development is dependent on these infrastructure works being carried out. Drainage have recommended a condition that no units are occupied until the necessary infrastructure works are complete. A.B.P. are requested to determine whether this approach and recommended condition will be adequate.
- The Drainage Report has mentioned a concern in relation to the finished lower ground floor level ("LGFFL") of the units 138 to 152, in that these finished floor levels appear to be significantly lower than the adjacent storm network manhole covers and very close to the invert levels; as such resulting in flooding concerns.
- Diversion of powerlines is considered acceptable.
- The Council's Housing Directorate have confirmed that this proposal is acceptable in principle to them, however it is noted that the proposed Part V 3 bed terraced units are clustered together. The Housing Directorate considers that these units should be pepper potted throughout the site.
  - The third-party submissions in relation to land ownership of the lands on the northern boundary of the site and I.W.'s submission in relation to the pumping station site is noted.
  - The Planning Authority notes Section 34(13) of the Planning and Development Act 2000 as amended and it also recommends a condition in relation to the pumping station and occupation of the units.

### 9.1.2. **Summary of Planning Assessment:**

Summary of the Chief Executive and Departmental Reports

The report concludes:

- In view of the above, the planning authority is of the opinion that the proposed strategic housing development is consistent with the relevant objectives of the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017 as well as the ambitions set out in the National Planning Framework and Southern Regional Spatial Economic Strategy and recommends that planning permission be granted.

### 9.1.3. Summary of Inter-Departmental Reports

#### **Area Engineer**

Report states that the principle of development on this site is supported subject to condition.

#### **Infrastructure Development**

Report states: The proposed development does not directly impact any projects currently proposed by Cork City Council's Infrastructure Development Directorate. There is no objection or conditions from Infrastructure Development Directorate associated with this planning application.

#### **Transportation**

Report states that overall, from a Traffic Regulation and Safety perspective the development is broadly acceptable, with a number of items to be addressed. 7 Conditions are recommended. Summarised as follows:

- While the traffic impact is not significant, the location of the development at current public transport levels it is likely to be heavily dependant on car based travel. Mitigating factors include the additional measures provided as part of the development to enhance pedestrian and cyclist connectivity and the possibility of future public transport connections.
- Currently, the closet bus routes located to this site are the 236, 237 239, however these are regional services and not city bus services and do not run at regular intervals. The closest city bus service is the 208 on Curraheen road, an approximate 15 min walk running at approximately 10 minute intervals.

- There is a proposed BusConnects priority route planned on the Bandon Road again approximately a 15 minute walk. Further details are not currently available on the BusConnects plans and timing at this time. However, the pedestrian and cycle path to the Bandon Road provided as part of the application will provide good connectivity to this bus route should it materialise.
- 3 parallel parking spaces have been provided in isolation on the Waterfall Road. In the interest of road safety and to discourage further parking along the Waterfall Road, these spaces should be removed.
- The CTMP needs to be agreed with the Planning Authority in advance of construction.

### **Roads Design, Community, Culture and Planning**

11. No. Conditions recommended in relation to Road Design, development contributions (some 67,250.00 euro), a bond, roads infrastructure, maintenance and up keep of services, findings of Quality Audit to be implemented, compliance with DMURS and taking in charge.

#### **Drainage:**

The drainage report states: No objection subject to 7 conditions.

#### **Archaeology:**

The archaeology report states: The principle of development on this site is supported. 4 Conditions recommended,

#### **City Architect:**

Report states: From an urban design viewpoint, this proposal is coherent, as it has a higher density of development at the Waterfall Road entrance and the density is graded to the southern end of the development in terms of high density and medium density. ...In principle this proposal is a good example of Placemaking at the edge of Cork City in terms of the urban design elements of streets, squares and courts, however I am concerned about a few design issues, particularly at the southern boundary of the site:

- The large green 'square', which is part of the 'Avenue- Central Spine', is faced by the fronts of dwellings on the western side and whereas the rear wall of dwellings and garden boundary walls on the eastern front face this space.

Fronts of dwellings facing onto opposite fronts provide passive surveillance. On the eastern side if the fronts of dwellings faced onto the green space it would create a more coherent and active public space and eliminate potential anti-social behaviour.

The report concludes that the City Architect is satisfied with the proposal in terms of urban design and architecture. Recommendations are made with respect to Block 5 at the N-E corner of the site. Amended design recommended regard being had to Fire Regulations.

#### **Fire Dept:**

The submitted report sets out:

- From a fire safety perspective the planning application does not give sufficient detail for any in-depth analysis.
- The report sets out applicable Technical Guidance and states "Technical Guidance Document Part B (Fire Safety Dwelling Houses, Volume 2, 2017) to the Building Regulations contains further guidance in relation to fire safety in private dwellings and is to be strictly adhered to".
- "Cork City Fire Department would welcome consultation prior to the Fire Safety Certification application stage."

#### **Housing:**

The report confirms that the proposal is acceptable in principle to the housing Section. Recommends that the Part V Housing be pepper potted throughout the site.

#### **Parks:**

Senior Parks and Landscape Officer states:

The landscape consultants have liaised with me in regard to the landscape and recreation proposals for this development and I confirm I am satisfied with the following elements of the development.

- Open Space provision at 15% is satisfactory.
- All open space is usable, sensitively landscaped and provides many opportunities for passive recreation and play.
- Streetscape at Waterfall Road is satisfactory.
- Gateway Plaza provides a strong frontage to Waterfall Road. It is a congregating space for residents and visitors to local shops/cafes etc.
- The Biodiversity Parkland is creatively designed and access takes account of the steep gradient.
- No issue with the modest tree and shrub removal.

### **Environment:**

Report raises no issues of concern. Recommendations are made with respect to: Construction Impacts, Construction Waste, Noise, Lighting, Waste Management, Environment – Noise, Environment General, Operational Noise.

### **Recommended Opinion of CE**

- 9.1.4. The planning authority report concludes that: “ the proposed strategic housing development is consistent with the relevant objectives of the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017 as well as the ambitions set out in the National Planning Framework and Southern Regional Spatial Economic Strategy and recommends that planning permission be granted”.
- 9.1.5. 56 number conditions are recommended, in the CE Report, in the event that planning permission is forthcoming.

### **Elected Members**

- 9.1.6. A summary of the views of elected members as expressed at the Area Committee Meeting on 01<sup>st</sup> July 2021 is included in the Chief Executive’s Report and is summarised below:
- The main concern viewed was whether the Waterfall Road has the capacity to handle the increased traffic volume that the development would bring.
  - Queried whether previous concerns in relation to road network have been

overcome. Considered that the capacity of the road network inadequate.  
Raised concerns about water and drainage capacity given increased density.

- Expressed frustration in relation to the SHD system unsatisfactory as previously Councilor's were not made aware of council's opinion at briefing stage.
- Considered that residents will be largely dependent on cars for access and road infrastructure doesn't support more vehicles.
- Difficulties in upgrading road given that many existing properties on Waterfall Road are already close to road edge.
- Queries whether previous issues/reasons for refusal have been adequately addressed. Adequate public transport links raised as a concern.
- Queries how / if the proposed development relates to Bus Connects plans.

## 10.0 Prescribed Bodies

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

1. Health Service Executive (Irish Oxygen Company, Seveso site)
2. Health and Safety Authority (Irish Oxygen Company, Seveso site)
3. Irish Water
4. Transport Infrastructure Ireland.
5. National Transport Authority
6. Relevant Childcare Committee

### SUMMARY OF PRESCRIBED BODY REPORTS:

#### 10.1.1. Cork County Childcare Committee

- The current design of the creche does not meet regulations and would not therefore be licensed.
- Unlikely that a business would be prepared to rent/buy the building;
- Advises in detail of the manner in which the structure has not been designed in accordance with the Regulations;



- Advises that the creche should form part of Phase 1 of the development so that it would be up and running for use by families living in the development as soon as possible.

#### 10.1.2. **H.S.E. Environmental Health Service:**

- Due to cyber-attack response is coming solely from the Environmental Health Service section.
- Recommended that the applicant obtains and provides details of the current spare capacity of existing schools in the locality.
- Applicant should indicate the specific measures they have undertaken in the building design and the construction materials/methods to reduce energy usage and carbon emissions.
- Creche facility appears to be lacking specific sleep spaces and dining facilities and nappychanging areas (ventilated).
- Apartment bin stores should be provided with adequate space for segregated waste and hose down facilities.
- Biodiversity space to the south should be integrated with the wider urban area.
- Recommends that dedicated pedestrian /cycle facilities be provided within the SHDdevelopment site itself.

#### 10.1.3. **Transport Infrastructure Ireland**

- Advises TII were not party to preplanning consultations.
- Welcomes the sustainable travel options, including pedestrian/cycling offering now proposed over and above the previous application.
- Requests that Further Information be sought with respect to:
  - The trip distribution does not extend as far as the N40 Bandon Road interchange. Further information should request trip distribution details on what development trips will use the Bandon Road interchange and also the N40 (and in which directions).
  - The junction capacity analysis indicates that the Waterfall Road / Bandon Road uncontrolled junction operates at/above capacity during the AM

peak with some significant queue lengths during the future years. This junction is located approx. 220m north of the N40 Bandon Road interchange, and so, it's performance could have an impact upon the operation of same and indeed the N40 slips. However, this information is not addressed within the TA.

#### 10.1.4. Irish Water

- Notes new pumping station proposed outside of red line area – advises it is the applicant's own responsibility to seek the necessary consents for this. Recommends three conditions to be attached.
  1. The applicant must sign a connection agreement with Irish Water prior to any works commencing and connecting to our network
  2. Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices must be achieved. (A) Where any proposals by the applicant to build over or divert existing water or wastewater services subsequently occurs the applicant submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.
  3. All development is to be carried out in compliance with Irish Water Standards codes and practices.

#### 10.1.5. Health & Safety Authority

Report does not advise against granting the development. It states:

- "Part of the development has been determined to be located within the outer zone and a lesser part within the middle zone.
- The category level of the development is determined to be sensitivity level 2.
- On the basis of the information supplied, the Authority does not advise against the granting of planning permission in the context of Major Accident Hazards.

- The advice is only applicable to the specific circumstances of this proposal at this period of time.
- Future development around COMAH establishments has the potential to impact on the expansion of those establishments”.

## 11.0 Oral Hearing Request

None requested.

## 12.0 Assessment

12.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- **Principle of the Development**
- **Density**
- **Layout & Design, Building Height and Visual Impact**
- **Residential Amenity and Quality of Development**
- **Sunlight / Daylight Analysis**
- **Overlooking and Impacts on Privacy**
- **Childcare Facility, Community and Social Infrastructure**
- **Transportation, Access, Parking, Connectivity and Permeability**
- **Landscape and Open Space**
- **Ecology and Biodiversity**
- **Site Services and Flood Risk**
- **Other Issues**
  - **Land Ownership**
  - **SEVESO**
  - **Part V**
- **Material Contravention**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

## 12.2. Principle of the Development

- 12.2.1. Having regard to the nature and scale of the proposed development, comprising a 276 no. unit residential development, a café of 147 sq. m and a crèche facility of 271 sq. m, I am satisfied that the proposed development falls within the definition of Strategic Housing Development, as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act, 2016.
- 12.2.2. The Local Planning Policy context is currently in a transitional stage following the Cork City boundary extension of May 2019 in accordance with Section 30 (1) of the Local Government Act 2019 which gave effect to the boundary extension. As a new Cork City Development Plan has yet to be made, the zoning and policy objectives for the site continue to be governed by the Cork County Development Plan 2014. Similarly, the lands are covered by the Ballincollig Carrigaline Municipal District Local Area Plan 2017.
- 12.2.3. The site is zoned SE-R-10: 'Medium B density residential development' which is states in the L.A.P. as follows:
- 'Medium B density residential development which will be restricted to the low-lying northern portion of the site and will include appropriate improvements to the local road network. Development will be serviced by a single estate road access and there will be no access from individual properties on to the local road. The southern portion of the site should be landscaped and developed as a usable public or private open space.'*
- 12.2.4. The development of the site for residential development with associated creche and café is therefore acceptable in principle from a local policy perspective having regard to the residential zoning objective for the site. However as noted above Medium B density is defined in the County Plan (2014) as 12-25 units per ha '*applicable in a limited number of peripheral locations identified in the Local Area Plans.*' The issue of the acceptability of the proposed density is discussed below.
- 12.2.5. Overall, I note that the principle of the proposed development is acceptable under both plans. As such, I am satisfied that the proposed development would be acceptable in principle on the site, subject to its compliance with all other relevant planning policies and development management standards.

12.2.6. The development as proposed is not a Build To Rent (BTR) Scheme. Legislation to restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good is noted and I recommend that should permission be forthcoming that a condition be attached requiring that prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

### 12.3. Density

- 12.3.1. The proposed development comprises 276 units on a site of 7.13ha with a stated density of 38.7 units per hectare.
- 12.3.2. The site is located within the settlement of Cork City South Environs as identified in the Ballincollig Carrigaline Municipal District Local Area Plan 2017. The Southern Environs area is listed as a 'Town with Public Transport Corridor Potential' in Table 3.1 Settlement Density Guide of the Cork County Development Plan 2014 with high density development (35 units per ha +) 'applicable in locations close to future quality public transport proposals', Medium A density (20-50 units per ha) 'generally applicable for future development' and Medium B (low) density (12-25 units per ha) 'applicable in a limited number of peripheral locations identified in the Local Area Plans.'
- 12.3.3. As stated, above there is a specific local objective pertaining to the development site contained within the Ballincollig / Carrigaline Municipal District Local Area Plan 2017. The site is zoned SE-R-10 'Medium B density residential development' which is defined in the County Plan (2014) as 12-25 units per ha.
- 12.3.4. The proposed development would if permitted provide a density of 38.7 units/ha, in excess of the Medium B density range outlined in L.A.P. This density is calculated using the developable area of the site which is stated in the application to be 7.13 ha. (This area is greater than the previous developable area of 6.84 ha cited in the

previous application). If the total site area figure is used (9.95 ha), the density is still in excess of the range identified in HOU 4-1, although only marginally at 28 units per ha.

- 12.3.5. It is noted that 35 units per ha (net) were proposed in the previous SHD application Ref: ABP 303137-18. Cork County Council in its Chief Executive's report on that S.H.D. stated that 'The proposed development is considered contrary to SE-R-10 of the L.A.P. 2017 and HOU 4-1 of the CDP 2014' and that *'in terms of density, it is considered that a medium B density would be more appropriate at this edge of settlement location and having regard to the character of the adjoining area, the existing pattern of residential development adjoining the site and noting the prominence of the site...In summary, it is considered that the density of development proposed would result in a development which would negatively impact on adjoining infrastructure, would not be sustainable and which would be contrary to the proper planning and sustainable development of the area.'*
- 12.3.6. Cork City Council in its submission on that application (Ref: ABP 303137-18) stated that the proposed density of 35.1 units/per ha was acceptable. The City Council are again supportive of higher density on this site. It is noted that A.B.P. did not cite excessive density or overdevelopment of the site as a reason for refusal per se although the content of Reason No. 1 relates in some way to same. The Inspector in the case of ABP-303137-18 considered that a density should be at minimum 35 units per hectares on the developable area of the site.
- 12.3.7. The rationale proposed for considering the option of permitting a higher density on the site is supported on the basis of the implementation of improvements to the local pedestrian and cyclist facilities and improving connectivity to the adjoining city suburbs. On the basis of these improvements, I agree with the planning authority that the proposed density can be supported in principle, in particular, given that it is consistent with national objectives. The Sustainable Urban Development, Guidelines for Planning Authorities, (2018), encourage increased residential densities in cities and town centres to make more sustainable use of infrastructure. As stated heretofore, the site is located within the Cork Metropolitan area and is approx. 5kms from the city centre. Cognisance being had to the site history and characteristics I am of the opinion that a density of 38.7 units/ha is reasonable given national policy

encourages higher densities and therefore I consider the proposed density acceptable.

12.3.8. A Material Contravention Statement has been provided in the documentation to address the potential development matters associated with the S.H.D. that may be considered to materially contravene the Cork County Development Plan 2014 or the Ballincollig and Carrigaline LAP 2017 as per Section 8(1)(iv)(II) of the 2016 Act – with specific reference to the density proposed and parking provision. This is considered in detail in a separate and succeeding section 12.11 of this report.

#### 12.4. **Layout & Design, Building Height and Visual Impact**

##### Layout & Design

12.4.1. The site is rectangular in shape approximately 9.95ha in area on the southern side of the Waterfall Road, adjacent to Bishopstown in the western suburbs of Cork City. Half of the site – northern part – of the site slopes 1 in 20, the remainder of the site is quite steep 1 in 6. The northern boundary faces onto the Waterfall Road and the rear boundaries of detached houses. The eastern boundary faces a single dwelling at the north-eastern corner and dense vegetation. The southern boundary faces onto farmland. The western boundary fronts onto a laneway with dwellings and small warehousing.

12.4.2. The subject proposal is divided into seven distinct character areas:

1. Public Plaza entrance court - Civic feature surrounded by high density residential units with some commercial space accessible from Waterfall Road framed by apartment blocks. Mix of 3/5 storey Apartments.
2. Active streetscape - Consisting of higher density residential apartments and duplex units, & pedestrian/cycle way to create a strong urban edge with active frontage along Waterfall Road.
3. Pocket green spaces - Surrounding duplex and apartment buildings and located to the rear of existing houses along Waterfall Road.
4. Avenue/Central spine - Axial pedestrian route reminiscent of the many stepped access routes located throughout Cork City.
5. Medium density clusters - Houses wrapped around shared larger public open spaces.

6. Foothills medium density - Homezone cul-de-sacs of semidetached housing addressing and presenting views to the hillside.
7. The sloping parkland - Steep sloping visual landscaped areas with biodiversity elements.

12.4.3. Corresponding with these character areas, routes traverse the intersection of these areas, forming streets and a square or amenity areas. The key concept for this development is the plaza forming an entrance court with residential units above a commercial unit (café) at ground level (of apartment Block 5), accessible from the Plaza, at the north end of the site, which is framed by tall apartment blocks identified as 3, 4 and 5 which are 3 – 5 stories in height (Block 5 being 4 storey with 5<sup>th</sup> floor set back). These blocks in turn create an entrance gateway to the entire scheme by means of a pedestrian avenue/central spine into a formal square with a view of the landscaped green hill. A “Street” is formed of higher density residential apartments and duplex units fronting onto Waterfall Road and in turn creates a street and a pocket park with the urban blocks centred on the Avenue / Central Spine. A linear route parallel with the existing site contours is formed on the southern boundary with a series of cul-de-sac to the south and the urban blocks off the Avenue / Central Spine to the north.

12.4.4. I am of the opinion that the variety of building types, character areas, public open space, contouring and the height of buildings proposed is acceptable. Regard is had to refusal reason no. 2 of ABP -303137-18 and to third party concerns raised regarding the loss of the rural character of the area. While the character of Waterfall Road is presently semi-rural in nature, it represents an evolving urban area that has recently been included in the expanded Cork City boundary. This evolving context is reflected by both the development intentions on the subject site and adjoining lands, as well as strategic connectivity and transport policy objectives for the local area. The urbanisation of the landscape is inevitable. The existing rural character of the area is not reason enough to promote unsustainable low-density development or promote continued suburban type developments.

12.4.5. I consider section 2.0 of the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities 2018 & 2020 of relevance. The area would fall into category 2:



“Intermediate Urban Locations. Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net)”.

12.4.6. As stated in the Guidelines, the range of locations is not exhaustive, but I consider that the proposed development site to be an intermediate urban area. The density of the scheme is slightly below the broadly suggested 45 units / ha (at 38.7 units / ha), but this is an appropriate scale given the site-specific topography and locational factors. The nearest bus stop is the 208 City service, which operates at 10-minute intervals during peak times, is approximately 1km to the north or 15 minutes walking distance. Equally, the Neighbourhood Centre at Dunnes Stores to the east is within 800 metres or 10 minute’s walking distance.

12.4.7. There are 7 character areas (as described). The character of each area is based on height, finish, density and responds to site topography and neighbouring sensitive receptors. The building typologies in two of the of the character areas includes duplexes and apartments and they are located addressing Waterfall Road and at the Plaza Area within the site, to form a stronger entrance to the development, stronger streetscapes and to give the development an urban feel. The character of the area is undoubtedly changing from rural to urban, but this accords with the zoning of the land, and while somewhat more dense and urban than would have been envisaged in 2011/2017, having regard to Urban Development and Building Heights Guidelines 2018, this is considered to be appropriate and in line with national policy.

12.4.8. The subject site has been zoned for residential development since 2011. The suitability of the general area for residential development is long accepted and its suitability to cater for future expansion is evidenced by the identification of 2 no. Strategic Land Reserve (SLR) sites in its immediate vicinity. The proposed layout and 3 – 5 storey apartment Blocks do provide a strong urban form along Waterfall Road, allows for potential access to the two adjoining SLR sites, it also provides for pedestrian pathway improvements along Waterfall Road that will provide direct connectivity to the 208 bus route at Curraheen Road. Pedestrian and bicycle connectivity along Waterfall Road linking to existing infrastructure to the east and north including new two-way bicycle lanes, new pedestrian routes and upgrading of

existing footpaths. Connectivity and permeability will be discussed in greater detail in a succeeding traffic and transportation section of this report.

12.4.9. The City Architect is in favour of the proposal from an urban design and architecture viewpoint. The City Architects report considers the proposal to be a good example of placemaking. I note that the units to the north-east of the green and those to the north, facing the green are proposed as type E units which have their main entrance and windows located to the side to provide passive surveillance to the green area. The other unit located to the south-east of the green is shown as a type B4, a detached unit with side entry and glazing to address the associated green area. In addition, the units due south also provide passive surveillance to the green. The proposed development is considered acceptable in relation to the issue of provision of passive surveillance to this green area.

12.4.10. I am of the opinion that the proposal achieves passive surveillance of the street from the built form and the promotes permeability. The architectural approach coupled with the proposed pedestrian and cycle improvements on the street along the frontage with Waterfall Road, gives the scheme a strong urban character while displaying a sensitive approach appropriate to the transitional nature of the location. It is successful in terms of achieving an active and attractive streetscape, reinforcing the function of Waterfall Road in accordance with the principles of DMURS. The proposal maximises the number of dual aspect units, provision of Public Open Space within the development is to a high quality with creation of a series of inviting, secure and attractive landscaped open spaces that are interconnected and accessible.

#### Building Height

12.4.11. Third party submission have raised concern with respect to height of the duplex units and apartment blocks addressing Waterfall Road. It is considered that the heights proposed is inappropriate for this location and would negatively alter the character of the area. I acknowledge that the heights in the vicinity are generally low but that the apartment blocks are located on the lower portion of the site addressing Waterfall Road and creating a strong urban edge. The inclusion of the apartment blocks provide a focal point in an area with a pattern of low density developments. The proposal ranges in height from single storey (creche) up to five storeys. The

Bord is referred to the submitted Architectural Design Statement which gives visual representation of proposed buildings heights.

12.4.12. The proposed heights are outlined as follows:

Table 4:

<b>Block</b>	<b>Height</b>
Block 1	3-4 storeys
Block 2	3-4 storeys
Block 3	3-4 storeys
Block 4	3-4 storeys
Block 5	4-5 storeys
Duplex Units	3-4 storeys
Houses	2 storeys
Creche	1 storey

12.4.13. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) sets out the requirements for considering increased building height at various locations and recognises the need for our cities and towns to grow upwards, not just outwards. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment.

12.4.14. Section 3.2 of the Urban Development and Building Height Guidelines, states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments. I consider that the site falls within the definition of *"At the scale of district/ neighbourhood / street"* as defined in the Apartment Guidelines 2020 and *"at the scale of the site/building"* is also of relevance.

12.4.15. *“At the scale of district/ neighbourhood / street”.*

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape. The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*
- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*
- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner. The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*

12.4.16. *At the scale of the site/building*

- *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*
- *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’.*
- *Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such*

*objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution”.*

12.4.17. At the outset, I fully acknowledge that the existing residential development in the area is primarily one and two-storey dwellings. I would, however, be of the opinion, that the overall character of the area is changing. As stated earlier in this report the character of the area is changing from rural to urban, and this accords with the zoning of the land, section 3.2 of the Urban Development and Building Heights Guidelines (2018) set out above, and national policy.

12.4.18. I consider that the proposal responds to its overall natural and built environment and makes a positive contribution to the streetscape. The building height of the apartment blocks and the duplex units along Waterfall road create a strong sense of arrival at the proposed development, the design uses a dramatic urban intervention by setting back apartment blocks 3, 4 and 5 from Waterfall Road, thus providing a sizeable entrance plaza with soft and hard landscaping features to define this civic environment. Apartments blocks 3, 4 and 5 are the tallest elements in the proposal, at four and five storeys in height. They are envisaged as modern in both form and material and feature set-back top floors. The N40 roadway, while providing good connectivity to the city and environs, also creates a break between the site and the areas adjacent. Thus, the positioning of the urban space and tall buildings at this particular location endeavours to create an immediately positive visual impact and reinforces the connection with established urban areas.

12.4.19. The heights of the various residential buildings along this axis reduces from the taller buildings at the entrance plaza to lower semidetached housing situated on the elevated part of the site with duplexes and town houses/ terraces between. The four-storey height is maintained along Waterfall Road with the apartments and duplexes creating a strong urban edge leading up to the main vehicle entrance framed by two symmetrical apartment blocks forming a distinctive gateway to the development. The transition is emphasised by the use of modern materials and architectural features creating a variety of clearly defined character zones.

12.4.20. I consider that the visualisations and 3D CGI Images submitted depict a high-quality development, the height strategy, ‘character areas’ have been well

considered and justified. This site is located at a pivotal point leading from an urban area into a residential and farming area.

12.4.21. I am confident that the height as proposed can be satisfactorily accommodated on this site. While the heights currently proposed are generally greater than those existing, the proposed blocks could not be described as creating a landmark as such. I note that heights step down within the overall site to reflect the site constraints in terms of topography. Development is also removed from the more sensitive south western boundary which is subject to objective SE-R-10 which requires that 'the southern portion of the site should be landscaped and developed as a usable public or private open space.' The proposal will result in a change of context but this is not considered a negative and I consider that the proposal can be accommodated without detriment to the residential or visual amenities of the area.

12.4.22. I am of the opinion that it has been demonstrated in the documentation before me that the proposal has the potential to make a positive contribution to this area. I am also of the opinion that the height as proposed is considered marginal but acceptable in this context and I consider that the proposal if permitted would not negatively impact on the character or visual amenities of the area.

#### Visual Impact

12.4.23. Third party submissions received raised concerns with regards the impacts of the proposal on the visual amenity of the area. Many of these concerns are interlinked with concerns regarding height, scale and density of the proposal and I have dealt with many of the concerns above. Most of the third party submissions received contend that the proposal is out of character with existing development in the area and the proposal would negatively impact on the visual amenity of the area. The planning authority have not raised concerns in this regard.

12.4.24. The majority of the subject site is located within an Area of High Landscape Value, as defined in the Cork County Development Plan 2014 -2020. There are also two designated scenic routes in the vicinity of the site with the S37 – Road between Leemount and Macroom via Coachford (c.3 km to the north) and S56 – road between Frankfield and Ballygarvan (c3.5 km to the west). The extent of the high value landscape is identified in the submitted Landscape & Visual Impact

Assessment. Landscape Character is classified as 'City Harbour and Estuary' comprising a mix of "of rural and intensely urban areas, combined with a large expansive harbour". As set out in ABP 303137-18 and in the CE report on file the development lands while being located within a high value landscape that the site itself is not readily visible from designated scenic routes in the wider area. This area is in transition and will become more urbanised with the extension of the Cork City boundary.

12.4.25. I note the Landscape & Visual Impact Assessment is informed by photomontages prepared by 3D Design Bureau. A baseline description of existing landscape conditions is provided. The site is highly visible from Halldene Avenue and the N40 flyover and pursuant to site inspection and inspection of the environs is generally visible in the wider area due to the topography of the site. The landscape assessment indicated that there will be a predicted medium and neutral significance of impact on Landscape Character. This conclusion acknowledges that while the character of the site itself will be radically changed by the transition from agricultural to residential use, the design strategy for the site is based on minimising impacts on the most prominent and sensitive elevated portion of the site. A planting strategy for the site has been enclosed.

12.4.26. Cork City Council agree with the findings of this report. It is their opinion that having regard to the zoning of the site, visual impact is inevitable. However, it is considered that the design approach in response to the site's topography and contextual setting is appropriate and the resultant visual impact therefore expected and of moderate significance.

12.4.27. I consider that while the impact on the landscape could be described as significant, that having regard to the extent of zoned lands in conjunction with the existing permitted development in the wider area and the extension of the urban area westwards the impact would not be detrimental. I am satisfied that notwithstanding the concerns expressed in the submissions received, the proposed development would not have so great an impact on the visual amenity of the area as to warrant a refusal of permission. While the height of the proposal is a maximum of five storeys, it is noted that the much of the proposal is two and three storeys in height. I am satisfied with regards transition in scale. The site is located within the Cork City

south environs. I am satisfied that the visualisations and 3D CGI Images are accurate and depict a high-quality development in terms of design, finishes, open spaces, connectivity with the wider area and landscaping. The design of the buildings are to a high quality and will make a positive contribution to the wider area. A simple palate of materials is proposed using high quality brickwork with selected render finish, steel balconies, selected lightweight aluminium glazing system with spandrel panel. Overall, I am of the opinion that the visual impact in this instance can be sustained and mitigated through the proposed landscape strategy and in time will be absorbed into the existing landscape which will be more urban than rural.

### 12.5. Residential Amenity and Quality of Proposed Development

The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2020 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

12.5.1. Of the 276 units proposed, 137 (49.6%) are houses and 139 (50.3%) are apartments. The overall mix is as follows:

1-bed	54 – apartments
2-bed	65 – apartments
3-bed	128 (20 apartments and 108 houses)
4-bed	29 – houses

12.5.2. Three bed units make up the majority of unit type. 46% of the overall total. It is considered that there is a relatively good mix of unit size overall with 20% 1-bed, 23.5% 2-bed, and 10.5% 4-bed. The proposal complies with SPPR1 in that apartment development may include up to 50% one-bedroom or studio type units and there shall be no minimum requirement for apartments with three or more bedrooms.

12.5.3. With respect to SPPR3 of the 139 apartments (which include the duplex units), 99 (71%) are over 10% larger in floor area which is acceptable. I note the PA. raise concern with respect to internal space standards of 14 No. 2 bed 3 person units which it is highlighted “do not comply with minimum standards for 2 bed apartments (i.e. 73 sq.m)”. I have reviewed SPPR3 the Housing Areas and Schedule Report, the floor plans of the units referred in the proposed condition (units numbers 1.01, 1.06, 1.11, 1.16, 2.01, 2.06, 2.11, 2.16, 3.02, 3.05, 3.11, 5.07, 5.14 and 5.21) and the Part



V Housing Allocation Drg. No. ARG - JFA - SP - 00 - DR - A - P1006. It is clear all units referred to are either one bed two person (1B 2P) or two bed 3 person (2B 3P) and all have a nfa in excess of 45 sq. m or 63 sq. m. for 1B 2P and 2B 3P apartments, respectively. From a review of Appendix 1 of the Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2020 it is clear that the requirement for 1B 2P is minimum 45 sq. m and for a 2B 3P the minimum requirement is 63 sq. m not 73 sq. m as stated by the PA. A 2B 4P apartment has a minimum requirement for 73sq. m.

- 12.5.4. I note indeed that all units allocated to be Part V in Apartment Block 4 meet the minimum standards set out in the Guidelines for Planning Authorities on Design Standards for New Apartments (2020) and not a reduced standard. I do not recommend inclusion of the condition as proposed. All units meet and exceed the required GFA/NFA.
- 12.5.5. With regard to SPPR4 the Schedule included in the application states that 58 of the 99 apartments are dual aspect (c.60%) and 100% of the 40 duplexes are dual aspect, therefore, a combined 98 out of 139 units are stated to be dual aspect, or 70.5%. The Sustainable Urban Housing: Design Standards for New Apartments 2020 (“the Apartment Guidelines”) require that 50 % of units are dual aspect in greenfield locations. I am satisfied that the proposal complies with this requirement.
- 12.5.6. Of those apartments that are not dual aspect, from a review of the Housing Schedule – Area and Schedules report it appears that there are 9 NE / E single aspect units (6%) and 6 NW single aspect units (4%). There are no single aspect north facing units proposed. I am satisfied that the applicant has endeavoured to maximise the number of dual aspect units, and is in compliance with the Guidelines.
- 12.5.7. With regard to SPPR5 and floor to ceiling heights, the floor to ceiling heights at all Ground Floor apartments in Blocks 1 – 4 meet the minimum requirement of 2.7 m floor to ceiling height. This height increases to 2.9 m in Block 5 to accommodate the proposed ground floor retail use in this building.
- 12.5.8. In accordance with SPPR6, the requirement for a maximum of 12 apartments per floor per core is complied with. The number of units serviced per core varies, with the greatest number at 6 units per floor.

12.5.9. Provision of internal storage is above the minimum standards required, regard being had to Appendix 1 of the Apartment Guidelines.

12.5.10. With respect to private amenity space all balconies and terraces exceed the minimum width and area requirements. I note that the PA have taken issue with some balconies within the blocks being located quite close to one another or to bedrooms in adjoining apartments. It is recommended end screens should be placed on balconies where this occurs to increase privacy levels. End screen should also be provided to balconies where they face west in Apartment Block 1. A condition is recommended in this regard. The PA considers that there is scope to increase private amenity space for the ground floor units in the apartment blocks and that landscaping privacy screens should be provided to same. I consider that the layout as proposed is acceptable and adequate private amenity spaces is afforded to the apartments.

12.5.11. The upper floor units to duplex units F have north facing balcony areas, which it is stated will take advantage of views over the city. While the PA recommend that these units would benefit from having south facing balconies and a condition is recommended in this regard. I do not agree, the units are all dual aspect with a NE/SE orientation. The floor plans indicate that at first floor the rear / south facing façade has a kitchen layout with windows facing south. The addition of a balcony could impact the ADF to the space. At second floor bedroom windows face south, however addition of a balcony at this level would alter the elevational treatment and could impact ADF to lower units K/L/D spaces. I recommend that condition with respect to additional balconies, as advised by the PA is not attached.

12.5.12. The Architectural Design Statement states that 3 bed houses will be provided with a minimum of 60 sq.m rear garden space and 4 beds with 75 sq. m. with minimum separation distances of 22m. There are no minimum standards set out in the County Development Plan for rear garden space. I consider the amounts allocated are appropriate (and in line with City Plan standards).

12.5.13. In terms of the usability of the garden areas having regard to the topography of the site it is stated that 98 of the house units will have flat or gently sloping rear gardens (72%) with the remaining 39 (28%) would have stepped rear gardens. These are located within the central part of the site either side of the large green area. A worst case scenario site section has been presented and it is stated that as a means of compensating for the sloping nature of the sites, the gardens in this location are 30% larger than national standards for 3 and 4 bed houses. I consider the design response appropriate and acceptable. In addition, I am satisfied that these houses are sufficiently proximate to public open space within the scheme for more active play.

## 12.6. Sunlight / Daylight Analysis

12.6.1. In considering daylight and sunlight impacts, the Apartment Guidelines (2020) state that PA's 'should have regard to quantitative performance approaches outlined in guides like the BRE guide Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting' (Section 6.6 refers). The Building Height Guidelines (2018) state under Section 3.2 Development Management Criteria, that at the scale of the site/building, 'appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I note the latter document British Standard (BS) 8206-2:2008 has since the publication of the guidelines been replaced by BS EN 17031:2018 'Daylight in Buildings', however, I am satisfied that it does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Building Height Guidelines and the Apartment Guidelines.

12.6.2. Both the Building Heights and Apartment Guidelines indicate that where an applicant / proposal cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, and thereafter the planning authorities / An Bord Pleanála should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment

against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution. This is provided for within the BRE guidance document itself. I have had appropriate and reasonable regard to these documents (and associated updates) in the assessment of this application. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines state 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'.

12.6.3. A Daylight and Sunlight Assessment (March 2021) was prepared by 3D Design Bureau, it is included in the application. The study carries out a daylight assessment, sunlight assessment and shadow study.

12.6.4. The assessments carried out study the effect the proposed development would have on the level of daylight and sunlight received by the two likely to be affected neighbouring residential properties that are in close proximity to the proposed development. Assessments have also been carried out to determine the level of daylight in the proposed residential units in the apartment blocks and duplex units, and the level of sunlight in the proposed amenity areas.

To Neighbouring Properties.

12.6.5. The neighbouring properties that were assessed are:

- Bishopstown House (Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH) & Sunlighting) a farm house located to the north across Waterfall Road from Duplex units F (3-4 storey's in height).

- Valhalla (VSC, APSH & Sunlighting). Located to the north-east corner of the site some 30m distant from Block 5 (4/5 storeys).

12.6.6. I have had due regard of third-party submissions with respect to omission of 'Macan' from assessment within the Daylight, Sunlight and Shadow Study. This dormer residential dwelling is located some 12m to the west of Apartment Block 1 to the north west of the site (which is three storeys at its closest point to 'Macan'). I have in the first instance considered the assessments submitted and I will deal with impact upon 'Macan' in a succeeding section of this report.

## VSC

12.6.7. The impact on sunlight is measured in terms of Vertical Sky Component. BRE guidance states that where VSC falls below 27% and is less than 0.8 times the former value there would be a materially noticeable change in daylight. The submitted study clearly indicates that the effect of development on VSC for Bishopstown House and Valhalla is imperceptible. The effect on VSC has been assessed for 12 no. windows across the surrounding properties all of which would sustain an imperceptible level of effect. Table 6.1 of the Sunlight Daylight study sets out the Baseline VSC, the BRE Target Value and Proposed VSC. All 12 windows assessed are compliant and well in excess of the target value. Of the 5 windows assessed for Bishopstown House and the 7 for Valhalla none drop more than 5% of their baseline VSC value and none are less than 0.8 times the former value. I note that 5 of the 7 windows in Valhalla are below the BRE guidance to begin with, being 17.76%, 18%, 22.65%, 22.88% and 18.95%. In terms of rating of the effect relative to the level of BRE compliance, the effect of the proposed development is stated to have an impact of 'Imperceptible'/are 100% in compliance.

## APSH

12.6.8. Sunlight impact was assessed, annual probable sunlight hours (APSH) are generally measured to south facing living room windows, ie dwellings north of a development. I note the Apartment Guidelines and the Building Height Guidelines do not explicitly request an analysis in terms of sunlight, with reference to daylight and overshadowing, or loss of light in general, but no specific reference to sunlight. The BRE Guidelines state that 'where the ASPH is below the stated target of 25% or 0.8 of the existing APSH, the BRE that there is likely to be a noticeable effect'. Again, the study clearly indicates that the effect of development on ASPH for Bishopstown House and Valhalla is imperceptible. The proposed annual ASPH and the proposed winter ASPH are all well in exceedance of 25% annual and 5% winter BRE Target value.

## Existing Gardens

12.6.9. In relation to overshadowing of amenity areas, BRE target values are that over 2 hours of sunlight is achieved over a minimum of 50% of existing amenity areas on the 21st March. The study indicates that the effect of development on existing

gardens of Bishopstown House and Valhalla is imperceptible. % of area to received 2 hours of sunlight on March 21<sup>st</sup> (Target >50%) baseline for Bishopstown is 97% and proposed is 97% and for Valhalla baseline is 84.2% and proposed is 76.7%. I do not consider the proposed development will have a significant negative impact on properties in terms of overshadowing.

Proposed Development:

Average Daylight Factor (ADF)

12.6.10. The study has included an assessment of the following buildings:

- Apartment Block 1
- Apartment Block 2
- Apartment Block 3
- Apartment Block 4
- Apartment Block 5
- Creche
- Duplex Type F
- Duplex Type G

12.6.11. The submitted Daylight and Sunlight Assessment assesses the Average Daylight Factor (ADF) internally within the proposed development, taking a sample of 212 no. rooms across the ground floor and first floor. I note that not all apartments were assessed, however, I am satisfied that this is the norm/accepted practice within the industry, and subject to all worst-case apartments being assessed, and the assessment continuing to upper levels to a point where one can be satisfied that all possible worst case/below agreed minimum ADF apartments have been identified, that this is a reasonable methodology and allows for a comprehensive analysis of the development. In relation to ADF, the submitted Daylight and Sunlight Assessment applies a guidance standard of 2% for combined kitchen/living spaces. BS 8206-2:2008 recommends that where one room serves more than one purpose, the minimum average daylight factor should be taken for the room with the highest value. The ADF for kitchens is 2% and for living rooms is 1.5%. The assessment methodology (section 5 of the submitted report) states that an ADF of 2% has been

applied to combined living/kitchen/dining rooms (LKDs), 2% for Kitchen's, 1.5% for living rooms and 1% for bedrooms.

12.6.12. The Living / Kitchen / Dining (L/K/D) rooms of 5 apartments on the ground floor of Block 1 have been assessed and all rooms are BRE compliant. The L/K/D rooms of 5 apartments on the ground floor of Block 2 have been assessed and all rooms are BRE compliant with the exception of one K/L/D in Unit 2-02 which has an ADF of 1.92%. All rooms in the lower ground floor and ground floor of Blocks 3, 4 and 5 are all BRE compliant.

12.6.13. The classrooms in the creche have been assigned a target value of 1.5%. A classroom does not have a predefined target value as per the BS 8206-2:2008, but 1.5% was deemed appropriate by 3DDB. The creche is detached and single storey surrounded by open space. All classrooms received a ADF value in excess of 4.65% which is well in excess of 1.5%.

12.6.14. The Kitchen, Living / Dining and Bedrooms at lower ground floor, ground floor and first and second floor for the duplex units (House Type F) were all assessed. All K/L/D and Bedrooms were found compliant with minimum values of ADF as follows:

- 2% for kitchens,
- 2 % for K/L/D
- 1.5% for living rooms and
- 1% for bedrooms

12.6.15. Looking at the ADF study it is evident that the LKD areas of 5 units are non-compliant Identified as:

- Block 2 00F unit no. 2-01 has an LKD with 1.92% ADF
- Block 4 00F unit no. 4-03 has an LKD ADF of 1.8%
- House G 00F unit no. 02-01 has a 1.35% ADF for LKD,
- House G 00F unit number 03-01 has an ADF to LKD of 1.38% and
- House G 00F unit No. 04-01 has an ADF of 1.24% to LKD.

The ADF value in 207 no. of the 212 no. assessed spaces was above the values as set out in the BRE Guidelines. It should be noted that all 5 no. spaces that did not

meet their target value, can be classified as LKD spaces with an internal kitchen (i.e. a kitchen that does not have a window on an external facade).

12.6.16. It is contended that due to spatial constraints when designing (duplex) apartments, kitchens are often placed in the back of a living space to create an open-plan Living/Kitchen/Dining space, but light cannot always penetrate through to the back of the room due to adjacent obstructions and/or the necessity of overhead balconies. The Living/Dining spaces have been assessed separately with a target value of 1.5% and separate Kitchens 2%. All assessed Living/Dining spaces meet the minimum requirements comfortably. It should be considered that the kitchens of the 5 non compliant LKD's are connected to a well-lit living room, which is a recommendation in the BRE Guidelines for galley-style kitchens. In the instance of apartment living, this type of internal kitchen could be considered to be comparable to galley-style kitchens. This result indicates that supplemental electric lighting may be needed in the kitchen area of the LKD, however, the living area will benefit from adequate daylight throughout the day.

12.6.17. It is also submitted by way of justification that as only 5 no. spaces will not reach their assigned target value that this results in a compliance rate of 98.8% across the apartment blocks and duplexes in the proposed development. I agree that this can be considered to be a high value. It is my view, that where the guidelines have not been met (in respect of ADF), the breaches are not material, and as such I conclude that the overall level of residential amenity is acceptable, having regard to internal daylight provision.

#### Sunlight in the proposed outdoor amenity areas

12.6.18. A sunlight assessment has been carried out on the following private outdoor amenity areas: Creche, Creche Park, Block 1 Green, Block 2 Green, Block 2 Park, Block 3 Park, Block 4 Green, Block 4 Park, Block 5 Green.

12.6.19. The BRE Guidelines recommend that for a garden or amenity space to be adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on March 21st. The study indicates that all of the assessed areas are fully BRE compliant.

12.6.20. In total 9 no. spaces have been assessed, all of which comply with the BRE Guidelines. The development average was determined to be 88.7%. All of the



communal amenity areas are capable of receiving two hours of sunlight over 50% of its area on March 21st.

12.6.21. The Shadow Study carried out for Spring equinox, March 21<sup>st</sup>, at sunrise and sunset. The Summer Solstice, June 21<sup>st</sup>, Sunrise and sunset and Winter Solstice, December 21<sup>st</sup>, sunrise and sunset substantiate the BRE target value of 50% and level of BRE compliance in the neighbouring garden areas, proposed apartment blocks, proposed house type F, proposed house type C, proposed creche and proposed additional house types. Section 6.4 on page 20 of the Daylight / Sunlight Report indicates all will achieve at least half of a garden or amenity area with at least two hours of sunlight on March 21<sup>st</sup>. I note the level of detail in the shadow diagrams which indicate the baseline and proposed sunlight effects from 7 am to 6 pm in March, 6 am to 9 pm in June and from 9 am to 4 pm in December, a shadow diagram is done for every hour. The shadow study gives weight to and matches with the sunlight assessment. I am satisfied that the proposed amenity areas will meet and in fact exceed sunlight standards.

#### Conclusion

12.6.22. It is my opinion that the proposed apartment blocks, the duplex units and the two storey houses are not situated close enough to the two assessed existing dwellings (Valhalla & Bishopstown house) to perceptibly impact daylight or sunlight levels. The submitted assessment concludes that the proposed development will not have a detrimental effect on the levels of daylight received by the surrounding properties and that no existing properties will experience an unacceptable drop in level of daylight or sunlight. I have reviewed the documentation submitted, concerns raised, and the relevant guidance documents, as required by the Apartment Guidelines and Building Height Guidelines. While the applicant has not provided for alternative compensatory design solutions in relation to those instances where VSC is identified as being below the optimum (to start with) as discussed above and the level of effect will overall not have a serious detrimental impact on residential amenity. On balance, having regard to the semi urban location of the site it is expected that new development will have some degree of impact upon daylight levels of existing properties; the need for housing on zoned and serviced lands; and the overall acceptability of the layout and design of the site; in my opinion the impacts identified in the submitted Daylight and Sunlight Analysis are acceptable and

will not result in a significant negative impact on any of the residential properties with regard to daylight, sunlight, or overshadowing.

#### Impact Upon 'Macan'

12.6.23. Section 3.2.2 of the BRE Guidelines states "Obstruction to sunlight (to existing dwellings) may become an issue if –

- (i) some part of a new development is situated within 90° of due south of a main window wall of an existing building.
- (ii) ...the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

12.6.24. I note that dwelling 'Macan' located to the western boundary and the third party concerns submitted by its occupants. It is contended that the daylight sunlight assessment has not assessed the potential daylight/overshadowing impact of proposed 3/4-storey Apartment Block 1 on their dwelling known as 'Macan'. Apartment block 1 is 3 / 4 storey and the western portion of the block is set down to 3 storey (10.2m in height). The three-storey element of apartment Block 1 is located 4.8m at its closest point from the eastern party boundary hedge of Macan and some 12 m from the eastern elevation of the dwelling itself. The 4 storey element is approx. 10m from the party boundary and therefore approx. 15m separation distance with 'Macan'. I note that Macan faces north / south with a south facing rear garden, it sides onto the rear of Block 1. It does not have windows at first floor level, on its gable, facing east and it is located on higher ground. The four storey element of Block 1 maintains the rear building line with 'Macan', however, it steps forward of the front building line.

12.6.25. There would not appear to be any main windows serving this house, on its eastern gable, that would result in the room/property being unduly affected by loss of daylight as a result of the proposed development. Given orientation and absence of windows on the eastern elevation of Macan I am satisfied that no undue impact to VSC as a result of loss of light from the sky should arise should the proposed development be permitted.

12.6.26. The applicant's report provided no commentary in respect of 'Macan', and the sun path diagram submitted excludes 'Macan' and its garden area, possibly due to

eastern orientation and set backs. It is noted that Table 6.4 of the Sunlight Daylight report showed that in excess of 50% of the green area to the rear / west of Block 1 is capable of receiving 2 hours of sunlight on March 21<sup>st</sup> and therefore it is improbable that Macan would be unduly impacted by reason of overshadowing as a result of the proposed development, and it would receive a minimum 8 hours of unaltered sunlight to the garden and that well in excess of the minimum 50% of the garden would receive 2 hours of sunlight. Given orientation I consider that overshadowing could arise for a short period in early morning, only. Block 1 being due east of the side and front garden of Macan, the rear garden would not be affected to any material or perceivable manner.

12.6.27. Overall, I am content that daylight, sunlight and overshadowing impact from the proposed development upon existing properties will be within an acceptable range for the area and not significantly harmful. I have applied the guidance within the BRE guidelines and associated BS 17037:2018 in my assessment of this issue, and particularly in light of the guidelines own assertions that numerical targets should be applied flexibly (para.1.6) and that natural light is only one of many factors in site layout design (para.1.6)

## 12.7. **Overlooking and Impacts on Privacy & Amenity**

12.7.1. The issue of overlooking has been raised in the submissions received. It is submitted by a third party that “there is potential for unit nos. 6 and 7 (House Type A1/A2) at FFLs +36.500m to +36.950m and ridge height +45.900m to +46.350m to overlook the adjoining two-storey dwelling known as Macan on the Waterfall Road which is at a FFL of +35.740m and a ridge height of +43.900m” It is stated that “Only a 2m high fence is proposed along the boundary with Macan. House nos. 1-5, positioned only c. 10m from the eastern boundary with Macan will also overlook that dwelling.”

12.7.2. Apartment Block 1 does not have any habitable windows facing west, obscure glazed bathroom windows only. A translucent screen is also proposed on the balconies of ground, first and second floor apartments on the western elevation. Dwelling houses 1 – 5 are two storey and they back onto the rear garden of Macan with first floor bedroom windows set a minimum of 13.25m from the party boundary with Macan. There are no opposing first floor rear windows.

- 12.7.3. From a review of the plans and drawings submitted it is evident that dwellings 1 – 5 side onto the eastern boundary of the existing dwelling Macan and are set some 13.25m minimum distance from the party boundary with the closet dwelling (to existing dwelling Macan) House No. 1, Type D, having a separation distance of some 16.6 m set back from said boundary. House Type A2 dwellings, numbers 6 and 7, are located south of the observer's garden and do not overlook the garden. As noted above in the Sunlight Daylight Analysis section of this report the dwellings 1 – 5 have first floor rear bedroom windows facing the existing adjoining dwelling Macan. I note the rear garden depth of Dwelling Type A2 at some 10.2m.
- 12.7.4. It is the opinion of the PA that "Block 1 is located relatively close to the boundary (4.8m at its closest). The height of the block is three storeys in this location. It is considered that this boundary could be strengthened with additional tree planting in the grounds of Block 1. In addition, the bike and bin store for Apartment Block 1 is located close with the boundary with 'Macan' it is considered that House No. 1 to the south (Unit Type D) should be omitted and the bike/bin and communal store relocated to this area and a greater area of communal private space provided to Block 1 to protect amenity. The remaining 4 units could also be redesigned to dormer style units with velux rooflights only to the rear. They could also be moved further east to increase separation distances to the western boundary". Conditions to address these concerns are recommended.
- 12.7.5. In terms of amenity to adjoining property, overlooking and privacy it is my opinion that House No. 1 (Unit Type D) be omitted and that Houses 2 – 5 (Unit type C) be amended to dormer with velux roof lights only to the rear at roof level. The positioning of the bin stores further from the party boundary would also be desirable. I consider such amendment would be sufficient to ameliorate the development and overcome the issues raised by the third party and the PA. I have considered screening and note and consider acceptable the proposal to provide a 2.4 m high concrete post and timber fence along the eastern party boundary with the observers dwelling.
- 12.7.6. The two storey nature and orientation of Houses 1 – 5 and the rear garden of 'Macan' are not in line with what would be expected at such a location and if permitted I believe that excessive overlooking is probable. The proposed houses directly overlook the side and rear garden of Macan at this location. Given the

locational context of the site, the orientation of existing and proposed development, with the design rationale including separation distances proposed, I consider that matters of overlooking can be overcome by way of condition. I am satisfied that impacts on privacy and amenity can be dealt with by way of condition and are not so great as to warrant a refusal of permission.

## 12.8. Childcare Facility, Community and Social Infrastructure

- 12.8.1. Third party concern has been raised with respect to location of the proposed creche facility within the site. The 271 sqm (60 childcare spaces) single storey Creche building is located close to the eastern boundary of the site, originally it was located to the front of the site. Open space to serve the creche is provided to the east of the structure, a focal open space with a play area is located to the south of the structure.
- 12.8.2. A 'Childcare Needs Assessment' report submitted with the application outlines that the proposal childcare facility of area 271 sq. m. is in excess of and fully compliant with relevant standards. The minimum requirement for this number of dwellings would be a 42 space creche, regard being had to the number of 3 and 4 bedroom dwellings proposed.
- 12.8.3. A submission from Cork County Childcare Committee considers the structure proposed to be unacceptable as it has not been designed in accordance with regulations – a redesign of same would be required. They also recommended that the creche be constructed as part of Phase 1 of the development. The HSE submission also identifies issue with the creche design. I consider this matter is not a reason for refusal of the scheme and note compliance with other codes of regulations is a matter for the developer and operator of the creche. I am satisfied that, there is adequate flexibility in the design to allow for a reduction in number of children to be accommodated in the creche and for other minor modifications if so required for compliance with other Building/HSE Regulations.
- 12.8.4. The creche and adjoining internal road to the west and south are proposed for Phase 2 of the scheme. An internal road is proposed for Phase 1, and this is to the north of the creche (see Phasing Plan 5181\_0404).
- 12.8.5. It is my opinion that the location and proposed phasing of the creche building is acceptable. The first phase comprises Apartment Blocks 1 – 5 and the Type F

Duplex Units which address Waterfall Road. The housing and creche is proposed in Phase 2 with additional housing proposed in phases 3 and 4. Therefore I am satisfied that the creche will be constructed in tandem with the housing, which is when the need arises.

12.8.6. A Community and Social Infrastructural Audit has been submitted as part of the application. It concludes that the site location performs well in all aspects of the study from education, childcare, sports, amenity community facilities, healthcare, retail and public transport and that future residents will have access to a significant quantum of facilities and services within the catchment of their homes. I note that a Café of 147 sq. m is proposed at ground floor of Apartment Block 5 facing the entrance Plaza from Waterfall Road. There are some concerns about the lack of retail services in the immediate locale and having regard to the fact that some schools are oversubscribed in the area. The matter of school places was raised in the previous application and was not considered a reason for refusal. The issue of capacity has not been definitively resolved in the subject application either. The applicant has made a request to the Department of Education and Skills in respect of local school's capacity data. The Department replied to confirm that they could not make this information available. Notwithstanding this, it is contended that the Department is advancing plans for a number of new schools in the general catchment which has included planning applications for new primary and post primary schools at Douglas and announcements for a new 224 pupils primary at Pouladuff, as well as a 600 pupil post primary in Ballincollig. Having regard to this, and the wider network of existing schools in the area, this site is located approximately 5km south of Cork city centre and approx. 4kms from Ballincollig, I am of the opinion that there will be sufficient capacity locally to cater for future demand arising from the proposed development.

## 12.9. **Transportation, Access, Parking, Connectivity and Permeability.**

### Context

12.9.1. I draw the attention of the Bord to the fact that all of the third-party submissions received raised concerns regarding lack of connectivity and permeability, car dependency, safety of proposed pedestrian and cycle link proposed, inadequate car

parking provision, road safety concerns and concerns regarding lack of public transport. It is noted that while Transport Infrastructure Ireland (TII) recommends that further information is sought with respect to trip distribution and junction capacity analysis, the report states:

“TII welcome the sustainable travel options including pedestrian/cycling offering proposed under the subject application over and above that proposed under the previous application on the subject site; ABP 303137-18”.

12.9.2. It is notable that the first reason for refusal in the case of 303137-18‘ relates to prematurity of the development by reference to existing deficiencies in the local road network in terms of capacity, width, alignment, public lighting and pedestrian and cycle facilities, and where these deficiencies would render the network unsuitable to carry the increased road traffic likely to result from the development, and the period within which the constraints involved may be reasonably be expected to cease. See section 4.0 of this report for planning history.

12.9.3. The subject lands are located south of the Waterfall Road with an existing speed limit of 50km/ph. The potential for operational traffic to impact human health from increased volumes and associated road safety implications is addressed in the accompanying Traffic Impact Assessment and Road Safety Audit prepared by NRB Consulting Engineers. The Report concludes that:

- The proposed development will have an unnoticeable impact upon the established local traffic conditions and can easily be accommodated on the road network, with access via a simple priority junction onto Waterfall Road. It is proposed to provide very significantly enhanced secure safe cyclist and pedestrian links to Bandon Road, with new/improved pedestrian crossings of Waterfall Rd at The Rise and at the Audit Garage towards Bishopstown.
- The high quality of accessibility of the site by non car modes of travel is addressed in more detail in the Preliminary Mobility Management Plan included as Appendix H.
- A review of the Road Safety Authority database records indicates that there is no significant history of accidents that would be affected by the level of additional traffic. In this regard, given the very low additional traffic volumes, it

is concluded that the development will not have any adverse impact upon traffic safety on the overall network.

- Alongside this, the construction phase has the potential to increase traffic congestion and/or public safety hazard, with the significance of impacts likely to be moderate without appropriate mitigation.

12.9.4. The CE Report sets out that measures to address deficiencies in the local network have been discussed with Cork City Council and the application proposes the following works:

- A new vehicular access and pedestrian entrances onto Waterfall Road,
- A two-way cycle track and pedestrian footpath along the site frontage to Waterfall Road which will continue via the site to the rear of properties fronting onto Waterfall Road, to link to an existing shared surface pathway south of the N40,
- Upgrades to this shared surface path to provide two-way cycle track and pedestrian footpath,
- Upgrades to Waterfall Road to extend the existing pedestrian pathway to the subject lands,
- Pelican crossing on Waterfall Road opposite The Rise/Haldene Villas junction (approximately 445 metres northeast of the main development site)
- Uncontrolled pedestrian crossing at the Audi Cork/Heiton Buckley entrance junction adjacent to N40 (approximately 370 metres northeast of the main development site).

12.9.5. The Phasing Plan states that it is intended that the proposed development will be constructed over 4 phases. The Planning Statement and Response to A.B.P. Opinion states that '*Works to improve connectivity will be undertaken in Phase 1 and the applicants have no objection to a condition requiring that these be completed prior to the occupation of the dwellings.*' Phase 1 includes all of the apartment blocks and duplex units fronting Waterfall Road and the pedestrian/cycle link to the east. It is recommended that a phasing condition is attached given the current infrastructure,



the scale of the proposed development and the proposed infrastructure required to support it. I concur with this recommendation.

- 12.9.6. The Urban Streets and Roads Design (Planning) Report has detailed the pedestrian and cyclist provision, urban road design (transition zones and gateways, pedestrian and cyclists) and internal estate street design. It highlights that the pedestrian connectivity and legibility from educational facilities (primary schools and Munster Technological University) and high frequency bus route is sub optimum and there are gaps in the local pedestrian network. Works are required to enhance priority for pedestrians (and cyclists) to the existing network in order to support and encourage residents to choose these modes.
- 12.9.7. The applicant has proposed a controlled pedestrian crossing of the Waterfall Road to the Rise/Haldene which is welcomed by Cork City Council as it will allow connectivity of the proposed development to the existing community. It is recommended that the applicant is required to provide a special contribution towards this pedestrian link. Urban Streets and Road Design (Planning) Report has detailed the special contribution works and amount and has recommended a condition. It is pointed out that without this intervention, the applicant is proposing a car centric development.
- 12.9.8. The proposal by the applicant, subject to agreement with the PA, to introduce a link to connect pedestrians/cyclists to the existing footpath on the southern side of the N40 (South Link) is welcomed.
- 12.9.9. The shortcomings in the N40/Bandon Road interchange for pedestrian and cyclists are identified in the Urban Streets and Road Design (Planning) Report. It is pointed out that its segregated design will leave the new community disconnected and will place significant limitation on using/accessing sustainable forms of transport. It is pointed out that the inclusion, at a minimum, of a continuous, contiguous pedestrian network on Waterfall Road to the existing pedestrian network is necessary to address gaps and provide for linkages with public transport and educational facilities. A condition is recommended.
- 12.9.10. DMURS and National Cycle Manual recommend the provision of verges for the pedestrian and cycle infrastructure. This segregates users, achieves quality facilities and lead to an increase in cycling and walking. Urban Streets and Road

Design (Planning) Report has recommended that the cross-section width of the pedestrian and cyclist infrastructure proposed for the Waterfall Road and the link to the N40/Bandon Road is modified to incorporate verges.

12.9.11. The Traffic (Regulation and Safety) Section of the PA considers that overall, from a Traffic Regulation and Safety perspective the development is broadly acceptable, with a number of items to be addressed. It notes that while the traffic impact is not significant, the location of the development at current public transport levels it is likely to be heavily dependent on car-based travel. Mitigating factors include the additional measures provided as part of the development to enhance pedestrian and cyclist connectivity and the possibility of future public transport connections.

12.9.12. The Traffic (Regulation and Safety) Section notes the following in relation to public transport: *'Currently, the closest bus routes located to this site are the 236, 237 239, however these are regional services and not city bus services and do not run at regular intervals. The closest citybus service is the 208 on Curraheen Road, an approximate 15 min walk running at approximately 10-minute intervals.'*

*There is a proposed BusConnects priority route planned on the Bandon Road again approximately a 15-minute walk. Further details are not currently available on the BusConnects plans and timing at this time. However, the pedestrian and cycle path to the Bandon Road provided as part of the application will provide good connectivity to this bus route should it materialise.'*

12.9.13. The Traffic (Regulation and Safety) Section recommends a number of conditions in relation to road safety including the omission of 3 parallel parking spaces from the Waterfall Road and the agreement of the final location of the pedestrian crossing on the Waterfall Road, implementation of R.S.A., road markings, public lighting as well as the CMPT (discussed above) and parking (discussed below).

12.9.14. The Area Engineer welcomes the continuation of the proposed footpath along the road frontage and outside the dwelling 'Valhalla'. He raises some issues of concern in his report in relation to sightlines and tree planting, the bands of paving to the gateways on Waterfall Road – maintenance issues and resurfacing works which

will need clarification and agreement. He also notes that there are a number of 'shared areas' at the internal road junctions. Due to concerns regarding future maintenance of the development, the raised crossings shall not be constructed using brick, flag or cobble paving. In addition, it is recommended that all lining and signage associated with the development to be agreed between the developer and the City Council.

- 12.9.15. The Infrastructure Section advises it has no objection to the proposed development.
- 12.9.16. A Traffic Assessment, Independent safety Quality Audit, DMURS Report and Mobility Management Plan, have been submitted with the application. The information contained within these reports appears accurate and robust. In addition to the issues raised by the engineering sections, pedestrian connectivity internally in the estate layout was initially a concern – particularly for residents of units in the east of the site to the various public open spaces. This has been addressed satisfactorily in the revised layout with internal pedestrian links available and an additional centrally located pedestrian link to the steep lands to the south also provided for.
- 12.9.17. The potential to connect with SLR6 identified in the L.A.P. (Figure 1.3 and Variation No 1 of the Cork County Development Plan 2014) is shown in the document Architectural Design Statement (Proposed Site Concept – P. 32) in which 3 potential future connection points shown to the east, see also Site Layout Plan.
- 12.9.18. Overall, I consider that the refusal reason of 303137-18 has been overcome. The DMURS report outlines how the proposed development will result in the creation of a sustainable community connected by well-designed links, layout and accesses. These measures combined will deliver attractive, convenient and safe access in addition to promoting modal shift and viable alternatives to car-based journeys. Connectivity is to be primarily achieved through the delivery of a combined pedestrian and cyclist links to Bandon Road. These works will ensure safe and sustainable access to transport, local services and amenities in the Bishopstown area. It is noted that TII welcomes the sustainable travel options proposed over the previous application. Commitment to upgrading works to provide traffic calming gateway features outside of the site and a contribution towards upgrade works and a bond are all notable and will ensure compliance.

12.9.19. I have had due regard to the setting back of the front boundary of Valhalla to provide a footpath. I have cognisance of the proposal to provide a 3m wide two way off road cycle and pedestrian link (with 150mm wide raised delineations strip between the footpath and the cycle track) to the south of Valhalla and to the rear of the adjoining dwellings to the east connecting with the existing pathway linking to an existing shared surface pathway south of the N40. While the frontage of Valhalla could possibly be set back further (it is within the red line boundary and therefore the control of the applicant) to provide a more continuous footpath and cycle path on the Waterfall Road I acknowledge that the two houses further east are not within the control of the applicant and therefore setting back of their frontages could prove problematic. The applicant has in my mind overcome the problem and has provided a continuous footpath along the Waterfall Road and a dedicated continuous safe off roads cycle and pedestrian link from the proposed development to the N40.

12.9.20. I accept that the proposal will give rise to additional traffic movements at this location. However, I consider some level of congestion to be a characteristic of urban areas and should not in itself be a reason to prohibit further development. I consider that the traffic impact is not significant in terms of noise or undue congestion and would not result in a traffic hazard. Given the proposals to upgrade the road network and to pedestrian and cycle connectivity commitments proposed I consider that the traffic impact can be absorbed on the local road network. I have had cognisance to the concerns raised by elected member and third-party submissions with respect to whether the Waterfall Road has the capacity to handle the increase in traffic volume that the development would bring. I believe it has been adequately demonstrated impact would not be so great as to warrant a refusal of permission on such grounds. The proposed pedestrian and cycle entrances will greatly enhance permeability throughout the site, through to the wider area. The proposal will offer much improved facilities for pedestrians/cyclists along Waterfall Road and the contributions for improvement works to roads infrastructure in the wider area is welcomed and will assist in promoting the use of more sustainable modes of movement. I am generally satisfied that the applicant has liaised with and put in place firm plans with the City Council in this regard. The planning authority have recommended a grant of planning permission. Given the urban location of the site, the speed limit in place and the proposal before me on zoned lands, I am satisfied in this regard.

## Car Parking

- 12.9.21. The amount of parking provided is not consistent across the documents provided (411 proposed in the Planning statement with 399 proposed in the Transportation assessment report. I note that the site Layout plan does not indicate a numbering system for car parking spaces and no drawing has been submitted specifically indicating same. The County Plan minimum standards would yield a requirement of 448 spaces for the proposed development.
- 12.9.22. Table 1 a Car Parking Requirements for New Development as set out in the Cork County Development Plan 2014 indicates:
- 2 spaces per dwelling
  - 1.25 spaces per apartment,
  - Creche requirement is 1 space per 3 staff + 1 space per 10 children and
  - Café is indicated as 1 space per 20 (net sq m).
- 12.9.23. This gives a requirement of some 465 car parking spaces to serve this development in accordance with CDP policy.
- 12.9.24. The City Plan requirements Area 3 Rest of Cork City are set out in Table 16.8 Car Parking Standards of the Cork City Development Plan 2015 – 2021. It indicates for:
- Residential (1-2 bedroom) that 1 space plus 0.25 spaces for visitors is required.
  - Residential (3-3+Bed Unit) 2.0 spaces plus 0.25 spaces for visitors
  - Café 20 nsm
  - Creche 1 per 6 students
- 12.9.25. Given there are 119 one and two bed units proposed, 128 three bed units and 29 four bedroom there is a requirement for the residential of some 345 car parking spaces as per the city plan. 10 for the 60 childcare space creche and 7 for the retail unit. Totalling some 362 spaces.
- 12.9.26. The Traffic Regulation and Safety Report of the PA considers that some reduction in the parking quantum is acceptable in the interest of the promotion of sustainable and active travel modes. It is recommended that a maximum of 274

spaces should be provided for the houses with a maximum of 120 for the apartments resulting in a total of 394 spaces. Parking for the creche should be provided at Development Plan levels.

12.9.27. The following condition is recommended in this regard:

“A maximum of 274 car parking spaces to be provided for the residential housing elements of the development. A maximum of 120 parking spaces provided for the apartments. Car parking for the creche to be provided at a maximum rate of 1 per 3 staff plus 1 per 10 children. Disabled parking to be provided at a rate of 5% of the overall parking provision (where relevant – excludes on curtilage parking)”.

12.9.28. The above condition would result in c. 403 car parking spaces being provided. As noted above, the proposal has conflicting car parking numbers 411 proposed in the Planning statement with 399 proposed in the Transportation assessment report. Either way the figure is not a material alteration. In the instance that car parking spaces are to be freed up, approx. 8 over provision, I recommend that the unprovided car parking spaces be pepper potted through the car parking allocation and the space landscape appropriately. The car parking condition should be amended to reflect this. A reduction in car parking would in my view be acceptable and in keeping with national policy. In terms of national policy, I note that both the NPF and Apartment Guidelines emphasise a need to move away from universal parking standards to a more tailored performance-based approach.

#### Material Contravention Issue - Car Parking

Note: The planning authority has not stated that the proposed development is in material contravention of their Development Plan. As referred to above in the transportation section of this report the number of car parking spaces proposed differs throughout the documentation submitted. I note the material contravention statement submitted sets out that 411 spaces are proposed.

12.9.29. The PA have recommended that the following condition be attached to any decision to grant planning permission forthcoming from the board:

“A maximum of 274 car parking spaces to be provided for the residential housing elements of the development. A maximum of 120 parking spaces provided for the apartments. Car parking for the creche to be provided at a maximum rate of 1 per

3 staff plus 1 per 10 children. Disabled parking to be provided at a rate of 5% of the overall parking provision (where relevant – excludes on curtilage parking)”.

12.9.30. The material contravention statement sets out that:

“The proposed development provides for the minimum 2 spaces per house as specified in the County Development Plan (274 no.) and 7 no. spaces dedicated to the proposed Creche. The remaining parking spaces (130) to serve the apartments and duplexes within the scheme equate to a ratio of just over 0.9 spaces / unit.

This is below the minimum requirement of 1.25 spaces per apartment specified in the Development Plan. However, in accordance with the 2018 Apartment Guidelines the proposed development site is deemed to constitute an intermediate urban location, which is within reasonable walking distance of a high frequency urban bus service.

The Guidelines indicate that in such locations, a reduced overall quantum of parking is appropriate. The proposed development provides for significant upgrades to the local network which will provide for improved connectivity to existing urban areas and existing public transport services. Therefore, we consider that a reduction in the parking provision to serve the proposed apartments is justified”.

12.9.31. While the applicants Statement of Material Contravention sets out a justification for the proposed level of car parking. It is my view that the proposed level of car parking is not a material contravention of the development plan.

12.9.32. Having regard to the vehicular movements, and the number of car parking spaces provided within the scheme, it is my view that the operational phase of the proposed development would not impact on the capacity of the surrounding road network. It is noted that the submission from Transport Infrastructure Ireland raised no objection to the proposed development.

12.9.33. Table 1 a Car Parking Requirements For New Development as set out in the Cork County Development Plan 2014 indicates 2 spaces per dwelling 1.25 spaces per apartment, Creche requirement is 1 space per 3 staff + 1 space per 10 children and café is indicated as 1 space per 5 (net sq m).

Note 2 attached to Table 1a states: “The parking requirement for residential development is a minimum standard and can be exceeded at the discretion of the developer, based on house type, design and layout of the estate”. And

Note 4 states: “A reduction in the car parking requirement may be acceptable where the planning authority are satisfied that good public transport links are already available and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development”.

- 12.9.34. Achieving a ratio of 0.95 spaces per unit as opposed to the requirement of 1.25 spaces per apartment specified in the Development Plan is not in my opinion material. A reduction in car parking is allowable by way of justification and the Development Plan does not set out that the minimum figures ‘shall’ have to be adhered to.

#### Cycle Parking

- 12.9.35. The PA notes that in relation to the provision of bicycle parking spaces the amount proposed is inconsistent in the submitted documents. 370 proposed in the Planning Statement and 280 proposed in the Transportation Assessment report. It is recommended that the location, quantum, design and management of bicycle parking for the apartments be provided in accordance with the Sustainable Urban Housing Design Standards for New Apartments at a rate of 1 per bedroom plus visitor parking at a rate of 1 per 2 units. Additional bike parking for the café, creche etc should be provided at Development Plan rates. Recommended Conditions in this regard which I concur with and recommend be attached to any grant of planning permission states:

“A minimum of 370 cycle parking spaces to be provided as part of the development. The location, design and management of the residential cycle parking for apartments to be in accordance with the Sustainable Urban Housing: Design Standards for New Apartments”.

- 12.9.36. I consider 370 cycle parking spaces to serve 139 apartments is somewhat excessive. I consider the 370 quantum proposed by the applicant was intended to serve both houses and apartments. The condition of the PA is noted, cycle provision to be provided in accordance with the Sustainable Urban Housing: Design Standards



for New Apartments. The proposed development would have a requirement for 244 (1 cycle storage space per bedroom is required and 1 space per 2 residential units to serve visitors). This gives a requirement for 244 cycle spaces to serve 139 apartments and 70 visitor spaces totalling 314 cycle parking spaces. I recommend that the condition be amended to state a minimum of 300 cycle spaces be provided to serve the apartments.

### Construction Traffic

- 12.9.37. A Stage 1 Quality / Safety Audit, a preliminary travel plan / mobility management plan, a Construction Environmental Management plan, a Traffic and Transport Assessment and a Mobility Management Strategy has been submitted.
- 12.9.38. The Construction and Environmental Management plan sets out the site compound location, construction traffic routes and parking proposals of workers along with general site considerations. The Traffic (Regulation & Safety Section) of the PA recommends that the C.T.M.P. should be agreed with the Planning Authority in advance of construction.
- 12.9.39. I recommend that a condition be attached to any grant of planning permission in this regard. See condition 9(xi) A Construction Traffic Management Plan for the proposed development including dedicated haulage routes, a protocol to be followed by HGV drivers and allowable operational times for the HGV's on the city's road network shall be agreed with Cork City Council in consultation with An Garda Síochána before works commences on site.

### Hours of Operation

- 12.9.40. It is noted that the Environment Section recommends the following condition in relation to working hours:
- ‘Working hours during site clearance and construction shall be restricted to 0800-1800 hours on Mondays to Fridays and to 0800-1600 hours on Saturdays. Activities outside these hours shall require the prior approval of the Planning Authority.’
- 12.9.41. The PA requests that should permission be granted that these hours be attached by way of condition. The Environment Section advises that it has received

nuisance complaints from citizens in relation to the permitted construction hours of a number of recent S.H.D. permissions in the City Council area.

12.9.42. This site is suburban in nature, there are few one-off dwellings scattered throughout the surrounding area and all are set back a reasonable distance from the application site. Given the location of the site and proximity of dwellings it is not deemed appropriate to deviate from standard construction hours, in this instance. I note the Construction and Environmental Management Plan submitted have indicated normal working hours from 08.00 to 17.30 Monday to Friday. 08.00 to 14.00 of Saturday and Sundays and Bank Holidays periodically 08.00 to 14.00.

12.9.43. All construction activities by their very nature result in elevated emissions (noise, dust, etc.) and increases in construction traffic above the baseline environment. However, these are temporary and short term in nature and therefore will not have any long term or permanent amenity impacts. There is a national need for fast tracking housing and imposing restrictions around construction hours may be inappropriate and unnecessarily delay delivery. The applicant has submitted a Construction and Environmental Management Plan. Mitigation measures in relation to traffic management, noise and vibration, air quality and dust control and construction working hours are proposed. The implementation of these mitigation measures will further reduce any adverse amenity impacts during the construction phase. I recommend that a condition in relation to agreement of a detailed Construction Management Plan with the planning authority is recommended, should the Board be minded to grant permission.

## 12.10. Landscape and Open Space

12.10.1. The third-party submissions received raise concerns in relation to useability of public open space specifically its accessibility given changes in ground levels and connectivity to the wider area.

12.10.2. The developable area is stated to be 7.13 hectares with a total of 10,685 sq.m. of this being 7 different areas of public open space. The proposal comprises 15% of the developable area as public open space provision. A further 20,989 sq.m. is located to the south and proposed as a biodiversity parkland. An area which will act as a visual landscaped area and which will be accessible via pedestrian walkway.

12.10.3. SE-R-10 which relates to the lands and is referred to throughout this report is noted in this regard. It requires that “The southern portion of the site should be landscaped and developed as a usable public or private open space.”

12.10.4. Combined with the formal areas of public open space, 34% of the entire site is proposed as open space. This is in compliance with Development Plan requirements. . Issues of accessibility and design concerns (overlooking and avoidance of anti-social behaviour potential) have been resolved and the design response has factored in such concerns. The Parks Section in its report is supportive of the design approach. It states:

“Site sections and visualisations have been submitted in this regard. Measures to safeguard against anti-social behaviour (i.e. throwing of items from higher ground into private open spaces) have been addressed via proposed boundary treatment detailing (See Landscape Sections E-E and F-F) and a buffer planted area in the northernmost area and provision of an access gate to this space that is to be managed by the management company. The area is to be accessible by the public with an additional centrally located pathway proposed from the housing estate which is considered to fulfil the zoning objective identified in the L.A.P”.

12.10.5. I note the report of the Senior Parks & Landscape Officer Parks Division of the City Council. It sets out:

“That the landscape consultants have liaised with the Parks Department in regard to the landscape and recreation proposals for this development and It confirms satisfaction with the following elements of the development.

- Open Space provision at 15% is satisfactory.
- All open space is usable, sensitively landscaped and provides many opportunities for passive recreation and play.
- Streetscape at Waterfall Road is satisfactory.
- Gateway Plaza provides a strong frontage to Waterfall Road. It is a congregating space for residents and visitors to local shops/cafes etc.
- The Biodiversity Parkland is creatively designed, and access takes account of the steep gradient.

- No issue with the modest tree and shrub removal”

12.10.6. The proposal complies with the open space standards in the operative Development Plan and offers a good mix of passive and recreational open space throughout the scheme. The planning authority have not raised concerns in this regard. They state that the overall open space provision is in accordance with the open space requirements of the County Development Plan and the LAP and are satisfied in this regard. They recommend a condition be attached to any grant of permission in relation to a management company to deal with the future maintenance of the public/communal area within the proposed scheme. Permeability through the site is good.

12.10.7. All proposed units have adequate private open space provision. I am satisfied in this regard.

### 12.11. Ecology and Biodiversity

12.11.1. The subject site is not located in close proximity to any Special Protection Area (SPA), Special Area of Conservation (SAC) or Natural Heritage Areas (NHA). The site is located approximately 6.8 kilometres from the Cork Harbour SPA at its closest point and 13.6 kilometres away from the Great Island Channel SAC at its closest point. The project ecologist has determined that no invasive plant species, including those listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations, were noted at the residential part of the study site.

#### Loss of trees and Hedgerows and Impacts on Bats

12.11.2. The third-party submissions received raise concerns in relation to loss of trees and resultant negative impact upon the environment and the birds and (protected) bats that need the existing trees.

12.11.3. The planning authority have not raised concerns in this relation to these matters. There is no report on file from the Heritage Officer of the planning authority. A Tree and Vegetation Survey have been submitted. A Landscape Design Strategy has also been submitted.

12.11.4. A tree survey report for the site was prepared for a 2018 planning application and has been updated for this application to include the extent of the proposed

cycleway/ footpath link being proposed through the adjacent lands. Trees that are felled to facilitate the development will be compensated for by extensive tree planting throughout the proposed development and the creation of a biodiversity zone in the southern portion of the site to offset any potential impact on existing trees and vegetation. All retained trees will be protected during construction operations in accordance with the requirements of BS 5837:2012 Trees in Relation to Design, Demolition and Construction. A full hedgerow survey of the site has been carried out by Kelleher Ecology and where removal is required, this will be offset by the introduction of native species planting within the biodiversity zone. Retained boundary vegetation will be fully augmented as part of the site planting proposals.

12.11.5. The Parks Section notes the modest loss of tree and shrub vegetation and has no objection to same.

12.11.6. The application has been accompanied by a Bat Assessment prepared by Kelleher Ecology Services. The field study comprised of a visual assessment to ascertain the potential suitability of features of potential interest for roosting, commuting and foraging bats.

12.11.7. All bat species are listed on the Annex IV of the EC Habitats and Species Directive, and some (including the lesser horseshoe bat) of the Annex II of this Directive. The Directive (including as transposed) ensures that individual bats, their breeding sites and resting places are fully protected. The Bat Assessment submits that the study site is of lower to higher local importance for bats overall, where some trees due for removal may potentially be of low to moderate suitability for bat roosting and on-site linear woody features are primarily considered to be of high suitability for commuting/foraging bats. As the timing of the site assessment was at a sub-optimal time of year to record peak bat activity (with bats still in winter torpor), active/passive detector surveys were not undertaken. While no bat species have been historically recorded in the W66J 2km grid square overlapping the study site (after NBDC database); this is likely to be more indicative of an absence of survey effort locally rather than a real absence of bats, especially as the landscape bat model suggests a moderate to high resource value for bats in general. There is no site designated for bats within 5km of the study site here.

12.11.8. A total of 31 trees present at the site in association with the field boundary and scrub/woodland edge area will need to be removed to facilitate the proposed development. The bat roosting potential of these trees was visually assessed, where bats can exploit spaces associated with trees for roosting (i.e. cracks, splits, holes, ivy etc.; see Collins 2016). The potential suitability of trees due for removal to support roosting bats is primarily considered negligible/low overall in this case (17 specimens negligible; 3 specimens negligible to low; 4 specimens low) due to the presence of potentially adequate ivy cover. Only seven trees may potentially be of low to moderate suitability for bat roosting due to the level of extensive heavy ivy cover combined with branching that might be wide/large enough to support roosting opportunities (unable to confirm due to ivy cover). It is summarised that Bat roosting opportunities here are only likely to relate to small numbers of non-breeding bats on a transient basis during the summer/autumn period if they occur at all.

12.11.9. The following measures are recommended in relation to bat conservation and the proposed development:

*“1. Trees due for felling that have been identified with low/moderate potential to support bat roosts will be reassessed in advance of felling by a suitably qualified/experienced Ecologist in accordance with best practice guidelines (e.g. BTHK 2018, Collins 2016). All such trees will be marked in the field to allow easy identification for all site staff and thereby ensure protection from inappropriate felling (e.g. erect a notice as per NRA 2005). The subsequent felling of all such trees will be undertaken under the advice/supervision of a suitably qualified/experienced Ecologist in accordance with best practice guidelines (e.g. NRA 2005) and in consultation with NPWS where relevant (e.g. derogation licence to remove bat roost; see NRA 2005).*

*2. The construction/operational phase lighting scheme will be designed to minimise/avoid light spillage nuisance on existing/new vegetated receptors by using shielded, downward directed lighting wherever possible; switching off all non-essential lighting during the hours of darkness; using narrow spectrum lighting types with no UV and luminaire accessories (e.g. shielding plates). The existing/new vegetated receptors relevant in this case include hedgerow/treelines and woodland (both adjoining existing woodland and proposed new woodland area). This will benefit bats as well as other fauna active/resting at night. The proposed operational*

*lighting scheme achieves this in the event the proposed operational artificial lighting scheme will be changed, the revised scheme will also be reviewed by an Ecologist/Bat Specialist and altered accordingly under their advice.*

*3. As per the landscaping proposals the final landscape plan will take native tree/shrub/understory species as well as non-native pollinator friendly species into account (see NBDC 2016), and also ensure that new planting connects to other woody habitat/other vegetation in order to maintain and provide connectivity via wildlife corridors.*

*4. In the (unlikely) event that a bat is found actively using a feature at the development site for roosting during the construction phase, works will cease immediately, and the area cordoned off until advice is sought from a suitably qualified /experienced Ecologist so that appropriate steps can be taken under their advice/supervision in accordance with best practice (e.g. NRA 2005). Where feasible, bats will be allowed to disperse naturally; in the event that this is not feasible, bats will be collected by an Ecologist/Bat Specialist and held in suitable cloth bags/storage boxes for release in the area at dusk.”*

12.11.10. The planning authority have not raised concerns in this regard. Having regard to all of the above and on the basis on the information submitted in the Bat Report and the proposal to retain much of the woodland and develop a natural parkland along the southern boundary of the site, I am satisfied in this regard and consider the potential impact of the development of the ecology of the site to be minimised by design and mitigation and is acceptable, subject to conditions.

## 12.12. **Site Services and Flood Risk**

### Water and Wastewater

12.12.1. It is proposed to connect to the public water and foul sewer network. There is an existing pumping station serving four houses adjacent to the proposed development. In order to connect to the wastewater network it will be necessary to decommission this and construct a new pumping station to pump waste water within the confines of the existing pumping station compound across the N40 South link road into the Cork City sewer network. The sewer network in this area is currently at capacity and upgrades to the network will be required to facilitate this connection. It is noted that the pump station is outside the red line boundary of this application. IW

notes that it is the applicant's responsibility to seek appropriate consents to deliver the works. The applicant has been issued a statement of design acceptance for the development.

12.12.2. I note the submission from Irish Water stating that network connections and upgrades can be facilitated. Having regard to the above, I consider that the proposed arrangements for foul water are acceptable, subject to conditions

#### Surface water Management

12.12.3. It is proposed that surface water from the site will discharge to the public stormwater network on the adjacent Waterfall Rd which bounds the site to the north. Surface water discharge rates from the proposed surface water drainage network will be controlled by a vortex flow control device (Hydrobrake or equivalent) and associated attenuation tanks. Surface water discharge will also pass via a full retention fuel / oil separator (sized in accordance with permitted discharge from the site).

12.12.4. Surface water runoff from the site's road network will be directed to the proposed pipe network via conventional road gullies with additional surface water runoff from driveways and roofs also routed to the proposed surface water pipe network.

12.12.5. The engineering report submitted indicates that with regards surface water management and use of SuDs techniques that the concrete attenuation structures were decided upon as being the most feasible. The flows will be attenuated in the surface water system by adopting floor storage detention tanks along with a restricted outlet. The maximum permitted surface water outflow will be restricted to that of the existing greenfield site by using two underground tanks.

12.12.6. I consider that the proposal is acceptable from a surface water drainage perspective and suitable measures are being proposed to ensure adequate surface water disposal. I note concerns raised by observers regarding surface water however having considered the submitted Infrastructure Report, Flood Risk Assessment, EIS Screening report and CEMP submitted in tandem with report from the Drainage Department of the PA I see no evidence before me to consider a refusal of planning permission with regards to flooding or negative surface water management issues on site.



## Flood Risk

12.12.7. A Flood Risk Assessment has been included as a standalone report (dated 20th April 2021). This states that the site is not considered at risk from coastal or pluvial flooding and is located outside of Flood Zone A and B.

- The Glasheen River, Curragheen River & Twopot River all flow in a northerly direction to the east & west of the site. Historical flood data gathered from [www.floodmaps.ie](http://www.floodmaps.ie) has indicated that these rivers have a history of recurring and localised floods within 1-1.5km of the site, however there has been no flooding on the site itself.
- The CFRAMS map show that the flood extent of the three rivers does not extend to the proposed development site and demonstrates that the site lies outside of the 0.1% Fluvial AEP event and is therefore located within Flood Zone C.
- The type of development is defined as 'Highly Vulnerable Development'. Using the sequential approach mechanism, it is assessed that a justification test is not required for the proposed development.

12.12.8. To prevent any increased flooding within the vicinity from the proposed development, it is proposed to implement SuDS measures as discussed above in order to limit the discharge from the site to the current discharge rates. The implementation of these SuDS measures will not increase the risk of flooding elsewhere. It is considered that the proposed development will have a negligible impact on the existing flood regime of the area

12.12.9. The Water Services Division of Cork City Council states that the submitted FRA is acceptable and in accordance with the Flood Risk Management Guidelines. Having regard to the above and to flood mapping (accessed at [floodinfo.ie](http://floodinfo.ie)), I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions. The development is in compliance with FRM Guidelines, and planning authority requirements.

## 12.13. Other Issues

## **Land Ownership**

- 12.13.1. Legal argument with respect to ownership of a sliver of lands along the northern boundary of the site where it abuts Waterfall Road and which includes the site entrance is noted. In terms of the legal interest, however, I am satisfied that the applicants have provided sufficient evidence by way of letters of consent from Ardstone Residential Partners Fund, Cork City Council and Grafton Group. The proposal is accompanied with a site layout plan indicating the extent of lands within the application site and adjacent lands outlined in blue including combined land ownership of Ardstone Residential Partners Fund, Grafton Group Plc and Cork City Council.
- 12.13.2. I see no evidence before me to suggest that the applicant does not have sufficient legal interest for the purposes of the planning application and decision from the letters of consent submitted.
- 12.13.3. With respect to legal rights issues raised by third parties, these are considered civil matters to be resolved between the parties, in that regard I note here the provisions of s.34(13) of the 2000 Planning and Development Act, as amended.

## **SEVESO**

- 12.13.4. A lower tier Seveso site, Irish Oxygen Company, is located approximately 100 metres to the western boundary of the site. The subject site is located partially within the middle zone and partially within the outer zone for the facility having regard to the regulations for COMAH establishments. The category level of the development was determined to be sensitivity level 2.
- 12.13.5. The submission from the H.S.A. to the subject proposal states that it does not advise against a grant of permission. In their submission to An Bord Pleanála on the previous application (ABP 303137-18), the HSA confirmed there was no objection to a grant of planning permission in the context of Major Accident Hazards. The previous scheme included 27 no. dwellings within the inner and outer risk contours associated with the Seveso site. The current proposed site layout provides for a lesser number of dwellings within the middle and outer zones, at 11 no. in total. The planning authority have not raised concerns in this regard and I have no evidence before me to suggest that planning permission should be refused on grounds of hazard or impact to the SEVESO site.

## **Part V**

- 12.13.6. The applicant proposes to comply with the requirements of Part V of the Planning and Development Act 2000, as amended by way of transfer of 27 units. The planning authority deal with the matter of Part V within section 8.21 of their report and have not raised concern in this regard. The units are located in Apartment Block 4 (10 No. 1 and 2 bed apartments), Duplex unit F (eastern end block) containing 4 No. 2 and 3-bedroom units, as well as 13No. 3 bed terraced houses.
- 12.13.7. The Council's Housing Directorate have confirmed that this proposal is acceptable in principle to them, however it is noted that the proposed Part V 3 bed terraced units are clustered together. The Housing Directorate considers that these units should be pepper potted throughout the site.
- 12.13.8. I am satisfied with the distribution of the units within the proposed scheme, comprising apartments, duplexes and houses. I consider layout of units as proposed is standard practice and has implications from a management point of view, given the limited number of such units I see no issue with clustering.

## **12.14. Material Contravention**

- 12.14.1. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land. The 'Potential Contraventions of Existing County Development Plan and / or Local Area Plan' arises in respect of:
- Density: The proposed development provides for a net residential density of 38.7 units / hectare. This is in excess of the suggested maximum 25 units / ha indicated in the County Development Plan for lands zoned for Medium B residential development.
  - Car Parking: The matter has been dealt with in the preceding transportation section of this report.

## **Density**

- 12.14.2. The proposed development represents a density of 38.7 units / ha, which is in excess of the Medium B density range of 12-25 units per hectare defined in the Ballincollig Carrigaline Municipal District LAP for the subject lands and the Cork County Development Plan. The Current County Development Plan was adopted in 2014 and the Ballincollig Carrigaline Municipal District LAP was adopted in 2017 with the residential density policies in the LAP reflecting and respecting those contained in the 2014 County Development Plan.
- 12.14.3. The rationale in the County Development Plan for introducing the Medium B residential zoning objective was to ensure that the market demand for lower density housing could be accommodated and met.
- 12.14.4. Both the County and Local Area Plan pre-date the National Planning Framework, The Regional Spatial Strategy for the Southern Region (2020) and various Section 28 Ministerial Guidance documents such as the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018). These Guidelines contain unequivocal support for higher density, compact developments, particularly in accessible urban areas. SPPR 4 of Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) make compliance with the minimum densities outlined in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas a requirement.
- 12.14.5. In accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, the subject site would be considered to be an Outer Urban location. In such locations the Guidelines indicate net residential densities in the general range of 35-50 dwellings per hectare would be encouraged and development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency.
- 12.14.6. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018), contains similar guidance, but does not contain any Special Planning Policy Requirements in terms of density. The applicant submits that in accordance with these Guidelines the proposed development site would be considered to be an intermediate urban area based on the fact that it is within reasonable walking distance of a high frequency urban bus

service (208 City Service). The Guidelines indicate that development in such areas should broadly exceed 45 dwellings per hectare net.

12.14.7. The density of the proposed development is 38.7 units per hectare, which is in excess of the Medium B density recommendations of 12-25 units per hectares. This density is however consistent in an accordance with SPPR 4 of Urban Development and Building Heights Guidelines for Planning Authorities (December 2020), which make compliance with the density range of 35-50 units per hectare outlined in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas a requirement.

12.14.8. I agree that the proposed density of 38.7 unit per hectare is the most appropriate scale of development for the site given the site specific topography and locational factors. This density complies with the ambition contained in The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018) to achieve densities of approximately 45 units per hectare in intermediate urban locations.

12.14.9. The rationale proposed for considering the option of permitting a higher density on site is supported on the basis of the implementation of improvements to the local pedestrian and cyclist facilities and improving connectivity to the adjoining city suburbs. On the basis of the statement provided by the applicant, the Planning Authority considers that while the density range expressed in the planning application has been exceeded given that it is consistent with national objectives it can be supported.

12.14.10. The appropriate scale and density of development on the site was considered by the Planning Inspector on the previously refused SHD at the site (ABP 301818-18) who considered that:

“The site is located within the Cork Metropolitan area and is approx. 5kms from the city centre. As such this is an area where increased densities should be encouraged and therefore, I consider should be at minimum 35 units per hectare on the developable area of the site”.

12.14.11. Local policies and objectives in relation to housing density on the subject site are defined by the 2014 Cork County Development Plan and the Ballincollig Carrigaline Municipal District LAP 2017. Both of these local plans have been

superseded by national policy in the form of the National Planning Framework and Section 28 Guidelines. The requirement to adhere to national policy objectives on density issues has been continually reinforced by precedence from SHD cases and which includes the recent SHD application on the subject site. From a town planning point of view, I am entirely satisfied that the proposed residential density of up to 38.7 dwelling units per hectare is appropriate at this location. Contrary to observer's views that such a density is so out of place with the existing character of the area, I am satisfied that the density is not out of character to the extent that it should cause any concern or significant impact on the existing character (with the area well placed to accommodate the density proposed) and at the same time, I am of the opinion that the proposal at the density of 38.7 uph makes the best use of zoned and serviced land.

Planning and Development (Housing) and Residential Tenancies Act 2016

- 12.14.12. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.
- 12.14.13. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.
- 12.14.14. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.
- 12.14.15. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to

be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

12.14.16. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.

12.14.17. In relation to section 37(2)(b)(i), the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal could therefore be considered to be strategic in nature. In addition, National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. This is articulated through the following planning objectives:

- National Policy Objective 2A - A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- National Policy Objective 4 - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well being.

- National Policy Objective 3A- Deliver at 40% of all new homes nationally, within the built up footprints of existing settlements. National Policy Objective 3B - Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35- Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights

12.14.18. As set out above in the zoning and density section of this report the local planning policy context is currently in a transitional stage following the Cork City boundary extension of May 2019. This is an urban expansion area for the city, albeit a new Cork City Development Plan has yet to be made and the zoning and policy objectives for the site continue to be governed by the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017. The site is now located within the settlement of Cork City South Environs as identified in the Ballincollig Carrigaline Municipal District Local Area Plan 2017. The change in boundary by government indicates its importance towards the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

12.14.19. In relation to section 37(2)(b)(iii), regional planning guidelines for the area, I note that the proposed development is consistent with current Government policy for the sustainable delivery of housing to meet population growth projections, as articulated in NPF and RSES objectives for the Southern Region. The proposed development is consistent with National Policy Objectives 2(a) and 3(b) of the National Planning Framework which set a target of half (50%) of future population and employment growth to be focused in the existing five cities in and their suburbs and National Policy Objectives 33 and 35, which prioritise the provision of new



homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increase densities in settlements; and

12.14.20. The proposed development complies with Objective RPO 10 of the Regional Spatial and Economic Strategy for the Southern Region, which support compact growth in metropolitan areas by prioritising housing development in locations within and contiguous to existing city footprints, as is proposed in this case.

12.14.21. The proposed development is consistent with relevant Ministerial Guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000 and which are

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009);
- Sustainable Urban Housing: Design Standards for New Apartments (2018 & 2020); and
- Urban Development and Building Heights Guidelines for Planning Authorities (December 2018).

12.14.22. The proposed development is in accordance with SPPR 4 of Urban Development and Building Heights Guidelines for Planning Authorities (December 2018), which specifies that adherence to the minimum densities outlined in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas is a requirement. In accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, the subject site would be considered to be an Intermediate Urban location. In such locations the Guidelines indicate net residential densities in the general range of 35-50 dwellings per hectare would be encouraged and development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development at a density of 38.7 units per hectare complies with this national policy requirement.

12.14.23. Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (March 2018 & 2020) suggest 3 broad types of locations suitable for apartment developments as:

- Central accessible urban areas;

- Intermediate urban areas; and
- Peripheral or less accessible urban areas.

12.14.24. The Guidelines define intermediate urban areas as follows:

“Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net) including:

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services”.

12.14.25. As the proposed development is located within reasonable walking distance of the 208 bus route – 15 minutes, which is a high frequency urban bus service (min 10 minute peak hour frequency), I consider that the proposed development site is located within an Intermediate Urban Location. The development will be located in close proximity to existing population centres and services including retail centres at Bishopstown Court and Wilton, Cork Institute of Technology and Cork University Hospital. The Guidelines indicate that such areas are suitable for higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent, but broadly in excess of 45 dwellings per hectare net. Given the foregoing I intend to invoke section 37(2)(b)(ii) of the Act in this instance.

## Conclusion

12.14.26. I consider that the provisions of Section 37(2)(b)(i) and (iii) have been met, and in this regard I consider that the Board could grant permission for the proposal.

12.14.27. I am of the opinion that given its zoning, the delivery of residential development on this well located and serviced site, in a compact form comprising well-designed, medium density units comprising apartments, duplexes and houses would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in an accessible location; it is within easy walking distance of public transport in an existing serviced area. The proposal seeks to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The principle of higher residential densities and some taller buildings is considered acceptable. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

### **12.15. Environmental Impact Assessment (EIA) Screening**

12.15.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA screening statement and I have had regard to same in this screening assessment. This report contained information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001-2021 (hereinafter 'the Regulations'). The EIA screening submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for sub threshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

12.15.2. This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class (10)(b) of Schedule 5 to Part 2 of the Regulations provides that mandatory EIA is required for the following classes of development:

- construction of more than 500 dwelling units,

- urban development which would involve an area greater than 2 ha in the case of a business district\*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

12.15.3. Class 14 of Schedule 5 to Part 2 of the Regulations relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of Schedule 5, where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

12.15.4. The development would provide for the construction of 276 dwelling units, as well as a childcare facility and a café, all on a site in a semi suburban intermediate area with a gross site area of 9.95 hectares and a developable area of 7.13 hectares. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Regulations, the proposed development is sub-threshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA.

12.15.5. The criteria within Schedule 7 to the Regulations are relevant to the question as to whether this proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential and commercial uses proposed would be similar to the predominant land uses in the area. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The potential for impacts on the environment with regard to land and soils, are considered and assessed in the submitted CEMP. The development would be served by municipal drainage and water supply. The site is not subject to any architectural or nature conservation designation and does not contain habitats or species of conservation significance.

12.15.6. The various reports submitted with the application, as listed in section 3.3 of the above, address a variety of environmental issues and the impact of the proposed development, in addition to the cumulative impacts with regard to other permitted and existed developments in proximity to the site. The reports demonstrate that, subject to the various recommended construction and design-related mitigation

measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information that accompanied the application including the following:

- Environmental Impact Assessment (EIA) Screening
- Statement in accordance with Article 299B(1)(b)(ii)(II)(c) of the Planning and Development Regulations 2001 - 20021
- Architectural Design Statement
- Site Specific Flood Risk Assessment
- Public Lighting specifications
- Construction Environmental Management Plan
- Hedgerow Appraisal
- Bat Assessment
- Landscape Statement
- Landscape and Visual Impact Assessment
- Tree Survey
- Photomontages & CGIs
- Daylight / Sunlight Report
- Traffic and Transport Assessment

12.15.7. In addition, noting the requirements of Section 299B(1)(b)(ii)(II)(C) of the Regulations, the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. In this regard I note this report has been submitted addressing EU directives.

- A Flood Risk Assessment that addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- An AA Screening Report and NIS Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application, which also address requirements arising from the Water Framework Directive and the Urban Wastewater Treatment Directive.

12.15.8. Under the relevant themed headings, the EIA screening report prepared by the applicant has considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

12.15.9. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am satisfied that information required under Section 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 12.16. **Appropriate Assessment (AA) Screening**

### Introduction

12.16.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment of a project under part XAB, section 177U and

section 177V of the Act of 2000, are considered in the following section. The specific issues assessed in this section include:

- Compliance with Article 6(3) of the EU Habitats Directive;
- Screening the need for appropriate assessment;
- NIS and associated documents;
- AA of the implications of the proposed development on the integrity of relevant European sites.

#### Compliance with Article 6(3) of the EU Habitats Directive

12.16.2. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. The proposed development on Ardrostig and Waterfall Road, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

#### Stage 1 AA Screening

12.16.3. The applicant has submitted an AA Screening Report dated April 2021 and prepared by Kelleher Ecology Services Ltd. The AA Screening Report provides a description of the proposed development and identifies European Sites within the possible zone of influence of the development. The AA screening report is supported by associated reports, including a Hedgerow and Vegetation Appraisal and Bat Assessment. The proposed development site does not support habitats/species that are qualifying interests of the Natura 2000 sites under consideration or of particular ex-situ ecological value for such qualifying interests.

#### Site Location

12.16.4. A description of the site is provided in section 2 above and also within section 2.1 of the applicant's AA Screening Report. The site is a greenfield site comprising of

one relatively large field that is currently a large open agricultural crop field with largely native hedgerow/treeline habitat along its boundary apart from a section adjoining gardens associated with some private residences that include non-native planting. The site is sloping from north to south c. 20-50m above sea level, where it adjoins some private residences at its north-western and north-eastern corners but is otherwise surrounded by farmland and some woodland. The study site is located within the Lee, Cork Harbour and Youghal Bay River Catchment, Hydrometric Area 19 in the South-Western River Basin District. There are no established watercourses or other water-features at the site. The AA Screening report notes that a small unregistered water-feature is located flowing into the western end of the proposed new cycle/pedestrian route from an off-site location associated with the adjoining willow-dominated woodland/scrub habitat that best classifies as eroding/upland stream, it is not a typically well-established stream feature as such (e.g. does not support aquatic based biodiversity features) where it appears to be a water-feature that arises on occasion from peak rain events; it is proposed to manage the flow of this unregistered water-feature by incorporating a filter drain along the southern boundary of the proposed new cycle/pedestrian route. The nearest known watercourses include Two Pot (Cork City) River c. 180m to the west of the site and Glasheen (Cork City) River c. 345m to the east. Both ultimately flow into the River Lee at the Lee (Cork) Estuary Upper/Lower Transitional Waterbody, which in turn flows into Lough Mahon Transitional Waterbody that is associated with Cork Harbour SPA and Great Island Channel.

#### Proposed Development

- 12.16.5. A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. A four-phase construction phase is proposed with no estimated time period for the project. All foul and other wastewater will be discharged to the foul drainage system. There is an existing pumping station serving four houses adjacent to the proposed development. In order to connect to the wastewater network it is necessary to decommission this and construct a new pumping station to pump wastewater within the confines of the existing pumping station compound across the N40 South Link Road into the Cork City sewer network. Surface water from the development would drain to the public stormwater network on the Waterfall Road which bounds the site to the north. The



proposed surface water drainage network will collect surface water runoff from the site via a piped network prior to discharging off site via the attenuation tank, flow control device and separator arrangement. SUDS measures are proposed alongside a CEMP, including best practice construction site environmental management measures.

12.16.6. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Increased noise, dust and/or vibrations as a result of construction activity;
- Increased lighting in the vicinity as a result of construction activity;
- Surface water drainage from the proposed development site;
- Increased wastewater being sent to the Cork City sewer network during the operational phase of the proposed development.

Submissions and Observations

12.16.7. The submissions and observations from the Planning Authority, prescribed bodies, and third parties are summarised in sections 8, 9 and 10 of this Report.

European Sites

12.16.8. The nearest European sites to the application site, including SACs and SPAs, comprise the following:

**Table 4.** European Sites

Natura 2000 Site & Site Code	Qualifying Interests & Conservation Objectives	Minimum Distance From Site Boundary & Discharge Points
Cork Harbour SPA 004030	Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e.>20,000). Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive. The site provides	<u>Site Boundary:</u> Over-land: 6.2km

	<p>both feeding and roosting sites for the various bird species that use it. Its conservation objectives relate to maintaining the favourable conservation condition of the following qualifying interests (after NPWS 2014a);</p> <p><b>Wintering bird species:</b> Little Grebe  Tachybaptus ruficollis, Grey Plover  Pluvialis squatarola, Great Crested Grebe Podiceps cristatus, Lapwing  Vanellus vanellus, Cormorant  Phalacrocorax carbo, Dunlin Calidris alpine alpine, Grey Heron  Ardeacinerea, Black-tailed Godwit  Limosa limosa, Shelduck Tadorna tadorna, Bar-tailed Godwit Limosa lapponica, Wigeon Anas Penelope, Curlew Numenius arquata, Teal  Anas crecca, Redshank  Tringoides, Pintail Anas acuta,  Black-headed Gull Chroicocephalus ridibundus, Shoveler Anas clypeata,  Common Gull Larus canus, Red-breasted Merganser Mergus serrator, Lesser Black-backed Gull  Larus fuscus,  Oystercatcher Haematopus ostralegus, Golden Plover Pluvialis apricaria.</p>	<p><u>Discharge:</u>  Surface-water:  &gt;12km  Waste-water: &gt;4.0km</p>
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	<p><b>Breeding bird species:</b> Common Tern Sterna hirundo.</p> <p><b>Habitat:</b> Wetlands.</p>	
Great Island Channel SAC 001058	<p>The Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. The main habitats of conservation interest in Great Island Channel SAC are the sheltered tidal sand and mudflats and the Atlantic salt meadows. This SAC overlaps with part of the Cork Harbour SPA, with its estuarine habitats providing foraging and roosting resources for wintering waders and wildfowl for which the SPA is designated. Its conservation objectives relate to maintaining the favourable conservation condition of the following qualifying interests (after NPWS 2014b);</p> <p><b>Annex I Habitats:</b> Tidal Mudflats and Sandflats (1140), Atlantic Salt Meadows (1330).</p>	<p><u>Site Boundary:</u> Over-land: 12.9km</p> <p><u>Discharge:</u> Surface-water: &gt;17km Waste-water: n/a</p>

12.16.9. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site, aided in part by the Environmental Protection Agency (EPA) AA Tool ([www.epa.ie](http://www.epa.ie)). I do not consider that any other European Sites potentially fall within the zone of influence of the project, having regard to the nature and scale of the development,

the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

#### Potential for Likely Significant Effects

12.16.10. Section 2.4.1 of the applicant's screening report identifies all potential impacts associated with the proposed development taking into account the characteristics of the proposed development in terms of the site location and the scale of works.

12.16.11. **Water Quality at Construction Phase** – There is a potential impact-receptor pathway via surface-water run-off between the study site and Cork Harbour SPA via the public stormwater sewer network, Glasheen (Cork City) River and River Lee. Surface-water run-off arising from the site will discharge into Glasheen (Cork City) River via the public stormwater network, which flows into the River Lee that in turn flows into Lough Mahon transitional waterbody where sections of Cork Harbour SPA are present >12km downstream of the study site. Great Island Channel SAC is located within part of the Lough Mahon transitional waterbody that adjoins the River Lee water channel (that is also part of Lough Mahon transitional waterbody) and is subject to tidal inundation. Although this Natura 2000 site is not technically downstream of the study site here as such, a precautionary approach is deemed appropriate given the fact that it is close to the River Lee water channel and is subject to tidal inundation >17km downstream of the study site. There are no other Natura 2000 sites where a potential impact-receptor pathway is relevant in relation to surface-water run-off impacts.

12.16.12. Having regard to the information submitted with the application, including the Construction Environment Management Plan, pollution sources will be controlled through the use of normal best practice site management. The proposed construction management measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Their implementation would be necessary for a residential/commercial development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. These practices are not designed or intended specifically to mitigate any

potential effect on a European site. As such, I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Cork Harbour can be excluded given the absence of a likely pollution source from the site into the surface water network, the levels of dilution within the network, the considerable intervening distances, and the volume of water separating the application site from European sites in Cork Harbour (dilution factor).

12.16.13. **Water Quality at Operational Phase** - During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through an attenuation tank and a flow-control hydrobrake. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Cork Harbour can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in Cork Harbour (dilution factor).

12.16.14. The submitted Screening Report states there is a potential impact-receptor pathway via construction/operational waste-water/foul effluent links between the study site and Cork Harbour SPA. When the site is connected to the public foul sewer network, construction/operational phase waste-water/foul effluent arising from the proposed development will be discharged into the public foul effluent network for treatment at Cork City WWTP that ultimately discharges into Cork Harbour at Lough Mahon, where Cork Harbour SPA is several kilometres downstream of the WWTP discharge point. I am however satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation that could reach the European sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

12.16.15. Water quality is not a target for the maintenance of any of the qualifying interests within the SACs closest to Cork WWTP (i.e. Cork Harbour SPA and Great Island Channel SAC). Having regard to the scale of development proposed, it is considered that the development would result in an insignificant increase in the loading at Cork City WWTP, which would in any event be subject to Irish Water

consent, and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached. On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Cork Harbour and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Cork Harbour via impacts on water quality.

12.16.16. **Disturbance / Displacement** - the development would not increase disturbance / displacement impacts of fauna that are listed as qualifying interests of the Natura 2000 sites as (i) the site does not overlook Natura 2000 sites due to distance combined with screening from existing buildings/vegetation and topography (ii) the conservation objectives of Great island Channel SAC relate to habitats and not fauna and (iii) the study site does not support habitats of ex-situ ecological value for qualifying interest species of Cork Harbour SPA.

12.16.17. Potential impacts relating to invasive plants are not relevant in this case, due to the lack of established watercourses/other water-features at the study site that may potentially act as an impact-receptor pathway for the spread of invasive plant combined with the fact that the non-native invasive plant species in question here are terrestrial based invasive plants such that their potential spread from site would not be particularly relevant regarding aquatic based Natura 2000 sites such as Cork Harbour SPA/Great Island SAC.

Table 5. European Sites – Summary Assessment of Potential for Likely Significant Effects

Site Name	Conservation Objectives (CO) & Qualifying Interests (QIs)/Special Conservation Interest (SCIs	Potential for Likely Significant Effect due to:	Further Assessment Required
Cork Harbour SPA	To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the	Possibility of disturbance and/or displacement of qualifying interests during the construction	

[004030]	<p>regularly-occurring migratory waterbirds that utilise it.</p> <p>Special Conservation Interests for this SPA.</p> <p>A004 Little Grebe <i>Tachybaptus ruficollis</i></p> <p>A005 Great Crested Grebe <i>Podiceps cristatus</i></p> <p>A017 Cormorant <i>Phalacrocorax carbo</i></p> <p>A028 Grey Heron <i>Ardea cinerea</i></p> <p>A048 Shelduck <i>Tadorna tadorna</i></p> <p>A050 Wigeon <i>Anas penelope</i></p> <p>A052 Teal <i>Anas crecca</i></p> <p>A054 Pintail <i>Anas acuta</i></p> <p>A056 Shoveler <i>Anas clypeata</i></p> <p>A069 Red-breasted Merganser <i>Mergus serrator</i> A130 Oystercatcher <i>Haematopus ostralegus</i></p> <p>A140 Golden Plover <i>Pluvialis apricaria</i></p> <p>A141 Grey Plover <i>Pluvialis squatarola</i></p> <p>A142 Lapwing <i>Vanellus vanellus</i></p> <p>A149 Dunlin <i>Calidris alpina alpina</i></p> <p>A156 Black-tailed Godwit <i>Limosa limosa</i></p>	<p>and operational phases of the proposed development</p> <p>Intervening distance</p> <p>Distance and marine buffer/dilution factor</p> <p>Insignificant increase in loading at Cork WWTP</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p>
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	<p>A157 Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>A160 Curlew <i>Numenius arquata</i></p> <p>A162 Redshank <i>Tringa totanus</i></p> <p>A179 Black-headed Gull <i>Chroicocephalus ridibundus</i></p> <p>A182 Common Gull <i>Larus canus</i></p> <p>A183 Lesser Black-backed Gull <i>Larus fuscus</i></p> <p>A193 Common Tern <i>Sterna hirundo</i> A999 Wetlands</p>		
<p>Great island Channel SAC (001058)</p>	<p>To maintain or restore the favourable conservation status of habitats and species of community interest.</p> <p>Special Conservation Interests for this SAC.</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p>	<p>Intervening distance</p> <p>Distance and marine buffer/dilution factor</p> <p>Insignificant increase in loading at Ringsend WWTP</p>	<p>No</p> <p>No</p> <p>No</p>

12.16.18. As listed above, sites have been screened out from further assessment based on a combination of factors including the intervening minimum distances, the marine buffer/dilution factor, the insignificant increase in the loading at Cork Wastewater Treatment Plant, the lack of suitable habitat for a number of qualifying interests of SPAs within or within close proximity to the proposed development (as applicable) and the lack of hydrological connections. I am satisfied that there is no potential for likely significant effects on:



- Cork Harbour SPA.
- Great island Channel SAC

### In Combination Effects

12.16.19. Section 4 of the submitted AA Screening Report deals with potential “incombination” effects,

Table 6: Findings of No Significant Effects

<b>Name and location of the Natura 2000 sites.</b>	<b>Cork Harbour SPA and Great Island Channel SAC. See Table 4 above.</b>
Description of the project or plan	The proposed development will involve the construction of a mixed use residential development with commercial space, crèche, landscaping, road improvement, pedestrian / cycleway and site development works. The proposed development will consist of 137 houses and 139 apartments over 5 apartment blocks. The proposed development will provide for new vehicular and pedestrian entrances onto Waterfall Road, a two-way cycle track and pedestrian footpath linking to existing shared surface pathway south of the N40, upgrades to this shared surface path to provide two-way cycle track and pedestrian footpath, pedestrian crossings to the east of the site and on waterfall road, infrastructure development works comprising the relocation/undergrounding of ESB powerlines, wastewater treatment proposals, surface water attenuation, water utility services and all ancillary site development
Is the Project or Plan directly connected with or necessary to the management of	No

the site (provide details)	
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No
<b>The assessment of Significant Effects</b>	
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site	Due to the reasons outlined in the following section, it is felt that no elements of the project are likely to impact on the Natura 2000 sites; Cork Harbour SPA and Great Island Channel SAC.
Explain why these effects are not considered significant.	<ul style="list-style-type: none"> <li>• As none of the Natura 2000 sites overlap the study site, direct impacts via habitat loss are not relevant.</li> <li>• No indirect construction/operational stage surface-water run-off impacts on Cork Harbour SPA and Great Island Channel SAC are expected as a result of the proposed development as follows. Standard environmental controls (as summarised in Sections 2.3.1 &amp; 2.3.2 above) will be implemented as part of the project to ensure the appropriate management and control of surface-water run-off associated with the proposed development that will be specific to the site, proposed works/operations and Glasheen (Cork City) River. Such controls are not intended to address any particular risks to other water-features and associated Natura 2000 sites downstream of the Glasheen (Cork City) River here; such controls would be proposed regardless of the Natura 2000 sites that are relatively</li> </ul>

distant in this case (>6km downstream). Therefore, no measures are specifically required to address risks to the Natura 2000 sites in this case.

- No indirect hydrological impacts on Cork Harbour SPA via waste-water/foul effluent are expected as a result of the proposed development as follows. Prior to the site being connected into the public foul sewer, construction phase waste-water/foul effluent will be managed and controlled at the temporary site compound, where sanitary waste will be removed from site via a licenced waste disposal operator. When the site is connected to the public foul sewer network, construction/operational phase waste-water/foul effluent from the proposed development will be collected via new sewer infrastructure at site and discharged for treatment at Cork City WWTP, which has significant sufficient capacity to accept the additional operational discharge as confirmed by Irish Water's pre-connection enquiry response that the proposed foul connection can be facilitated. Ambient monitoring of transitional and coastal receiving waters indicates that discharge from the WWTP does not have an observable negative impact on water quality or WFD status in the receiving environment.
- Indirect hydrological impacts on Great Island Channel SAC via waste-water/foul effluent are not considered relevant here as follows: Great Island Channel SAC is not downstream of the WWTP's discharge point, although its boundary is c. 550m north-east of the WWTP's discharge point. However, potential impacts on the SAC arising from tidal/wind movements from Cork City WWTP's discharge point have not been highlighted as being of significant concern in an

	<p>assessment on the conservation status of the SAC, but rather the impacts from two other upstream WWTPs have been highlighted instead (see O'Neill et al. 2014).</p> <ul style="list-style-type: none"> <li>• Disturbance/displacement impacts of fauna that are listed as qualifying interests of the Natura 2000 sites are not relevant here as (i) the site does not overlook Natura 2000 sites due to distance combined with screening from existing buildings/vegetation and topography (ii) the conservation objectives of Great Island Channel SAC relate to habitats and not fauna and (iii) the study site does not support habitats of ex-situ ecological value for qualifying interest species of Cork Harbour SPA.</li> <li>• Potential impacts relating to invasive plants are not relevant in this case, due to the lack of established watercourses/other water-features at the study site that may potentially act as an impact-receptor pathway for the spread of invasive plant combined with the fact that the non-native invasive plant species in question here are terrestrial based invasive plants such that their potential spread from site would not be particularly relevant regarding aquatic based Natura 2000 sites such as Cork Harbour SPA/Great Island SAC here.</li> </ul>
List of agencies consulted.	None
Response to consultation.	N/A

12.16.20. **Conclusion on Stage 1 Screening** – Screening Determination

12.16.21. Having regard to the scale and nature of the proposed development of 276 residential units and to its location adjoining the built up area of Cork on land that is

served by municipal sewers, I am of the opinion that no Appropriate Assessment issues arise. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European sites. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### **13.0 Recommendation**

13.1.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be granted for the proposed development, subject to conditions, for the reasons and considerations set out in the draft Order below.

### **14.0 Reasons and Considerations**

Having regard to

- a. The sites planning history.
- b. The site's location on lands with a zoning objective which includes residential development.
- c. The policies and objectives in the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017.
- d. Nature, scale and design of the proposed development.
- e. Pattern of existing development in the area.
- f. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016.
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018.

- h. The Regional Spatial Strategy for the Southern Region (2020).
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019.
- j. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2020.
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2018.
- l. Architectural Heritage Protection Guidelines, 2011.
- m. Chief Executive's Report, and
- n. Submissions and observations received.

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

## 15.0 Recommended Draft Board Order

**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 19<sup>th</sup> May 2021 by Ardstone Homes Limited and care of Harry Walsh, HW Planning, 5 Joyce House, Barrack Square, Ballincollig, Cork.

### **Proposed Development:**

- 15.1.1. The proposed development comprising of: The construction of a mixed-use residential development of 276 no. residential units with ancillary single storey

crèche (271 sq. m), café (147 sq. m), landscaping, road improvements, pedestrian / cycleway and associated site development works.

The proposed development makes provision for 137 houses comprising of:

- 40 no. 2-storey 3-bedroom semi-detached units,
- 12 no. 2-storey 3-bedroom detached units,
- 56 no. 2-storey 3-bedroom terraced units,
- 14 no. 2-storey 4-bedroom semi-detached units and
- 15 no. 3-storey 4-bedroom terraced units.

The proposed development includes 139 no. apartments/duplexes to be provided as follows:

- Block 1 - 18 units (11 no. 1-bedroom & 7 no. 2-bedroom over 4 storeys),
  - Block 2 - 18 units (11 no. 1-bedroom & 7 no. 2-bedroom over 4-storeys),
  - Block 3 - 18 units (10 no. 1-bedroom & 8 no. 2-bedroom over 4-storeys),
  - Block 4 - 18 units (10 no. 1-bedroom & 8 no. 2-bedroom over 4-storeys),
  - Block 5 - 27 units (12 no. 1-bedroom & 15 no. 2-bedroom over 5 storeys),
  - Block F - 32 units (16 no. 2-bedroom duplex apartments & 16 no. 3-bedroom duplex apartments over a 4-storey split level building).
  - Block G – 8 units (4 no. 2-bedroom duplex apartments & 4 no. 3-bedroom duplex apartments over 3 storeys).
- Apartment Block No. 5 makes provision for a café fronting Waterfall Road at ground floor level.
- The proposed development will provide for a new vehicular access and pedestrian entrances onto Waterfall Road, a two-way cycle track and pedestrian footpath along the site frontage to Waterfall Road which will continue via the site, and to the rear of properties fronting onto Waterfall Road, to link to an existing shared surface pathway south of the N40, upgrades to this shared surface path to provide two-way cycle track and pedestrian footpath, upgrades to Waterfall Road to extend the existing pedestrian pathway to the subject lands, pelican

crossing on Waterfall Road opposite The Rise/Halldene Villas junction (approximately 445 metres north east of the main development site), uncontrolled pedestrian crossing at the Audi Cork/Heiton Buckley entrance junction adjacent to N40 (approximately 370 metres north east of the main development site).

- Infrastructure development works are also proposed comprising the relocation / undergrounding of E.S.B. powerlines, wastewater infrastructure upgrades, surface water attenuation, water utility services, public lighting, bin stores, bicycle stores, ESB substation, CCTV and all ancillary site development works.

## **Decision**

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

## **Matters Considered**

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

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

- a. The sites planning history.
- b. The site's location on lands with a zoning objective which includes residential development.
- c. The policies and objectives in the Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017.
- d. Nature, scale and design of the proposed development.
- e. Pattern of existing development in the area.
- f. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016.



- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018.
- h. The Regional Spatial Strategy for the Southern Region (2020).
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019.
- j. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2020.
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2018.
- l. Architectural Heritage Protection Guidelines, 2011.
- m. Chief Executive's Report, and
- n. Submissions and observations received.

### **Appropriate Assessment Screening**

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

## **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Statement submitted by the applicant, which contains the information set out in Schedule 7A to the Planning and Development Regulations 2001-2021, as well as identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2021;
- Class 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2021;
- The location of the site on lands zoned 'Medium B density residential development'. Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017 and the results of the Strategic Environmental Assessment of this Plan,
- The location of the site in a semi urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- The location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001- 2021;
- 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);
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2021, and;
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Environmental Management Plan.

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.

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

The Board considered that the proposed development is, apart from the parameters of specific local objective SE-R-10 'Medium B density residential development' pertaining to the development site contained within the Ballincollig / Carrigaline Municipal District Local Area Plan 2017 compliant with the provisions of the Cork County Development Plan 2014 and the Ballincollig / Carrigaline Municipal District Local Area Plan 2017 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene specific local objective SE-R-10 in permitting a density of 38.7 units/ha, in excess of the Medium B density range outlined in L.A.P. The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Cork County Development Plan 2014 and the Ballincollig / Carrigaline Municipal District Local Area Plan 2017 would be justified for the following reasons and considerations:

- the proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase the delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016 and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment. Accordingly, the provisions set out under section 37(2)(b)(i) are applicable;
- it is considered that permission for the proposed development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically: in relation to the matter of minimum densities, SPPR 4 of

the Building Height Guidelines and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 33 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of the Urban Development and Building Height Guidelines which prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increase densities in settlements. The Regional Spatial Strategy for the Southern Region (2020), seeks to achieve compact growth in the Metropolitan Area through prioritising housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) (ii) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision. Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **16.0 Conditions**

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

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows: AND revised plans shall be submitted for the written agreement of the planning authority prior to the commencement of development:

- A. House no 1 (Type D) shall be omitted from the scheme and this site area shall be incorporated in the open space area for Block 1. The bike and bin store shall be repositioned to this area.
- B. House No.'s 2-5 inclusive shall be redesigned as dormer style units with roof lights to the rear and repositioned further to the east. The new house design/type for site no 2 shall be designed to address the corner.
- C. Where balconies are located close to each other or to bedrooms in adjoining apartments, permanent end screens shall be placed on all of these balconies. Permanent end screens shall also be placed on balconies which face west in Apartment Block 1.
- D. The attic/roof design for the remainder of the houses shall be designed to incorporate roof pitches and timbers capable of accommodating a future attic conversion.

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

3. The operating hours and occupier of the proposed café unit shall be agreed in writing with the planning authority prior to first occupation of the unit.

**Reason:** In the interests of protecting the residential amenities of adjoining properties

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

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

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

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

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

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of

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

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

8. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

9. (i) All findings of the Quality/Road Safety Audit shall be closed out, signed off and incorporated into the development. A Stage 3/4 Road Safety Audit shall also be undertaken, closed out, signed off and acted upon at the appropriate stage of development. All costs associated with this condition shall be borne by the applicant.

(ii) Prior to the development commencing the applicant shall submit to and agree in writing with the planning authority full details of the materials, finishes, locations and other measures in relation to raised tables/shared surfaces within the internal estate road network to ensure the objectives of shared space are achieved and to ensure pedestrian priority and appropriate speeds within the estate are achieved. These being inclusive environment, ease of movement, safety & public health, quality of place and economic benefit. In addition, the applicant shall submit to and agree in writing with the planning authority full details of the internal estate street design to ensure pedestrian priority and appropriate speeds within the estate are achieved. All amended vehicular and pedestrian access points and shared surfacing shall be designed in accordance with the Design Manual for Urban Roads and Streets

(DMURS). All road modifications and improvements shall be carried out by the applicant at the applicant's expense, to the detail agreed with the planning authority.

(iii) Prior to the development commencing the applicant shall submit to and agree in writing with the planning authority full details of the materials, finishes and other measures in relation to the pedestrian crossing and associated traffic management and ancillary design measures, of the Waterfall Road to The Rise/Halldene. All road modifications and improvements shall be carried out by the applicant, designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) at the applicant's expense, to the detail agreed with the planning authority.

(iv) Prior to the development commencing the applicant shall submit to and agree in writing with the planning authority full details of the materials, finishes and other measures in relation to Transition Zones and Gateways on the Waterfall Road. All road modifications and improvements shall be carried out by the applicant, designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) at the applicant's expense, to the detail agreed with the planning authority.

(v) Prior to the development commencing the applicants shall submit to and agree in writing with the planning authority full details of cycling infrastructure which delivers: a high quality of service, legible, incorporate verges and strips to appropriately segregate from other road users, suitable for the future and latent cyclist demand, and transition to the receiving environment. All amended cyclist access points and facilities shall be designed in adherence with the Principles of Sustainable Safety, in accordance with the National Cycle Manual (NCM) and be compatible with the principles of the Design Manual for Urban Roads and Streets (DMURS). Details must be submitted and agreed with Cork City Council prior to commencement of development. All road modifications and improvements shall be carried out by the applicant at the applicant's expense, to the detail agreed with Cork City Council.

(vi) A maximum of 274 car parking spaces to be provided for the residential housing elements of the development. A maximum of 120 parking spaces provided for the apartments. Car parking for the creche to be provided at a maximum rate of 1 per 3 staff plus 1 per 10 children. Disabled parking to be provided at a rate of 5% of the overall parking provision (where relevant – excludes on curtilage parking). The car parking area's shall be landscaped accordingly.

(vii) A minimum of 300 cycle parking spaces to be provided as part of the development. The location, design and management of the residential cycle parking



for apartments to be in accordance with the Sustainable Urban Housing: Design Standards for New Apartments.

(ix) The location of the proposed pedestrian crossing on the Waterfall Road to be agreed in advance of commencement of the development with Cork City Council.

(x) Prior to commencement of development, the applicant shall agree the details and the extent of all road markings and signage requirements on the Waterfall Road with Cork City Council/TII. All costs associated with this condition to be borne by the applicant.

(xi) A Construction Traffic Management Plan for the proposed development including dedicated haulage routes, a protocol to be followed by HGV drivers and allowable operational times for the HGV's on the city's road network shall be agreed with Cork City Council in consultation with An Garda Síochána before works commences on site.

(xii) All external lighting requirements associated with the proposed development including lighting associated with the construction stage shall be designed collectively with any existing lighting (including public lighting) requirements. The external lighting requirements shall also optimise energy efficiency, incorporate glare control and be agreed with Cork City Council public lighting department prior to commencement of development. The works shall be undertaken and paid for by the applicant.

(xiii) There appears to be a potential for a reduction of sightlines to the west due to the proposed tree planting for the associated traffic calming gateway on Waterfall Road. Accordingly, the trees shall be set-back or reduced in number so that a reduction of sightlines does not occur.

(xiv) The proposed bands of paving associated with the proposed traffic calming gateways on Waterfall Road shall be replaced with coloured or imprinted asphalt.

(xv) The proposed shared areas on the internal carriageway shall not be constructed using brick, flag or cobble paving.

(xvi) The DMURS Design Statement makes reference to resurfacing on Waterfall Road. The applicant shall clarify the extent of proposed resurfacing works on Waterfall Road as part of this development prior to the commencement of development.

(xvii) All lining and signage associated with the development shall be agreed between the developer and the Traffic Operations Division of Cork City Council.

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

10. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

11. (i) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(ii) No properties shall be occupied until all wastewater infrastructure required to facilitate the proposed development is in place, including upgrade works to the existing 375mm foul sewer, to which it is proposed to discharge the development's wastewater. These shall be completed in full to the written satisfaction of Irish Water. The applicant shall be responsible for implementing all wastewater works required to facilitate the proposed development.

(iii) The applicant shall carry out a CCTV survey of the existing storm sewer in Waterfall Road, to its outfall to the drainage ditch to the east. The results of the survey shall be submitted to the planning authority. Where maintenance (e.g. desilting) or remediation (e.g. relining / relaying) are required, to facilitate the proposed development, these works shall be agreed with the planning authority and carried out at the applicant's expense.

(iv) The applicant shall liaise with the planning authority, to carry out maintenance works on the drainage ditch and concrete channel sections of the drainage system to the east of the development, into which the existing public 400mm storm sewer, and hence the development's stormwater run-off, ultimately discharge.

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

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

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

13. (i) The site shall be landscaped, in accordance with the scheme of landscaping, which accompanied the application. The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(ii) In addition to the proposals in the submitted landscaping scheme, the following shall be carried out:

- a) The landscaping scheme shall be modified to take into account the design changes set out in Condition No 2 above.
- b) The scheme shall also include additional tree planting in the grounds of Block 1 (i.e. between Block 1 and the adjoining third party property to the west).
- c) The landscaping scheme shall be incorporated into the phasing scheme of the development and carried out within the first planting season following substantial completion of external construction works for each phase.
- d) All details of the play facilities and passive recreation facilities
- e) Details of all boundary treatments
- f) Provision of a designated pedestrian pathways through the biodiversity corridor.

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

- (iii) All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the

completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

14. The applicant shall be responsible for the diversion of the power lines, the costs of relocating same and shall notify the relevant statutory body undertakers, for obtaining any necessary licenses, and for notifying the planning authority of the revised locations of such utilities, prior to commencement of development, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing.

**Reason:** To protect existing utility infrastructure.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on

Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

18. Mitigation and monitoring measures outlined in the plans and particulars, including the Bat Assessment Report and Ecological Hedgerow Appraisal Report, shall be carried out in full, except where otherwise required by conditions attached to this permission. A qualified ecological specialist shall monitor these works.

**Reason:** In the interest of protecting the environment and biodiversity

19. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

20. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

21. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of residential amenity and nature conservation.

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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

24.

(a) The Developer shall pay the sum of €67,250.00 euro (updated at the time of payment in accordance with changes in the wholesale Price index – building and Construction (Capital Goods), published by the Central Statistics Office) to the Planning Authority as a special contribution under Section 48 (2) (c) of the Planning and development Act 2000, in respect of the provision of work to:

- (i) Modify with pedestrian measures the junction at Halldene Villas/The Rise, and
- (ii) Provide 2 no. junctions of The Rise/Waterfall Road.
- (iii) Provide public footpath connecting Halldene Villas with the Waterfall Road

This contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning

authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

(b) In exceptional circumstances at the sole discretion of the planning authority, subject to the provision of a roads bond and subject to the specific consent by way of licence from the planning authority's relevant division, works to provide/ modify / reconstruct / repave the public footway or roadway or provide a crossover that will benefit the proposed may be undertaken by the developer, at the developers expense, subject to compliance with the licence conditions as based on the planning authority's terms and conditions of licence.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



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Fiona Fair

Senior Planning Inspector

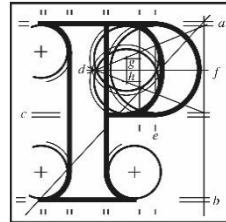
23/08/2021

#### **APPENDIX A- List of submissions received**

1. Colette Finn
2. John and Nora Murphy
3. Martin O' Driscoll and Judith Phelan
4. Pat and Irene Desmond
5. Patrick and Janet O Driscoll
6. Pierce and Denise McCormack
7. Richard Walsh
8. Robert Murphy
9. Sean Murphy (Michael Purcell and Sons)
10. Tom and Mary Hayes



Appendix : EIA Screening Form



An  
Bord  
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-310274-21
<b>Development Summary</b>		276 no. residential units (137 no. houses, 139 no. apartments), creche and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	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 and the Carrigaline Municipal District Local Area Plan 2017

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

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The development comprises the construction of a mixed-use residential development of 276 no. residential units with ancillary single storey crèche (271 sq. m), café (147 sq. m), landscaping, road improvements, pedestrian / cycleway and associated site development works on lands zoned residential within Cork City South Environs in keeping with the residential development in the vicinity.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></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 Cork City environs.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>Yes</b></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><b>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?</b></p>	<p><b>Yes</b></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><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></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><b>No</b></p>
<p><b>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?</b></p>	<p><b>No</b></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><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></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. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></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. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></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. There is a lower tier Seveso site located approximately 100 metres to the western boundary of the site. H.S.A. does not advise against a grant of permission.</p>	<p><b>No</b></p>

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	Redevelopment of this site as proposed will result in an increase in residential units of 276 no. units which is considered commensurate with the development of the Cork Metropolitan area.	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	Stand alone development, with minor developments in the immediately surrounding area.	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ol>	<b>No</b>	No conservation sites located on the site. An AA Screening Assessment accompanied the application which concluded no significant adverse impact on any European Sites.	<b>No</b>



<p><b>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</b></p>			
<p><b>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?</b></p>	<p><b>No</b></p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>Local Objective SE-R-10 requires that 'The southern portion of the site should be landscaped and developed as a usable public or private open space'. There are two designated scenic routes in the vicinity. The design and layout of the scheme considers all these built environment issues and mitigation measures are in place to address concerns.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p><b>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?</b></p>	<p><b>No</b></p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

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

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

## 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 SE-R-10 'Medium B density residential development' in the Cork County Development Plan 2014-2020 and the Ballincollig and Carrigaline Municipal District Local Area Plan 2017 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:** \_\_\_\_\_ **Fiona Fair**

**Date:** \_\_\_\_\_ **23/08/2021**