



An
Bord
Pleanála

Inspector's Report ABP-311449-21.

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| Development | Permission to demolish 3 agricultural buildings and construct 22 dwelling units and 4 serviced sites and all associated services. |
| Location | Lisnagrough, Doneraile, Co. Cork. |
| Planning Authority | Cork County Council. |
| Planning Authority Reg. Ref. | 20/4753. |
| Applicant(s) | John Curran & Sons Construction Ltd. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant. |
| Type of Appeal | Third Party |
| Appellant(s) | David Walsh. |
| Observer(s) | None. |
| Date of Site Inspection | 26/01/2022. |
| Inspector | A. Considine. |

1.0 Site Location and Description

- 1.1. The subject site is located within the settlement boundary of the key village of Doneraile, Co. Cork, which is located approximately 30km to the north of Cork City. The site is bound to the north by the R581 (also known as Mallow Road) and the wider area comprise a number of one-off houses on large sites, as well as an existing and established residential estate, Rockview Terrace, which comprises two storey semi-detached houses, located to the north of the R581 in the vicinity of the subject site.
- 1.2. The site the subject of this appeal, has a stated area of 1.789ha and lies to western edge of the settlement boundary of Doneraile as defined in the relevant LAP for the area. The site currently comprises agricultural land and the existing access to the lands is via an existing farmyard, located to the eastern edge of the site. This existing entrance also comprises the access to the house which is located to the north-western area of the overall landholding. The subject site comprises part of a larger holding/field, which extends to the south.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for:
- 1) Demolition of 3 no. existing agricultural buildings;
 - 2) the construction of 22 no. semi-detached dwelling units;
 - 3) 4 no. residential serviced sites;
 - 4) construction of new site entrance in existing stone wall boundary and realignment of a section of the existing boundary stone wall to facilitate sightlines;
 - 5) changing existing vehicular access to pedestrian/cyclist access;

- 6) all associated ancillary development and site works including wastewater pumping station, connection to existing public water main, connection to public waste water sewer, parking, landscaping and amenity areas.

A Natura Impact Statement (NIS) has been prepared and will be submitted to the Planning Authority with this application, all at Lisnagrough, Doneraile, Co. Cork.

2.2. The application included a number of supporting documents including as follows:

- Plans, particulars and completed planning application form.
- Letter of consent
- Part V Proposal
- Planning Design Statement
- AA Screening & NIS
- Planning Statement
- Flood Risk Assessment
- Infrastructure Report

2.3. Following the request for further information, the applicant submitted proposals to address the issues raised by the PA which included revisions to the layout of the development and the replacement of the proposed serviced sites with proposed dwellings. In addition, the response to the FI request includes the following:

- Construction Environmental Management Plan
- Infrastructure Report
- Public Lighting Report
- Statement of Housing Mix
- Planning Design Statement
- Ecological Impact Assessment

- Flood Risk Assessment

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority, following the submission of the response to the FI request, decided to grant planning permission for the proposed development subject to 51 conditions.

3.1.1. Planning Reports

The initial Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history, the County Development Plan policies and objectives and the Fermoy MD Local Area Plan. The report notes that a pre-planning meeting was held to discuss the matter of proposed density, while a method statement regarding proposals for the boundary stone wall was advised to be submitted with the application. The report also considers third party submissions and includes a section on EIA and AA, noting that a Natura Impact Statement was submitted with the application.

The Planning Report notes that the development is acceptable in principle and notes a number of concerns with the proposed development which require to be addressed in terms of the design and layout of the development, housing mix, as well as issues raised by other internal technical reports from Cork County Council. Finally, the report notes the submission of the Flood Risk Assessment with the application but requires further information to be sought in relation to the provisions of the Fermoy MD LAP. Further information was sought in relation to 17 items.

The SEP noted the Planning officers report and endorsed it, recommending that FI be sought as indicated.

Following the submission of the response to the FI request, the Board will note that revised notices were requested and submitted.

The planning officers report noted the response to the further information request issues, as well as the internal technical reports in relation to same. I also note that the final report addresses the third party submission received following the submission of the response. The Planning Officers report concludes that proposed development is acceptable and recommends that permission be granted for the proposed development, subject to 49 conditions. The SEP noted and endorsed the planning officers report and recommended that permission be granted subject to 51 conditions.

These Planning Reports formed the basis of the Planning Authority's decision to grant planning permission.

3.1.2. **Other Technical Reports**

Public Lighting: Recommends that further information be sought with revisions needed to the proposed public lighting design.

Following the submission of the response to the FI request, the subsequent report submits that in the event of a clarification request issuing, matters relating to the upgrading of lighting on the public road and the requirement to install an additional light on the western side of the entrance be dealt with. Alternatively, conditions should be attached which require the above amendments. Conditions provided.

Water Services: Notes no objection to the proposal.

Housing Officer: Notes no objection to the proposed development and notes that the proposed Part V proposal of two units is acceptable and suitable for social housing purposes.

Estates: No objection to permission being granted subject to compliance with conditions.

Following the submission of the response to the FI request, the subsequent report restates no objection.

Area Engineer: Advises that all services are available or planned in terms of Development Contribution.

In terms of Roads and Transportation, the report notes the concerns in relation to the removal of the heritage wall in order to facilitate the 59m sightlines. The report requires that the applicant look at additional traffic calming measures / road offset on the regional road to reduce speeds and consequently, reduce the amount of wall needed for the entrance.

In terms of surface water / flooding, it is noted that the southern area of the lands is prone to fluvial flooding and that the housing development is shown outside the indicative 100 year flood zone. The surface water outfall pipe however, would be submerged for at least 70m in a 1:100 year event. It is recommended that the outfall location should be visible for any future maintenance requirements.

Report notes connections to IW infrastructure

The initial Area Engineer report required further information.

Following the submission of the response to the FI request, there is no objection to the proposed development.

Environment Report: Further information required with regard to the submission of a demolition plan, construction and demolition waste management plan and details showing surface water runoff containment measures to prevent silt and sediments discharging to nearby watercourses.

Following the submission of the response to the FI request, there is no objection to the proposed development.

Ecology: The report considers the NIS submitted with the application. The report requires that further information be submitted in terms of a construction environmental plan which should include measures to protect the existing tree lined boundaries during the construction period. In addition, the report raises concerns in terms of the proposed loss of the existing mature tree lines / hedgerows on the eastern and western

boundaries of the site. An Ecological Impact Assessment is required to be submitted, and due to the proposal to demolish existing farm structures, a bat survey is required.

Following the submission of the response to the FI request, the subsequent report notes a number of omissions from the submitted CEMP and does not provide measures to protect the existing tree lined boundaries. It is recommended that a condition be included to address this issue prior to the commencement of any development. The final report considers that the mitigation measures described in both the EclA and NIS are acceptable and it is noted that the bat survey carried out on the site is also satisfactory. There is no objection to the proposed development, subject to compliance with conditions.

3.1.3. **Prescribed Bodies**

Irish Water: No objection to the proposed development.

3.1.4. **Third Party Submissions**

Five third party submissions are noted in terms of the initial planning application submitted. The issues raised are summarised as follows:

- Access issues and impact on the Doneraile Demesne Wall.
- Impact on existing residential privacy in terms of overlooking.
- Visual impact and impact on the landscape.
- Increase in traffic.
- Overdevelopment of the village having regard to other grants of planning permission for housing.
- Land should remain in agricultural use.
- Impact of development on existing residential amenity including impacts during the construction phase.

- Appearance of the development on Doneraile as a Heritage Town and the heritage impacts to the wall.
- Concerns regarding the demand for houses and the potential for the development to become a ghost estate.
- Too many houses in the vicinity.
- Boundary treatments
- Flooding concerns.
- Planning history in the area has included refusal of permission from ABP due to impacts on the demesne wall.
- The proposal is contrary to policy and the protection of architectural heritage. All aspects of cultural heritage should be protected and the proposal to open an extensive entrance in the historic wall is compatible with the sustainable development of the village.
- If the development goes ahead, it is questioned why the existing entrance is not being utilised.

A further submission was made

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref 06/9250: Permission granted to Nora Russell for the construction of an entrance and driveway to existing dwelling.

This entrance comprises the existing entrance to the current subject site and is located to the north-eastern area of the site and within the farmyard area.

Adjacent lands to west:

PA ref 06/11696: Permission granted to John & Elizabeth Sheehan for a residential development comprising 48 dwelling houses and 13 serviced sites on lands immediately to the west of the current site.

PA ref 12/4248: Permission refused to extend the duration of the permission granted under PA ref: 06/11696 on the basis that no relevant flood risk information was submitted with the original application and the most recent CDP requires the implementation of relevant guidelines, a significant change to development objectives. It was determined that the proposed development would no longer be consistent with the proper planning and sustainable development and does not accord with S42(1)(a)(ii)(II)&(III). It was further considered that as AA would be required, the proposal does not accord with S42(1)(a)(ii)(IV).

Lands to East:

There is no planning history noted in relation to the lands immediately to the east (village side) of the current appeal site. The following applications are noted close to the village centre:

ABP ref: PL04.205050 (PA ref. 03/2781): Permission granted by the local authority for the construction of a dormer residence with entrance and garage (approximately 350m to the east of the current appeal site). The Board overturned the decision to grant following appeals and refused permission for the following stated reason:

Having regard to the location of the site in a designated scenic landscape with a tree preservation objective, it is considered that the proposed development by reason of its design, location on site, extent and design of outbuildings and proposed alterations to the entrance and the absence of a proper tree survey would seriously injure the scenic amenity of the area and would be an obtrusive feature in the landscape notwithstanding its location within the development boundary of Doneraile. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

ABP ref: PL04.233276 (PA ref. 08/8025): Permission granted by the local authority for site development works for 24 no. two storey detached dwelling houses and all associated works (approximately 350m to the east of the current appeal site).

The Board overturned the decision to grant following multiple third-party appeals and refused permission for the following stated reason:

The site of the proposed development is located in area zoned in the Local Area Plan for the area for primarily Open Space/Sports/Recreation/Amenity purposes, for which the objective is that the land should remain predominantly open and rural in character. Having regard to the extensive scale and standardised layout of the proposed development including the scale and extent of engineering works, it is considered that the proposed development would be suburban in nature, would contravene the zoning objective for the site and would seriously injure the scenic and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA ref. 10/4743: Permission refused by the local authority for a residential development of 14 no. two storey detached dwelling houses and all associated works (approximately 350m to the east of the current appeal site). The Board overturned the decision to grant following multiple third-party appeals and refused permission for the following stated reason:

The site of the proposed development is located in area zoned in the Local Area Plan for the area for primarily Open Space/Sports/Recreation/Amenity purposes, for which the objective is that the land should remain predominantly open and rural in character. Having regard to the extensive scale and standardised layout of the proposed development including the scale and extent of engineering works, it is considered that the proposed development would be suburban in nature, would contravene the zoning objective for the site and would seriously injure the scenic and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP ref: PL04.242552 (PA ref. 13/4195): Permission granted by the local authority for the construction of an agricultural entrance (approximately 350m to the

east of the current appeal site). The Board overturned the decision to grant following multiple third-party appeals and refused permission for the following stated reason:

Having regard to the location of the proposed development fronting regional road R581 on its approach to the historic town of Doneraile and comprising the insertion of a new entrance in the fabric of the original demesne walls of Doneraile Court and to Specific Zoning Objective DB-01(i) relating to Doneraile in the Mallow Electoral Area Local Area Plan 2011 which seeks the retention of all traditional stone walls on the approach roads to the village, the Board considered that the stated need for the proposed development was insufficient to overcome the protection afforded to the wall by the foregoing zoning objective. The proposed new entrance, therefore, would not be in accordance with the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- 5.1.2. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:
- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

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

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

5.2. **Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):**

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.2.4. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

5.2.5. Chapter 6 also provides guidance in terms of Density Standards and in this regard, sections 6.12 and 6.13 of the Guidelines deal with Edge of small town / village and state as follows:

6.12 In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density

development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. This is to ensure that planned new development in small towns and villages offer a range of housing types, avoiding the trend towards predominantly low-density commuter-driven developments around many small towns and villages within the commuter belts of the principal cities and other Gateway locations. Such lower density development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside.

6.13 The quality of new development will also be determined by many other factors additional to the achievement of an appropriate density of development. However, adherence to the guidance outlined above, coupled with effective local planning can offer a positive path forward in managing the process of development of Ireland's distinctive and attractive smaller towns and villages.

5.3. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

5.3.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.4. Cork County Development Plan 2014

- 5.4.1. Section 2.3 deals with the Network of Settlements and includes objectives which set out the broad strategic aim for each group of settlements in the network. Doneraile is identified as a 'Key Village' as detailed in the Plan and Objective CS 3-2 deals with the lower order settlements within the county. The strategic aim of this objective with regard to Key Villages is as follows:

Establish key villages as the primary focus for development in rural areas in the lower order settlement network and allow for the provision of local services by encouraging and facilitating population growth at a scale, layout and design that reflects the character of each village, where water services and wastewater infrastructure is available. Supporting the retention and improvement of key social and community facilities and inter urban public transport.

- 5.4.2. Chapter 3 of the Plan deals with housing and section 3.4 relates to housing density. Objective HOU 4-1: Housing Density on Zoned Land is therefore relevant, and the subject site is located within an area where Medium 'B' density is applicable (12-25 units per ha). The objective requires as follows:

Edge of Centre Sites Within Small Towns/Villages

- Max Net Density extended to 35 dwellings/ha in smaller towns outside Metropolitan Cork.
- Normally applicable in smaller towns (less the 5,000 population).
- Can be applied in larger towns through LAP's where there is a requirement to broaden the range of house types.
- Densities less than 12 dwellings/ha will be considered where an exceptional market requirement has been identified.
- Densities between 25 and 35 dwellings/ha will be considered where an exceptional market requirement has been identified.

- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and wastewater services.
- Broad housing mix normally required including detached/ serviced sites unless otherwise specified in relevant Local Area Plan

5.4.3. The following objectives are also considered relevant:

Objective HOU 3-1 – Sustainable Residential Communities

Objective HOU 3-2 – Urban Design

Objective HOU 3-3 – Housing Mix

5.5. Fermoy Municipal District Local Area Plan 2017

- 5.5.1. The Board will note that Doneraile is identified as a Key Village in the LAP. The overall scale of new development (houses) is indicated at 180 in terms of the growth strategy. Table 4.1 of the LAP identifies that the normal recommended scale of any individual scheme is 30. Individual schemes in excess of the recommended scale set out in the above table may be considered where it is demonstrated that the overall scheme layout reinforces the existing character of the village and the scheme is laid out, phased and delivered, so as not to reflect a residential housing estate more suited to a larger settlement.
- 5.5.2. Section 4.7 of the Fermoy LAP specifically deals with Doneraile. The vision for Doneraile over the lifetime of this plan is to actively promote the residential, business and tourism related development of the village, strengthen the range of services and employment opportunities available while ensuring any new development is in keeping with the scale and character of the village. Section 4.7.11 of the LAP provides that 'sites which are close to the core of the village, including infill and brownfield sites should be developed first'.
- 5.5.3. Section 4.7.14 of the LAP states as follows:

The presence of the river bisecting the village and Doneraile Court to the east means the settlement is quite spread out. It is important that new residential development enhances the village and supports the development of an attractive, sustainable community. To this end it is important to avoid overly large residential developments and to ensure each development is well located and designed and achieves good connectivity with the core of the village. Over the lifetime of this plan priority for residential development should be given to the lands to the west of the village centre in order to consolidate the core and provide easier access to services and facilities.

- 5.5.4. The site lies to the western edges of the identified settlement boundary, and I note that the southern area of the site is located within an area susceptible to flooding Zone A.

5.6. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 700m to the east of the site. Kilcolman Bog SPA (Site Code: 004095) lies approximately 3.4km to the north of the site.

The Awbeg Valley (Above Doneraile) pNHA (Site Code: 000075) lies approximately 900m to the north.

5.7. EIA Screening

- 5.7.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 5.7.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) 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 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 5.7.3. The proposed development comprises 22 no. semi-detached houses and 4 no. serviced sites on a site of 1.789ha. The site is located on peripheral zoned lands within the development boundary of Doneraile and on a green field site, rather than an area which could be described as ‘other parts of a built-up area’ or ‘business district’. The primary CBD is located in and around Main Street which is located approximately 700m to the east of the site. There is an existing footpath which connects the site to Main Street on the Mallow Road. As such, I am satisfied that the site area is substantially below the 10ha threshold for ‘other parts of a built-up area’. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.
- 5.7.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.7.5. Having regard to:
- (a) the nature and scale of the development,
 - (b) the built nature and urban location of the site,

- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a third-party appeal, from Mr. David Walsh, against the decision of the Planning Authority to grant planning permission for the proposed development. The grounds of appeal reflect those submitted during the PAs assessment of the proposed development and are summarised as follows:

- There is no need to destruct the wall as there is already an entrance which has previously been used for access to the farm for lorries, tractors, etc.
- The site design should be re-evaluated to ensure the use of the current access only.
- The proposed development does not fulfil the Councils own direction that any new developments in the key village should only be granted to the immediate west of the village.
- The 18th century walls are a key scenic amenity and is part of the demesne vista.
- It is clear that the wall is protected, and the proposed destruction is to ensure maximum financial gain.
- Health and safety issues regarding the removal of part of the wall adjacent to the footpath. If the development is permitted, an engineer should be present daily to monitor the wall.

- Relevant insurance should be in place for works to the wall.
- There have been reports of 18th century walls failing when placed under similar stresses.
- Ecological impacts associated with the development and proximity of the Awbeg River.

It is requested that the proposal be rejected.

There are a number of enclosures with the appeal including the original submission to Cork County Council, with appendices.

6.2. Planning Authority Response

Submission advises no further comments.

6.3. First Party Response to Third Party Appeal

- 6.3.1. The response sets out the background to the application and the relevant policy requirements of the LAP.
- 6.3.2. It is submitted that considerable care has been taken to ensure the design of the development is not visually obtrusive and it is submitted that the proposed development does not contravene objectives of the current CDP or LAP.
- 6.3.3. In terms of the existing boundary wall, the first party submits as follows:
- The stone wall is not mentioned in the Fermoy LAP and is not listed in the RPS.
 - The existing wall has a number of accesses formed in it over many years.
 - It is only possible to access the site from the R581 road to the north and a new entrance is required as the current access is not suitable to meet the current requirements. It is proposed to use the existing entrance as a pedestrian and cycle access.

- The proposed entrance is 17.4m wide which is the minimum portion of the wall needed to meet the design requirements of TII.
- The impact of the new entrance on the structural integrity of the wall has been examined in a report prepared by a specialist structural conservation engineer.

6.3.4. In terms of ecology, the submission notes:

- A Natura Impact Statement was submitted with the application.
- Following a request for FI, a Construction Environmental Plan, detailing the environmental protection measures in the NIS, was submitted, and a bat survey was undertaken.
- The NIS and EcIS ruled out potential impacts to Natura 2000 sites and no bats were found to be roosting at the site.

6.3.5. With regard to flood risk, the submission notes that the development is not at risk of flooding and will not increase flood risk elsewhere.

6.3.6. The response notes that very few homes have been building within the village of Doneraile over the past two decades. The proposed development will afford individuals and families the opportunity to own their own home which will help fulfil the objectives of the current LAP.

6.3.7. The response includes a copy of the Conservation Engineers report on the stability of the boundary wall.

6.4. **Observations**

None.

7.0 Assessment

7.1. Introduction

- 7.1.1. The Board will note that the plans and particulars submitted are not to scale. They appear to have been reduced and printed on A3 sized sheets and are difficult to read. In considering the proposed development, I have had cause to consult with the plans available on the Cork County Council website in order to read the relevant measurements and dimensions. It may be appropriate for the Board to request a full set of plans and particulars of appropriate size and scale.
- 7.1.2. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:
1. Principle of the development
 2. Compliance with National Guidelines & Standards
 3. Density
 4. Layout & Design
 5. Heritage and Visual Impact Issues
 6. Roads & Traffic Issues
 7. Water Services & Flooding Issues
 8. Other Issues

7.2. Principle of the development

- 7.2.1. The Board will note that the site is located within the settlement boundaries of the key village of Doneraile as identified in the Fermoy Municipal District Local Area plan 2017. While the site has no specific zoning afforded to it, given the wider settlement

boundaries, I am generally satisfied that the principle of the residential development can be considered acceptable.

7.2.2. Section 4 of the LAP deals with Key Villages and Section 4.2 provides details of the recommended scale of development permissible during the lifetime of the Plan, Table 4.1 refers. The general objective for key villages, set out in Objective GO-01, encourages development within the development boundary of key villages to a scale set out in Table 4.1. The general objective also provides that:

- g) Residential development in other areas shall provide for small groups of houses, detached housing, serviced sites and/or self-build options.
- q) Any proposal for development within the village core will need to preserve and enhance the architectural character of the area and should be of an appropriate scale, form and material finish.

7.2.3. The LAP also notes that 'the settlements would benefit from a more compact form and from some regeneration of and re-use of existing properties within the village cores' and that over the lifetime of the LAP, it would be desirable to see the development of up to 180 dwellings, in smaller schemes with a varied mix of housing sizes and types, including serviced sites, within Doneraile. Section 4.7.11 of the LAP provides that 'sites which are close to the core of the village, including infill and brownfield sites should be developed first'. Section 4.7.13 of the plan provides that schemes should not normally exceed 30 units. Having regard to the availability of large areas of land which lie close to the village core, and between the Rockview Terrace development, it may be considered that the proposed development does not follow the thrust of this requirement. A grant of permission would see the provision of the proposed estate at a remove from the village core before infill or brownfield sites are developed, contributing to a less compact form of village development.

7.2.4. In terms of the general objectives for residential development in key villages, I refer the Board to Objective GO-01, part g) which has the requirement to provide serviced sites and/or self-build options. I would note that the proposed serviced sites, originally proposed, have been omitted following the submission of the response to the further information request, with the scheme being amended to provide for 26

semi-detached houses. Should the Board consider it appropriate to retain this element of the scheme, which I would support and consider reasonable, this could be dealt with by way of condition of permission.

- 7.2.5. In the context of the above LAP provisions, and I consider it is reasonable to support the principle of the development potential of the subject site in accordance with the provisions of the plan. In addition, I note that the site is accessible to the amenities of Doneraile and is serviceable by public water services, being located within 700m of the village core, the development is acceptable in principle. The scale of the proposed scheme is within the parameters as detailed in the LAP and other than the lack of serviced sites as stipulated in the relevant policy documents, I have no objections in principle to the design of the overall scheme. I have however, raised concerns regarding the development of the subject site in advance of the extensive area of infill lands located between the village core and the Rockview Terrace estate.

7.3. Compliance with National Guidelines & Standards:

- 7.3.1. The objective of the Sustainable Residential Development in Urban Areas 2009 Guidelines, and its companion design manual, is to produce high quality, and crucially, sustainable developments and communities through the reduction, as far as possible, of the need to travel, particularly by private car, and promoting the efficient use of land. The Guidelines, together with the companion design manual, sets out a series of 12 criteria which should be employed in the assessment of planning applications and appeals.
- 7.3.2. The proposed residential development is considered acceptable in principle, due to its location within the identified settlement boundaries of Doneraile, and therefore, in compliance with the general thrust of national guidelines and strategies. While national policy, and relevant guidelines issued, continue to support the principles of higher densities on appropriate sites in towns and cities, the Guidelines specifically advise that development in smaller towns and villages must be plan led. While higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the

environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

7.4. **Density:**

- 7.4.1. In terms of density, I note Circular Letter: NRUP 02/2021, dated 21st April 2021, which provides that ‘it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high-density urban approaches are not applied uniformly, and that development responds appropriately to the character, scale and setting of the town or village. As such, it is highlighted that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level than would be considered appropriate in a city or large town context.’
- 7.4.2. In addition to the above, I note the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines 2018 which states that, in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:
1. The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2009)” or any amending or replacement Guidelines;
 2. A greater mix of building heights and typologies in planning for the future development of suburban locations; and
 3. Avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.
- 7.4.3. The 2021 Circular notes that discretion may be applied in the assessment of residential density and that while net densities of 30-35 dwellings per hectare may be regarded as acceptable in certain large town contexts, net densities of less than 30

dwellings per hectare, although generally discouraged, are not precluded. The Circular concludes noting that towns and their contexts are not all the same and that planning policy and guidance are intended to facilitate proportionate and tailored approaches to residential development, including the flexible application of residential density at the periphery of large towns, and particularly at the edges of towns in a rural context.

- 7.4.4. The subject site, at the edge of the village, lies approximately 700m from the centre of Doneraile, and as such, is within walking distances to shops and services. The Fermoy LAP, which includes Doneraile as a Key Village, and the sole reference to density within the LAP (with regard to Doneraile) relates to the lands with the zoning X-01 which are located to the east of the current proposed development site, and between the area zoned open space and the village centre. These lands are identified as having limited potential for individual dwellings, at very low density. Section 1.7.38 of the LAP refers to Objective HOU4-1 of the CDP and section 3.4 of the CDP which sets out the housing density standards applicable. In this regard, the subject site should support medium 'B' density development with 12-25 dwelling units per hectare. The proposed development will result in an estate with 26 houses on a site covering a total of 1.759ha with the density therefore, at 14.78 units/ha.
- 7.4.5. The site is considered to be located at the 'Edge of Small Town/Village', as detailed in Section 6.12 of the Sustainable Residential development in Urban Areas Guidelines for Planning Authorities (2009). The Guidelines provide that in such locations, developments should have a density of between 15-20 units per hectare. Overall, I am generally satisfied that the density as proposed generally accords with the requirements of the national guidelines.

7.5. **Layout & Design:**

- 7.5.1. The proposed development site generally comprises part of a regularly shaped site with the most imposing feature being the front (roadside) boundary wall. I note there are other natural boundaries which are proposed to be retained as part of the overall scheme along the western and eastern boundaries. The original layout of the

scheme proposed the removal of 53.518m of the existing roadside 2.4m high stone boundary wall to provide access to the site with a line of semi-detached houses fronting onto the west side of the internal estate road which will run from north to south. To the east of this estate road, an area of open space was proposed along the northern area of the site with 4 serviced sites proposed in this area. The existing access to the lands is to be repurposed as a pedestrian / cyclist access. An additional 4 pairs of semi-detached houses to face south – and back onto the serviced sites rear boundaries, with a smaller area of open space were proposed in the south-eastern area of the site.

- 7.5.2. Following a request for further information, the layout of the proposed development was amended to provide two rows of semi-detached houses, backing onto the western and eastern boundaries of the site and the public open space being located centrally, with a pair of semi-detached houses facing north and a second pair facing south at either end of the eastern line of houses. The public open space will be entirely surrounded by the internal estate road, and the serviced sites are omitted. The amended proposal sees a significant reduction in the boundary wall to be removed to facilitate a vehicular entrance to the site with the length of the wall to be demolished to accommodate the entrance reduced to 17.4m. I note that the Planning Authority approved this layout in its decision to grant planning permission for the scheme.
- 7.5.3. Chapter 6 of the Sustainable Residential Development in Urban Areas, 2009 deals with Small Towns and Villages and note that ‘in order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.’ The Guidelines indicate that development in such locations must be planned and that ‘new development should contribute to compact towns and villages’, where the use of backland sites is encouraged which seek to ‘maximise permeability for pedestrians and connectivity to existing streets and roads, rather than creating cul-de-sacs and dead ends.’
- 7.5.4. In terms of the proposed layout, as permitted, and while I acknowledge the efforts of the applicant to address the Planning Authority concerns, I do not consider that the

provision of two lines of semi-detached houses, at a remove from the village core, adequately reinforces the existing character of the historic village of Doneraile. The layout as permitted represents a suburban residential estate within what is essentially a rural environment. In addition, I note the block wall boundary treatment proposed for the rear of the houses on the eastern boundary. As this area of the site lies immediately adjacent to lands zoned for open space, I would question the appropriateness of this. While I acknowledge that the scheme as permitted provides for an appropriate level of public open space, I do not consider that a grant of permission in its current form, would enhance the historic character of Doneraile and would set an undesirable precedent for further similar developments in the vicinity. In addition, I would question the layout of the scheme which requires the removal of an extensive length of the most prominent feature within the site, the historic wall.

- 7.5.5. In terms of the overall design approach, I note that the design of the houses has sought to present a consistent architectural countenance and identity throughout the scheme. The houses will rise to two storeys in height and will be finished in painted smooth render and a slated roofs with window opes reflecting the scale of existing buildings in the village. I have no objection to the proposed overall design and finishes of the houses proposed.

7.6. **Unit Mix & Typology:**

- 7.6.1. The development proposes a mix of 4 house types including 2 no. 2 bed units, 2 no 3 bed (4 person) units, 11 no. 3 bed (5 person) units and 11 no 4 bed units. The proposed development was amended following the submission of the response to the PAs further information request which amended the layout of the site but did not significantly alter the unit mix or typology proposed. The main change related to the omission of the serviced sites which would have provided for the construction of individual houses within the scheme. The Board will note that the provisions of the CDP in this regard require a broad housing mix including detached / serviced sites unless otherwise specified in relevant LAP.

7.6.2. In terms of the permitted scheme, the houses will be provided in the form of semi-detached units and the unit types are as follows:

| Unit type | Number | % |
|------------------|--------|-------|
| 2 bed | 2 | 7.7% |
| 3 bed (4 person) | 2 | 7.7% |
| 3 bed (5 person) | 11 | 42.3% |
| 4 bed | 11 | 42.3% |

The Board will note that the proposed development seeks to construct only one type of residential unit, all being two storey own-door houses. I also note the dominance of the existing low density residential development to the north of the site – which includes detached houses on large sites.

7.6.3. The Board will also note the arguments made by the first-party in terms of the proposed mix of units, whereby it is stated that ‘due to the limited number of new residential developments in Doneraile in the last two decades, it is not possible to accurately assess the house type demand in Doneraile.’ It is also stated that the housing mix proposed ‘responds to the local demand for new family homes’ and is ‘reflective of young 4 to 5 person family demand’. The Statement of Housing Mix, submitted following the request for further information, provides that the development has been designed to allow flexibility in the type of house that can be constructed within the site. I also note that should a change to house types be required, based on pre-construction sales and interest, a further planning permission can be sought.

7.6.4. In acknowledging the national guidance in terms of residential density, I note the location of the subject site and would question if the proposed development presents the most appropriate form and layout to serve the needs of the wider community in terms of housing mix and typologies. I further note the provisions of the 2018 Urban Development and Building Height Guidelines for Planning Authorities in addressing the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options,

enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation.

- 7.6.5. In this regard and based on the information included in the applicants Statement of Housing Mix, I note that Doneraile has a total of 330 existing households, in the form of 311 houses and 14 apartments (5 were not stated). Table 2.3 of the documents sets out the household size and profile and I note that of the total 330 households, 259 comprise 3 person households (78.5%). Given that the proposed development provides for only 2 no. 2 bed units, and 2 no. 3 bed units which will accommodate 4 persons, amounting to 15.4% overall, I have concerns in terms of the mix of units proposed. In acknowledging the submission of the applicant that the proposed development will provide for families, the omission of serviced sites, supported by the LAP and which would provide an alternative to those who would otherwise seek a one-off house in the countryside, compounds my concerns.
- 7.6.6. National Guidelines suggest that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods, and that the 'consideration of development proposals must move away from a 2-storey, cul-de-sac dominated approach, returning to traditional compact urban forms'.
- 7.6.7. I am therefore, minded to conclude that the limited housing type/mix proposed in the current scheme is such that there is only limited choice available within the scheme which might not provide for appropriate options for various stages of the lifecycle or attract an appropriate mix of households or population mix, and the proposed scheme would not meet the aspirations of a range of people or households. I would consider this to be contrary to good planning practice and not in compliance with the aforementioned ministerial guidelines and the Urban Design Manual. In my opinion, a greater variety of unit type/mix would aid an increase in density on the site and would support a residential scheme which would attract an appropriate population mix to this area of Doneraile, which is well serviced with facilities. Overall, the proposed development results in a mono-height across the scheme as well as a mono-building typology, resulting in a low density and is overall, contrary to SPPR4 of the Building Height Guidelines.

7.6.8. Having regard to the location of the subject site, to the edge of the settlement of Doneraile, together with the provisions of both the County Development Plan and the relevant Local Area Plan, I do not consider that the mix as proposed is acceptable or in accordance with the provisions of the policy documents.

7.7. Heritage and Visual Impact Issues

7.7.1. The subject site does not comprise any protected structures. I have previously noted however, that the most imposing feature of the site, and indeed the wider area on the approach to Doneraile Village, is the front (roadside) boundary wall. This boundary wall rises to approximately 2.4m in height and would have comprised part of the boundary wall to the original demesne in Doneraile, which I note originally extended to approximately 1,000 acres. The original layout of the scheme proposed the removal of 53.518m of the existing roadside 2.4m high stone boundary wall to provide a new access to the site. The Board will note that there is an existing entrance located to the eastern area of the wall fronting the site. Following a request for further information, the layout of the proposed development was amended to significantly reduce the length of the boundary wall to be demolished to accommodate the entrance to 17.4m. I note that the Planning Authority approved this layout in its decision to grant planning permission for the scheme.

7.7.2. The primary concern of the third-party appellant relates to the destruction of this historic wall and the implications a grant of planning permission would have for the remaining feature. The Board will also note that the planning history of development which sought to demolish part of this wall at various other points between the current site and the village to the east, were refused permission with the Board citing concerns relating to the impact on the fabric of the original demesne walls. I would note however, at the time of the previous Board decisions, the previous Local Area Plan applicable to Doneraile, the Mallow Electoral Area Local Area Plan 2011, included a specific objective which sought the retention of all traditional stone walls on the approach roads to the village. The basis of the refusal, therefore, was that the stated need for the proposed development was insufficient to overcome the

protection afforded to the wall by the foregoing zoning objective. The Board will note that the wall is not afforded the same level of protection under the current LAP.

- 7.7.3. Having regard to my concerns already raised above with regard to the proposed layout the development, I am not satisfied that the proposal to remove an additional length of the historic wall to provide for a separate vehicular access to the site has been justified. In any reimagining of the layout for this unique site, I consider that the existing access should be used, and altered as appropriate, to facilitate the provision of an access to the site which complies with all relevant guidelines with minimal intervention and loss of historic fabric. While the historic wall no longer enjoys specific protection under the Fermoy MD Local Area Plan, I am satisfied that the unnecessary removal of such a prominent feature on the approach road to the village and the provision of a proposed new entrance, would not be in accordance with the proper planning and sustainable development of the area.

7.8. Roads & Traffic Issues

- 7.8.1. I note that the Cork County Council Area Engineer raised no significant concerns in relation to the proposed development from a roads and traffic viewpoint. The initial report noted the public concerns regarding the proposed demolition of an extensive length of the heritage wall and offered possible solutions to reduce the amount of wall needed to be set back in order to achieve the required sight distances. The intervention of the Area Engineer would appear to have resulted in the saving of approximately 32m of the heritage wall with the acceptance of traffic calming measures to reduce traffic speeds in the vicinity of the new entrance. I also note that the internal estate road was reduced in width to 5.5m following the submission of the response to the FI request.
- 7.8.2. In terms of compliance with DMURS, which assigns 'higher priority to pedestrians, cyclists without unduly compromising vehicle movement, in order to create secure, connected places that work for all members of the community', the Board will note that the scheme as proposed provides for a separate access for pedestrians and cyclists. The existing access to the subject site is to be reused for this sole purpose

and as such, I am satisfied that the principle of the proposed development can be considered acceptable in this regard. I also note that there is an existing footpath directly outside the boundary wall which extends all the way into the centre of Doneraile.

- 7.8.3. Overall, I am generally satisfied that the site is capable of accommodating appropriate development without undue traffic hazards or obstruction of existing road users arising in principle. I also acknowledge the zoning afforded to the site and the location of the entrance to the site within the 50km/ph area.

7.9. **Water Services & Flooding Issues**

Water Services

- 7.9.1. The Board will note that Irish Water have advised that the proposed connection to the Irish Water Network in Doneraile can be facilitated. I note that since the adoption of the Local Area Plan, which advised that the Irish Water Services in the village, while in place, had limited or no spare water services capacity, upgrading of water services have been completed. I note that the WWTP in the village has adequate capacity to accommodate the development and that Irish Water has indicated that a connection to the relevant infrastructure can be facilitated.
- 7.9.2. In terms of surface water drainage, the Board will note that the Planning Authority raised concerns as the southern side of the wider lands from which the site is taken is noted to be prone to fluvial flooding. It is noted that the houses themselves are located outside of the indicative 100 year flood zone, but that the surface water outfall pipe was originally located within an area which would result in the pipe being submerged for at least 70m in the event of a 1:100 year flood event. Following the request for further information, the surface water system was redesigned to address the concerns raised.
- 7.9.3. The Infrastructure Report submitted with the application, and updated in response to the FI request, considers the wider area of the site for the purposes of stormwater management, 2.68ha. The amended report also notes the reduced hard-surfaced area arising due to the amended layout of the development site and the reduction in

the catchment capacity of the Conder Interceptor to be employed at the site. Having regard to the information available to me, I am generally satisfied that the applicant has adequately addressed the matter of surface water drainage. As such, I have no objections to the proposed development in terms of water service.

Flooding Issues

7.9.4. In addition to the Infrastructure Report, the applicant prepared a Flood Risk Assessment for the scheme, updated following the PAs request for further information. The southern area of the subject site is located within and adjacent to an area identified within Doneraile LAP as being susceptible to flooding: Zone A. The topography of the site slopes gently down from the north towards the south in the area of the landholding, which is bound by a small stream, a tributary of the Awbeg River. This area is identified as potentially being susceptible to pluvial flooding in extreme rainfall events. The assumed flood levels across the southern area of the site and holding are noted as follows:

- Flood Zone A: +68.30
- Flood Zone B: +68.50

7.9.5. The assumed flood levels as per the Fermoy Municipal District Local Area Plan 2017 are indicated at +70.00. I note that the proposed road and finished floor levels of the houses in this area have been raised above the existing site levels to +70.10 but that the area of proposed open space which incorporates the proposed wastewater pumping station and attenuation area, as well as the southern leg of the estate road, have a finished ground level of +69.61 at its lowest level. The Board will note that the updated FRA, submitted following the request for further information, acknowledges that the lower blocks of semi-detached houses to the west are located inside the flood zone. In terms the water course flood flow estimation presented in the updated FRA, I note that the applicant has estimated the flood zones in comparison to the flood zoning area identified in the LAP.

7.9.6. The purpose of the Flood Risk Assessment report is to deal with issues relating to the potential risks associated with the development of the site and seeks to determine the suitability of the site for development based on the relevant flood risk

management planning policy guidelines. In terms of flood risk, the updated FRA submits that having regard to the depth of the water, the size of the water course and the fact that there is no historical record of flooding in the area, it is extremely unlikely the water course could flood to the +70mOD contour as indicated in the LAP.

7.9.7. Appropriate design and mitigation measures, where appropriate are also considered as part of the report with the location of open space within Flood Zones A and B. In addition, it is submitted that the development will be excluded from Flood Zones A and B and the lowest finished floor level will be restricted to 68.8mOD, ensuring the development is above the 0.1% AEP flood level. An additional 300mm freeboard is provided to dwellings to allow for uncertainty. There is no evidence or record of past flooding in the immediate vicinity of the subject site. It is indicated that the proposed development is predominately sited in Flood Zone C and will therefore, have no impact on the existing floodplain or flood risk elsewhere.

7.9.8. I accept that the development has been designed in order not to increase flood risk. In terms of the justification test criteria of the FRM Guidelines, the following is relevant:

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operational plan, which has been adopted or varied taking account of these guidelines:

The subject site is not zoned for any specific purpose in the Doneraile Local Area Plan. The site is, however, located within the identified settlement boundaries of the village and on lands which are accessible in terms of water services. The site is also located within appropriate walking distance to the village centre and is accessible via an existing public footpath. As such, I am satisfied that the subject site might be reasonably considered to be appropriately designated for the use proposed.

2. The development has been subject to an appropriate flood risk assessment that demonstrates:

- (i) The development proposal will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk:

- (ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;
- (iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management and provisions for emergency services access;
and
- (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

7.9.9. In terms of a consideration of part 2 of the JT Criteria, I would accept that the FRA, has presented mitigation measures which, if adhered to, will ensure that the proposed development will not remove any potential flood plain storage and that the development will not have a negative impact in this regard. Adherence with the recommendations of the submitted FRA, the proposed development will not have a negative impact on the local drainage network, on local private property or to the surrounding environment and human health. As such, I am satisfied that the development, if permitted, will not exacerbate or add to flooding risk in the area.

7.10. Other Issues

7.10.1. Part V

The proposed development seeks to construct 26 residential units on a site covering 1.789ha on the western edge of the village of Doneraile. The development will connect to public services. The development is subject to requirements of Part V of the Planning and Development Act 2000, as amended. A condition to this effect should be included in any grant of planning permission.

7.10.2. **Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

8.0 **Appropriate Assessment**

8.1. **Introduction:**

- 8.1.1. The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 700m to the east of the site. The Kilcolman Bog SPA (Site Code: 004095) lies approximately 3.4km to the north.
- 8.1.2. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.3. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The Board will note that a Natura Impact Statement (NIS) was submitted as part of documentation for permission for the proposed development to assess the likely or possible significant effects, if any, arising from the proposed development on any European site. An Appropriate Assessment Screening Report was also provided by the applicant.
- 8.1.4. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

8.1.5. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

8.2. AA Screening Report

8.2.1. The application was accompanied by an Appropriate Assessment Screening Report, dated January 2020 and prepared by Emily McCarthy BSc. MSc. This report assesses whether effects to the Natura 2000 network are likely to occur as a result of the project. The report sets out the methodology employed and provides a description of the project proposed as well as including a description of the existing habitats present on the site.

8.2.2. The AA Screening Report submits that the zone of influence extends to 10km from the boundary of the development. The report identifies the two relevant Natura 2000 site within the identified zone of influence as being the Kilcolman Bog SPA (Site Code 004095) and the Blackwater River (Cork/Waterford) SAC (Site Code: 002170). The report notes that there is no hydrological connection to the Kilcolman Bog SPA with no source receptor pathway identified. As such, the screening report concludes that the development site will impact the feeding habitat of the SPA. The report notes that the site is directly connected to the Blackwater River (Cork/Waterford) SAC by reason of the proximity of the stream to the south of the site which discharges into the River Awbeg, part of the SAC. The Screening Report considers that no other SAC or SPA lies within the zone of influence of the project and focuses its assessment on the Blackwater River (Cork/Waterford) SAC.

8.2.3. The Report presents details of the relevant SAC, including details of the qualifying interests of Blackwater River (Cork/Waterford) SAC. An Assessment of Potential Impacts is presented in Section 4 of the document, page 15, and considers the impact of the proposed development in terms of the potential habitat loss, impacts on water quality and fauna, spread of invasive species and cumulative impacts. The report concludes that there are no plans or projects which are likely to act cumulatively with the current proposal which could result in significant effects to Natura 2000 sites. However, the Conclusion of Stage 1 Screening notes that the project creates a risk from water pollution events during construction works and has the potential to cause disturbance to fauna within the Blackwater River (Cork/Waterford) SAC and that a full AA will be required with regard to the SAC. The report includes a Natura Impact Statement at Section 5 of the document.

8.3. **Natura Impact Statement**

8.3.1. The Natura Impact Statement submitted by the applicant is included in Section 5 of the AA document. The NIS seeks to examine the potential impacts of the proposed development on the following European Site:

- Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

Section 5.2 sets out the characteristics of the SAC, with Tables 5.2.1 and 5.2.2 identifying the qualifying species and habitats and their conservation objectives for the SAC.

8.3.2. Having reviewed the NIS and supporting documentation, including the Ecological Impact Assessment submitted following the request of the planning authority further information, together with relevant submissions, and having undertaken a site inspection, I am satisfied that the following identified sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitats in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, it is concluded that no significant impacts on the following sites is reasonably foreseeable

based on the sites Conservation Objectives, Qualifying and Special Qualifying Interests. I concur with the applicants' determination in relation to the following Natura 2000 site:

- Kilcolman Bog SPA (Site Code: 004095)

8.3.3. I am satisfied that a Stage 2 Appropriate Assessment is required for the following European Site on the basis of the proximity of the sites to the appeal site and the potential for indirect impacts to water quality arising:

- Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

8.3.4. I am satisfied that the submitted NIS, together with the additional information submitted in the EclA, provides adequate information in respect of the site, clearly identifies the potential impacts, and uses best scientific information and knowledge. Section 6 of the AA document presents an Assessment of Likely Impacts, including direct and indirect effects while Section 6.1.3 sets mitigation measures to be employed in terms of the protection of water courses. The NIS concludes that, with the implementation of the mitigation measures described in section 6.1.3, on the basis of objective scientific information, that the proposed plan, individually or in combination with other plans or projects, will not adversely affect the integrity of the European Sites. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

8.4. Consultations and Observations

8.4.1. The AA Screening Report submitted with the application and the EclA submitted in response to the planning authority's further information request, list all data sources and guidance documents used.

8.4.2. The County Council Environment Report initially raised concerns in terms of the requirement to show surface water containment measures to prevent silt and sediments discharging to nearby water courses. Following the submission of the response to FI, the Environment Section raised no further concerns.

8.4.3. The Ecologist with Cork County Council initially required further information, including the submission of an Ecological Impact Assessment. I note that on receipt of the EclA, a number of omissions were noted which include measures to protect the existing tree lined boundaries. It was concluded however, that this matter could be addressed by way of condition of permission and no further objections were noted.

8.4.4. I note that third-party submissions did not raise concerns in terms of ecological issues. Concerns regarding flooding however, were raised as an issue.

8.5. Screening for Appropriate Assessment:

8.5.1. I have presented a summary of the AA Screening report submitted with the application above. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

8.5.2. The AA Screening Report submits that the zone of influence extends to 10km from the boundary of the development. The report identifies the two relevant Natura 2000 site within the identified zone of influence as being the Kilcolman Bog SPA (Site Code 004095) and the Blackwater River (Cork/Waterford) SAC (Site Code: 002170).

8.5.3. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. I am satisfied that the Kilcolman Bog SPA (Site Code 004095) can be screened out in the first instance, as the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated site to the development site and therefore, I conclude that no significant impacts on the Kilcolman Bog SPA (Site Code 004095) is reasonably foreseeable.

8.5.4. In addition to the above, the Board will note that the Ballyhoura Mountains SAC lies approximately 10km to the north of the subject site. This SAC was not considered as part of the applicants NIS but is noted in the EclA. The Ballyhoura Mountains are important for conservation, particularly in relation to the extensive areas of relatively undisturbed heath and bog vegetation. Stream headwaters and rock outcrops add to the diversity of the site. The heathland and surrounding afforested slopes are important for Hen Harrier and Peregrine. I am satisfied that the Ballyhoura Mountains SAC (Site Code 002036) can be screened out in the first instance, as the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated site to the development site and therefore, I conclude that no significant impacts on the Ballyhoura Mountains SAC (Site Code 002036) is reasonably foreseeable.

8.5.5. I consider that the following Natura 2000 sites, located within 700m of the subject site, can be identified as being within the zone of influence of the project, for the purposes of AA Screening, as follows:

- Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

8.6. **Conclusion on Stage 1 Screening:**

8.6.1. Having regard to the information submitted as part of the application, together with the information available on the NPWS website, the scale and nature of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my inspection of the site and the surrounding area, I am satisfied that the following sites can be screened out from further assessment:

- Kilcolman Bog SPA (Site Code 004095)
- Ballyhoura Mountains SAC (Site Code 002036)

8.6.2. It is further reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the above European sites, in view of the sites' conservation Objectives and that a Stage 2 Appropriate Assessment is not required in respect of this site.

8.6.3. There is potential however, for the development to give rise to potential impacts in terms of water quality of the Blackwater River (Cork/Waterford) SAC during the construction phase of the development. Potential impacts on qualifying features, conservation interests and conservation objectives are primarily related to water quality.

8.6.4. In light of the above, a stage 2 Appropriate Assessment was carried out in relation to the following European Sites:

- Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

The potential impacts (direct / indirect and in-combination effects) of the development on the site are examined in light of each of the site's conservation objectives.

8.7. Stage 2 Appropriate Assessment

8.7.1. The following table sets out the qualifying interests for the identified Natura site:

| European Site | Qualifying Interests |
|---|--|
| <p>Blackwater River (Cork/Waterford) SAC (Site Code: 002170)</p> <p>Located approx. 20m to the South of the site</p> | <ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Alosa fallax fallax (Twaité Shad) [1103] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] • Trichomanes speciosum (Killarney Fern) [1421] |
|--|---|

Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

8.7.2. The River Blackwater is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. The site consists of the freshwater stretches of the River Blackwater as far upstream as Ballydesmond, the tidal stretches as far as Youghal Harbour and many tributaries, the larger of which include the Licky, Bride, Flesk, Chimneyfield, Finisk, Araglin, Awbeg (Buttevant), Clyda, Glen, Allow, Dalua, Brogeen, Rathcool, Finnow, Owentaraglin and Awnaskirtaun. The portions of the Blackwater and its tributaries that fall within this SAC flow through the counties of Kerry, Cork, Limerick, Tipperary and Waterford. Nearby towns include Rathmore, Millstreet, Kanturk, Banteer, Mallow, Buttevant, Doneraile, Castletownroche, Fermoy, Ballyduff, Rathcormac, Tallow, Lismore, Cappoquin and Youghal.

8.7.3. The site is also important for the presence of several E.U. Habitats Directive Annex II animal species, including Sea Lamprey (*Petromyzon marinus*), Brook Lamprey (*Lampetra planeri*), River Lamprey (*L. fluviatilis*), Twaité Shad (*Alosa fallax fallax*), Freshwater Pearl Mussel (*Margaritifera margaritifera*), Otter (*Lutra lutra*) and Salmon

(*Salmo salar*). The Awbeg supports a population of White-clawed Crayfish (*Austropotamobius pallipes*). This threatened species has been recorded from a number of locations and its remains are also frequently found in Otter spraints, particularly in the lower reaches of the river. The freshwater stretches of the Blackwater and Bride Rivers are designated salmonid rivers. The Blackwater is noted for its enormous run of salmon over the years.

8.7.4. Overall, the River Blackwater is of considerable conservation significance for the occurrence of good examples of habitats and populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore it is of high conservation value for the populations of bird species that use it. Two Special Protection Areas, designated under the E.U. Birds Directive, are also located within the site - Blackwater Callows and Blackwater Estuary. Additionally, the importance of the site is enhanced by the presence of a suite of uncommon plant species

8.8. Conservation Objectives:

8.8.1. The Conservation Objectives for the relevant designated site are as follows:

| European Site | Conservation Objectives |
|---|---|
| <p>Blackwater River (Cork/Waterford) SAC (Site Code: 002170)</p> <p>Located approx. 20m to the South of the site</p> | <ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following habitat and species listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] ○ <i>Lampetra planeri</i> (Brook Lamprey) [1096] ○ <i>Lampetra fluviatilis</i> (River Lamprey) [1099] ○ <i>Salmo salar</i> (Salmon) [1106] ○ Estuaries [1130] ○ Mudflats and sandflats not covered by seawater at low tide [1140] ○ Perennial vegetation of stony banks [1220] |

| | |
|--|---|
| | <ul style="list-style-type: none"> ○ Salicornia and other annuals colonising mud and sand [1310] ○ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] ○ <i>Trichomanes speciosum</i> (Killarney Fern) [1421] ○ Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] <ul style="list-style-type: none"> ● The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the following habitat and species listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] ○ <i>Petromyzon marinus</i> (Sea Lamprey) [1095] ○ <i>Alosa fallax fallax</i> (Twaite Shad) [1103] ○ Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] ○ <i>Lutra lutra</i> (Otter) [1355] ○ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] ○ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] ● The status of <i>Taxus baccata</i> woods of the British Isles [91J0] as a qualifying Annex I habitat for the Blackwater River (Cork/Waterford) SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this habitat. |
|--|---|

8.9. Potential Significant Effects

8.9.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation

objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated.

8.9.2. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 700m from the boundary of any designated site. As such, there shall be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** While the site lies within the settlement boundaries of the Key Village of Doneraile, there is little physical development in the vicinity. The environs of the site, therefore, can be described as rural. No qualifying species or habitats of interest, for which the designated site is so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 site have been designated.
- **Water Quality:** The proposed development relates to the construction of a residential scheme on lands within the settlement boundary of Doneraile. The development will connect to existing public water services. The existing Doneraile WWTP has been noted as having adequate capacity to accommodate the proposed development, having been upgraded since the preparation of the Local Area Plan.
Having regard to the scale of the proposed development together with the submission from Irish Water following the request for further information by the Planning Authority, I am generally satisfied that the principle of the proposed development is acceptable and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the

site due to connection to public services or during the operational phase of the development.

The development site is bound on the south, by a water course / drainage ditch. It is proposed that surface water arising from the development will discharge to this stream, which is a tributary of the Awbeg River, part of the Blackwater River (Cork/Waterford) SAC. It is noted in the applicants AA Screening Report that this may act as a conduit for construction pollutants to reach the Natura 2000 site. There is potential for construction pollutants to temporarily affect water quality and in particular sediment pollution, and therefore impact on the water dependent habitats and species within the SAC.

Water protection measures are incorporated into the overall design of the scheme and are considered to be standard measures not identified as mitigation in the context of AA. In addition, the NIS provides for additional measures to protect water quality of the drainage ditch and the River Awbeg to include, amongst other best practice measures, the installation of a silt curtain to intercept any silt laden runoff that may arise during heavy rainfall.

8.9.3. Having regard to the above, I am satisfied that with the full implementation of the mitigation measures as described in the submitted NIS and EclA, there is little or no potential for impacts on water quality arising.

8.10. In Combination / Cumulative Effects

8.10.1. In terms of potential in-combination / cumulative impacts associated with the proposed development, I note Section 6.1.6 of the NIS which has considered other relevant plans and projects in the region and an assessment for such cumulative impacts was undertaken by the applicant. The assessment considered the following plans:

- Cork County Development Plan 2014
- South West River Basin Management Plan

- NPWS Conservation Management Plans

8.10.2. The Board will note that there has been little development in the village of Doneraile in the past number of years and I am generally satisfied that there is no relevant projects in the vicinity of the site which would give rise to any significant cumulative effects. I am further satisfied that the above mentioned plans would not give rise to negative effects which would act in combination with the current proposal.

8.10.3. Given the nature of the proposed development, being the construction of a housing scheme, I consider that any potential for in-combination effects on water quality in the Blackwater River can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the Blackwater River (Cork/Waterford) SAC via rivers and other surface water features are also subject to AA.

8.11. **Mitigation Measures**

Mitigation and best practice measures are proposed to address the potential adverse effects of the development to ensure that the development will not adversely affect the identified European Sites or the conservation status of protected habitats and species they support. A construction management plan has also been compiled to oversee the development has also been prepared. The NIS also includes a suite of environmental measures which deal with runoff prevention, refuelling and hazardous material storage, dust control and noise control associated with the construction phase. I also note the submission of a Flood Risk Assessment and proposals for drainage control.

8.12. **Overall Appropriate Assessment Conclusion**

8.12.1. Having regard to the nature of the subject development site, the nature of the proposed development and its location within the identified development boundaries of the village of Doneraile, together with the details presented in the Natura Impact Statement and Ecological Impact Assessment, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, I consider it reasonable to conclude on

the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following Natura 2000 site, or any other European site, in view of the sites Conservation Objectives:

- Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

9.0 Recommendation

I recommend that permission for the proposed development be refused for the following stated reasons.

10.0 Reasons and Considerations

1. Having regard to:

- the policy objectives of the National Planning Framework,
- the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual,
- Objectives HOU 3-1, HOU 3-2 and HOU 3-3 of the Cork County Development Plan 2014 -2022,
- the provisions of the Fermoy MD Local Area Plan 2017 as it relates to Doneraile and compact development,
- the location of the site within the development boundaries of the Key Village of Doneraile, and
- the layout and design of the proposed development, including the proposed insertion of a new entrance into the historic fabric of the original demesne walls,

the Board considered that, notwithstanding the location of the site on serviceable land within the development boundary of Doneraile, given the location of the site on the periphery of the village, some 700m from the village

core, and where substantial areas of land close to the village core remain undeveloped, the development of a residential estate as proposed would be contrary to the proper planning and sustainable development of Doneraile. It is further considered that the suburban nature of the development and mix of dwelling types proposed, being predominantly semi-detached housing, would be contrary to the aforementioned national and local planning policies and objectives. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
16th February 2022