



An
Bord
Pleanála

Inspector's Report ABP 312342-21.

Development	Construction of 8 no. houses, 16 no. apartments, all associated site development works.
Location	Kilnaglery, Carrigaline, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	206940
Applicant	GOCE Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	(1) Shane & Eva Williamson (2) Denis Healy (3) Michael & Lucy O'Mahony (4) Mark Ginn (5) Billy & Jackie Bermingham
Observers	(1) Barbara O'Driscoll (2) Sean Ryle (3) Derick and Marie Wilkins

Date of Site Inspection

12/4/2022

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.7 hectares, is located at Kilnaglery, Carrigaline, Co. Cork. It is situated on the south-eastern side of the town of Carrigaline.
- 1.2. The site is located to the south of Carrigaline Industrial Park. It is roughly rectangular in shape and comprises part of a larger grassed field. The site has frontage of circa 154m onto the laneway at Kilnaglery. The roadside boundary is formed by a low mature hedgerow. On the northern side of road there is a row of 7 no. detached dwellings comprising single storey and dormer properties. To the east of the site there is a single storey prefabricated building which is the premises of a pre-school. Carrigaline Badminton Club is situated at the end of the lane along with a number of small business premises.
- 1.3. To the west of the site on the opposite side of the Kilnagleary Road L6507 there are a number of detached dwellings.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 8 no. houses, 16 no. apartments and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council granted permission for the proposed development subject to 33 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Further information was requested in relation to the following matters;

1. Submit a detailed comprehensive design statement it should have due regard to the 12 no. criteria set out in the Urban Design Manual which accompanies

the Section 28 Guidelines “Sustainable Residential Development in Urban Areas.”

2. In relation to the proposed apartments the Planning Authority had concerns regarding the unit mix and floor areas proposed. The size of balconies was also highlighted. The applicant was required to address the matter.
3. In relation to proposals for open space the Planning Authority had concerns regarding the intended siting of a playground area towards the western end of the site in an area without surveillance and close to the public road. The applicant was required to clarify the quantity of the site intended to be used for open space and address concerns the Planning Authority had regarding the siting of the area of open space which would not have surveillance and address the concerns regarding the siting of the playground.
4. A revised Part V proposal was required accompanied by a site layout which clearly identified the units proposed for transfer to comply with Part V obligations.
5. Submit revised site plan clearly detailing all proposed boundary treatment on the outer boundaries of the site and also internal boundary treatments between individual residents units.
6. Comprehensive landscaping plan and programme of implementation was required.
7. Provide details in relation to when works permitted under Reg. Ref. 17/5912 are to be completed.
8. Reference is made to a 1m wall proposed to the west of the site fronting onto the public road and adjacent to the proposed play area. The applicant was required to confirm that this wall is within their remit for the purposes of construction.
9. The applicant was required to confirm that they are in a position to undertake the works to the northern side of the junction of Kilnaglery Avenue with the L6507 as agreed under Reg. Ref. 17/5912 achieving sight distance to the rear side of the roadway to the north of the junction of the public road. The were required to demonstrate permission/landowners consent to access and alter

the private road connected off the L6507-0 to serve the scale of the development.

10. The Planning Authority considers a detailed Traffic Impact Assessment is required, which shall consider impact to the junction between the R612 and the L6507-0.
11. Provide details of a safe cycle connection between the site and existing cycle facilities on the L6507-0.
12. Provide details of safe pedestrian connection to the public transport network which is compliant with DMURS.
13. Provide outline Construction Management Plan.
14. Provide full details regarding the proposed surfacing and drainage methods for the shared areas to the northern side of each of the residential units where parking and circulation is proposed.
15. Clarify car parking proposals to serve each property are in accordance with car parking standards set out in Cork County Development Plan 2014. Demonstrate that safe turning/reversing movements can be achieved from all proposed car parking spaces.
16. Clearly outline proposals for pedestrian facilities to serve the proposed development.
17. Indicate on revised plan location of bin stores and services to serve each residential unit.
18. Provide a swept path analysis for refuse trucks and fire tenders.
19. Provide full details regarding the proposed management of surface/storm water, including details regarding where stormwater is proposed to be disposed of.
20. Submission of a revised and comprehensive Flood Risk Assessment is required. Examine whether attenuation is required.
21. Clarity required in relation to water supply proposals to serve the development.

22. Clarity required in relation to sewage proposals including proposals for undertaking and phasing of any required connections to the sewer network.
23. Engage with Irish Water through the submission of a pre-connection enquiry in order to determine the feasibility of connection to the public water/waste water infrastructure.
24. 8 no. gated entrances are indicated on the plans which suggests that the scheme is intended to remain private and not taken in charge by Cork County Council. Clarify if it is intended that the scheme remain private and if so, a Management Company will have to be legally formed to maintain all services and facilities associated with the proposed scheme and apartments.
25. A detailed public lighting proposal is required to serve the proposed scheme.
- Following the submission of a response to the further information the Planning Authority were satisfied with the details provided and a grant of permission was recommended.

3.2.3. Other Technical Reports

Area Engineer – No objection

Estates Engineer – No objection

Public Lighting – No objection

Traffic & Transport – No objection

Co. Archaeologist – No objection

Housing – No objection

3.3. Prescribed Bodies

Irish Water – No objection

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 14 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the appeals.

4.0 Planning History

Reg. Ref. 184779 & ABP 302379-18 – Permission was granted for a housing scheme of 8 no. detached dwellings and associated site development.

Reg. Ref. 17/05980 – Permission refused for dwelling house and site entrance on a site at the north eastern end of the current appeal site. The reason for refusal refers to overdevelopment of a very restricted site which would be out of character with the character of surrounding development.

Reg. Ref. 17/05912 – Permission granted for road widening and extension of public services. This included the private access road along the northern western boundary of the current appeal site.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. 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".
- 5.1.2. 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".

5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
 - 'Urban Development and Building Heights' Guidelines for Planning Authorities

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

5.3. Development Plan

- 5.3.1. The site is governed by the provisions of the Cork County Development Plan 2014-2022.
- 5.3.2. Chapter 3 refers to Housing
- 5.3.3. Chapter 14 refers to Zoning and Land Use
- 5.3.4. Section 14.3.1 – Existing Built Up Areas
- 5.3.5. Objective ZU 3-1: Existing Built Up Areas – Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

5.4. Cork County Development Plan 2022 – 2028

- 5.4.1. The Elected Members of Cork County Council have adopted the Cork County Development Plan 2022-2028 at the Full Council Meeting held on Monday 25th April 2022. The Cork County Development Plan 2022-2028 will come into effect on Monday 6th June 2022.
- 5.4.2. Volume Four refers to South Cork and Section 1.3 refers to Carrigaline
- 5.4.3. Under the provisions of the Plan as indicated on Figure 4.1.4 Map of Carrigaline the appeal site is zoned Existing Mixed/General Business/Industrial Uses.
- 5.4.4. Volume One refers to Main Policy Material

- 5.4.5. Chapter 18 – Zoning and Land Use
- 5.4.6. Section 18.3.10 refers to Existing Mixed/General Business/Industrial Uses (MGB)
- 5.4.7. The areas identified as Existing Mixed/General Business/Industrial Uses consists of a mix of employment uses generally including long term establishments. These areas include (but not exhaustively) a large range of uses including general warehousing, manufacturing, storage, builders provider/yard, food processing facility, logistics, vehicle sales outlets, high technology manufacturing, plant and tool hire, public services, service station, vehicle servicing/maintenance garage. This zoning will protect existing uses and support expansion where appropriate of existing uses while not permitting uses that would threaten the vitality and integrity of the primary use of these areas.
- 5.4.8. Objective ZU 18-10: Existing Mixed/General Business/Industrial Uses - Facilitate development that supports in general the employment uses of the Existing Mixed/General Business/ Industrial Areas. Development that does not support, or threatens the vitality or integrity of the employment uses of these areas shall not be permitted.
- 5.4.9. Appropriate Uses in Existing Mixed/General Business/Industrial Uses are listed as General warehousing, trade warehousing and distribution, manufacturing and repairs, storage, builders provider/yard, food processing facility, logistics, fitting and business to business activity, wholesaling, vehicle sales outlets, high technology manufacturing plant and tool hire, public services, service station, vehicle servicing/maintenance garage, incubator units, childcare facilities.

5.5. Ballincollig Carrigaline District Local Area Plan 2017 – 2022

- 5.5.1. The appeal is located on lands zoned Existing Built Up Areas
- 5.5.2. Section 3.4 refers to Carrigaline
- 5.5.3. Under the Cork County Development Plan 2014 Carrigaline is defined as one of nine Metropolitan Towns within the Cork Gateway. The strategic aim for Carrigaline is to consolidate the rapid growth of recent years broadly within the town's existing development boundary, protecting its important green belt setting while maintaining

its distinctiveness as a self-contained Metropolitan Town with improvement of the town centre and the town's residential amenities.

- 5.5.4. In relation to population and housing it is set out in the plan in section 3.4.10 that sufficient land will need to be provided to accommodate a target population of 17,870 people, an increase of 3,095 people on 2011 population levels. As outlined above, given the level of growth that has occurred since 2011 it is estimated that an additional 2,380 dwelling units, including unimplemented planning permissions, will need to be provided to cater for this level of growth. Having zoned additional land for residential development in the south of Carrigaline, there is capacity to provide for 2,346 dwelling units, including just over 1,000 units which will be accommodated on lands zoned CL-R-11 to CL-R-17 to the north of the town.
- 5.5.5. Carrigaline has been subject to recurring flood events due to the low lying nature of the town centre and the tidal influences on the Owenboy River. A large section of the town centre is within the "flood risk" zone and any proposals here will need to follow the approach required under National Guidelines relating to flood risk management.
- 5.5.6. Section 3.4.55 states that outside the development boundary, the land forms part of the Metropolitan Greenbelt. Here, the objectives of the Cork County Development Plan 2014 are to retain the open and rural character of lands between and adjacent to urban areas, maintain the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within the development boundary which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

5.6. Natural Heritage Designations

- 5.6.1. Cork Harbour SPA (site code 004030), lies circa 357m to the north of the site.

5.7. EIA Screening

- 5.7.1. The proposed development comprises 24 residential units on a 0.7 hectare site.
- 5.7.2. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations,

2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.

- 5.7.3. The number of dwelling units proposed at 24 is well below the threshold of 500 dwelling units noted above. Whilst within the settlement of Carrigaline it is not in a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.
- 5.7.4. The proposal for 24 residential units is located within the development boundary of Carrigaline on lands zoned 'Existing Built Up Area' in the current Ballincollig Carrigaline Municipal District Local Area Plan 2017. The site comprises a greenfield. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The site is not within a European site. The issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by an Urban Design Assessment with a Traffic and Transport Assessment submitted with the appeal. These address the issues arising in terms of the sensitivities in the area.
- 5.7.5. Having regard to
- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, the location of the site on lands within the development boundary of Carrigaline on lands zoned "Existing Built Up Area" under the provisions of the Ballincollig Carrigaline Municipal District Local Area Plan 2017 and the results of the strategic environmental assessment of the Ballincollig Carrigaline Municipal District Local Area Plan, undertaken in accordance with the SEA Directive (2001/42/EC).

- the location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the area.
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.7.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report was not necessary.

6.0 The Appeal

6.1. Grounds of Appeal

Third party appeals have been lodged by (1) Shane & Eva Williamson (2) Denis Healy (3) Michael & Lucy O’Mahony (4) Mark Ginn (5) Billy & Jackie Bermingham.

(1) Shane & Eva Williamson

- The proposed car parking is considered insufficient to serve the proposed development. It is stated that there is no provision for visitor parking.
- Concern is expressed at the level of additional traffic the proposed development would generate and the capacity of the existing access road to accommodate it.
- It is considered that sightlines at the junction of the access road and the public road are inadequate.

- The density of the scheme is not appropriate to the site context. It is considered that the previously approved scheme of 8 no. detached houses granted under Reg. Ref. 18/4779 would be more appropriate to the site.
- The proposed playground would be located directly across from the appellant's property. Concern is expressed in relation to the potential for anti-social behaviour.
- In relation to the planning history on the site it is noted that under Reg. Ref. 17/5572 permission was granted for a two-storey dwelling on site. Under Reg. Ref. 18/4779 permission was granted for 8 no. dwellings. Under the current application 20/6940 Cork County Council granted permission for 24 no. residential units including 16 no. apartments. The appellants state that they consented to the construction of a 1.8m footpath along the perimeter of their property to facilitate development, however they state this was done in relation to the previously permitted scheme.
- It is considered that if the development is permitted it would negatively impact their residential amenities and those of the surrounding area.

(2) Denis Healy

- In relation to the planning history on the site it is noted that under Reg. Ref. 15/5189 permission was granted for 4 no. detached houses on the subject site. The current proposal to develop 24 no. dwellings is not considered in keeping with the character of the area. It is noted that there are no existing apartments in this area of Carrigaline.
- Concern is raised in relation to the potential for anti-social behaviour where a high level of residential density is developed.
- Under Reg. Ref. 17/5912 permission was granted for widening works to the existing public road which abuts the front of the proposed development. It is stated that condition no. 5 of that permission does not appear to be addressed in this current application.

- Concern is expressed that the existing roads can accommodate the level of traffic that the proposed development would generate. The level of car parking provided within the scheme is considered inadequate.
- The drawings provided in relation to the sewers are considered insufficient.
- No landscaping plan or details were submitted with the application.
- The matter of flood risk is raised.
- It is noted that a condition was attached by the Planning Authority regarding archaeology. It is stated that the “Church of the monks” and its curtilage was located on the subject site.
- In conclusion it is considered that the site is suitable for a lower density scheme such as the previously permitted schemes of 4 no. dwellings and 8 no. dwellings on the site.

(3) Michael & Lucy O’Mahony

- It is contended that the site is not suitable for the density of the proposed development and the nature of residential development proposed.
- The scheme is considered completely out of character with the surrounding development. The proposed development is not similar to the design of the existing dwellings which are a mix of bungalows and dormer bungalows.
- It is considered that the proposed apartments would have a relatively transient occupancy which would not contribute to a sustainable community.
- Concern is expressed in relation to the level of traffic the proposed development would generate. It is stated that the amount of car parking to serve each apartment would not be sufficient. Concern is expressed in relation to the design and layout of the proposed car parking spaces specifically whether adequate manoeuvring area would be available.

- In relation to the access road, the appellants consider that the road widening as required under Reg. Ref. 17/5912 be a pre-condition of any development occurring.
- It is concluded that while the appellants object to the currently proposed scheme they consider that the scheme permitted under Reg. Ref. 18/4779 for 8 no. detached houses would be more suited to the site.

(4) Mark Ginn

- The site is zoned as an “Existing Built Up Area” in Cork County Development Plan 2014. Paragraph 14.3.6 of the Plan states;
- “Within existing built up areas there will inevitably be some areas of land that are either undeveloped or have some potential to be considered for development. Often these areas perform valuable functions in their existing state, such as providing attractive open space or even providing important local employment. The inclusion of this land within an existing built up area does not imply any presumption in favour of development or redevelopment unless this would enhance the character and amenity of the area as a whole.
- The site is currently a green space which is overlooked by residential properties along Kilnagleary Avenue. It is noted that the existing properties were built between 30-40 years ago and that the industrial development subsequently occurred to the north. It is considered that the proposed development would not enhance the character and amenity of the area.
- Section 14.3.5 of the Development Plan states, “Problems can arise, however with the introduction of a new use and when the intensification or expansion of an existing use that is not the primary use in area upsets the balance between different uses.”
- The density of existing development along Kilnagleary Avenue is on average 3.6 units per hectare. The proposed development would have a density of 34.2 units per hectare. The appellant considers that the proposed density is excessive for the site and site context.

- It is stated that under the provisions of the Draft Cork County Development Plan 2022-2028 the site is zoned as “Existing Mixed/General Business/Industrial uses”. Paragraph 18.3.10 of the draft plan states, “General warehousing, trade warehousing and distribution, manufacturing and repairs, storage, builders providers yard, food processing facility, logistics, fitting and business to business activity, wholesaling, vehicle sales outlets, high technology, manufacturing plant and tool hire, public services, service station, vehicle servicing/maintenance garage, incubator units, childcare facilities.” The appellant states that Residential uses are not described as an appropriate use under this zoning.
- The proposed scheme only provides an average of two parking spaces for each property with no visitor or overflow parking. Concern is expressed that the scheme would generate parking along the road which could result in an obstruction.

(5) Billy & Jackie Bermingham

- The appellants consider that the development represents overdevelopment of the site.
- It is considered that the proposed development would be out of character with the surrounding dwellings in the area which comprise single storey and dormer dwellings.
- It is noted that permission was previously refused on the basis that the proposed scheme would constitute overdevelopment on a very restricted site which would be out of character with the area.
- It is considered that the density of the scheme is a kind which is more suited to a residentially zoned area.
- The proposed development would be located in an area which is at great risk of flooding.
- The appellants have expressed concern that their property would be overlooked by the proposed development.

- Concern is expressed in relation to the traffic and car parking the scheme would generate.

6.2. Applicant Response

A response to the third party appeals has been submitted by CEA Architects on behalf of the applicant GOCE Ltd. The issues raised are as follows;

- The Board will note that the grant of permission was based on the applicant's comprehensive responses to a detailed request for further information. In formulating its response the design team consulted with the Council's Planning Department, Council Management and specifically the Carrigaline Area Office.
- In relation to the matters raised in the appeal by Denis Healy regarding the proposed residential development of the subject lands, it is submitted that the proposed scheme would represent suitable development of residentially appropriate land in line with the provisions of the Regional Social and Economic Strategy for the Southern Region and the NDP which seeks to provide for a significant increase in the performance of urban settlements to provide housing and infrastructure. It is considered the proposed scheme represents an opportunity to develop this undeveloped infill and peripheral site.
- The appeal raised concerns regarding the scale of the development and the nature of the scheme including apartments. The first party response noted the current situation in relation to the shortage of housing in Cork and its suburbs. It is noted that the Regional Social and Economic Strategy for the southern region states as a key principle to "develop existing built-up areas as attractive and viable alternatives to greenfield development".
- The incoming development plan refers for the need for Carrigaline to grow by 2,344 new households to reach the target of 20,501 households during the life of the plan (2022-2028).
- In relation to density the proposed development has a density of 34.5 units/Ha which is slightly below the minimum standards which would be required and it

would constitute a medium density of development. It is noted that the scheme features a mix of one and two bedroom apartments and three and four bedroom dwellings and the units are served by private open space well in excess of minimum requirements. It is noted that the area is well served by sports amenities and also served by existing walking and cycle routes and that the site is within 15 minutes of the town.

- Regarding the vehicular access arrangements, it is stated that a traffic assessment was submitted with the application which concluded that the development would not unduly impact the receiving environment. The proposed cycle and pedestrian paths will increase the safety of on-vehicular road users. The proposed road is 5500mm wide with two carriageways of 2.5m. It is stated that the road is truck road of a design typical of serving a large housing estate. In relation to car parking it is noted that the quantum provided is in excess of the that set out in the Cork County Development Plan. Two additional parking spaces are proposed to serve visitors and deliveries in each block of dwellings. Auto tracking drawings have been submitted which indicate that a standard design car can access and egress the car parking areas.
- In relation to the drainage and sewerage proposals, the first party note the Council were satisfied with the details provided.
- In relation to landscaping, a landscaping plan was submitted to the Planning Authority as part of the further information response.
- Regarding the issue of flood risk, an updated Flood Risk Assessment was submitted as part of the further information response.
- The appeal refers to the potential for archaeological material to be located on the site. The first party note that a condition requiring archaeological monitoring was attached by the Planning Authority.
- In relation to the appeal lodged by Michael & Lucy O'Mahony the first party reiterate the points raised in relation to the requirement for housing, the density of development proposed and the mix of unit size proposed.

- Regarding the matter of traffic generation and car parking the first party reiterated their response provided to the appeal lodged by Denis Healy.
- In relation to the access road the first party confirm that they are committed to providing road widening and drainage as previously permitted under Reg. Ref. 15/5189.
- In relation to the appeal lodged by Mark Ginn the matter of zoning was raised. The response refers to the Regional Social and Economic Strategy for the Southern Region and states that a key principle of the strategy is to “develop existing built up areas as attractive and viable alternatives to greenfield development.
- The issue of density is raised in the appeal the first party reiterate the points raised in relation to the requirement for housing, the density of development proposed and the mix of unit size proposed.
- The appeal refers to the zoning of the site as set out in the Draft 2022 – 2028 Cork County Development Plan which is ‘Existing Mixed/General Business/Industrial Uses. The first party state that the application should be assessed in terms of the prevailing development plan and local area plan in place at the time.
- The appeal from Mark Ginn also refers to car parking. The first party reiterated the response provided in respect of the appeal from Denis Healy.
- In relation to the appeal lodged by Shane & Eva Williamson the first party reiterated their responses regarding traffic and the density of the scheme of the unit type proposed.
- Regarding the playground and its location within the scheme the first party state that the playground is a requirement in order to provide an appropriate standard of residential amenity for the development. The absence of a playground would result in children and young people playing on communal space or on the road.
- In relation to the appeal lodged by Billy & Jackie Bermingham the first party reiterated their responses in relation to the density and unit type proposed, the matter of flood and also car parking. The appeal referred to concerns in

relation to potential overlooking of their property from the proposed scheme. The first party response states that a separation distance of 36m is provided between most existing front windows and the nearest proposed first floor window. It is noted that the overlooking would occur to the front of existing dwellings and would make no greater imposition on the sites than from the existing road and pedestrians.

6.3. Planning Authority Response

- The Planning Authority is of the opinion that all the relevant issues have been covered in the technical reports on the file. Accordingly, they have no further comments to make.

6.4. Observations

An Observation to the appeals has been received from (1) Barbara O'Driscoll (2) Sean Ryle and (3) Derick & Marie Wilkins. The issues raised are as follows;

(1) Barbara O'Driscoll

- The observation is in support of the appeals.
- It is stated that the proposed development would negatively impact upon the character of the lane.
- It is considered that the proposal would represent overdevelopment of the site.
- The design of the scheme is not considered appropriate to the site context and existing surrounding housing.

(2) Sean Ryle

- The observer raised concern regarding the sightlines at the local road L6507 at Kilnaglery.
- It is stated in the application that sightlines to the north and south at the exit from the proposed development are established by a previous permission Reg. Ref. 15/6183. The observer questions this and states that under the

permission sightlines only to the north were established. It is stated that there would no sightlines established to the south.

- Under Reg. Ref. 18/4799 permission was granted for 8 no. houses. As part of the application the Planning Authority sought further information regarding the provision of 90m sightlines in both directions. This was demonstrated by the applicant as part of the further information response.
- The observer states that the sightline to the south crosses a third party property and that there is no obligation for the third party to maintain this sightline.
- The observer therefore considers that the applicant has not demonstrated that sightlines of 90m can be achieved in both directions. The observer therefore considers that the proposed vehicular access arrangements constitute a traffic hazard and that permission should be refused on that basis.

(3) Derick Wilkins & Marie Wilkins

- The observers are residents of Kilnagery Avenue which forms the access road for the proposed development.
- The observers object to the proposed development on the grounds of density and scale and consider that the proposed development would be out of character with surrounding properties.
- Concern is expressed in relation to traffic congestion and a lack of car parking.
- The matter of flood risk is raised.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Policy context

- Design and layout
- Impact on residential amenity
- Access and Traffic
- Flood risk and drainage
- Appropriate Assessment

7.1. Policy context

- 7.1.1. The grounds of appeal refer to the matter of the suitability of the site for the subject residential scheme and in terms of the density of development. The matter of the zoning of the site was also raised in the grounds of the appeal.
- 7.1.2. Regarding the issue of the proposed density of the scheme, it comprises 8 no. two-storey semi-detached houses and 16 no. apartments on a site with an area of 0.7 hectares. Accordingly, the proposed density is equivalent to 34 no. units per hectare. I note the provisions of the ‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009’ which advises that in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. In relation to the provisions of the Ballincollig Carrigaline District Local Area Plan 2017 it is set out in section 3.4.10 that it is estimated that an additional 2,380 dwelling units including unimplemented planning permissions will need to be provided to cater for the level of growth anticipated of 3,095 persons.
- 7.1.3. Section 3.4.55 of the Plan states that, the objectives of the Cork County Development Plan 2014 are to retain the open and rural character of lands between and adjacent to urban areas, maintain the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within the development boundary which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area. Accordingly, it is clear that the plan seeks the development of zoned lands at an appropriate density to provide the additional dwelling units required.

- 7.1.4. In relation to the planning history on the site there is an existing permission under Reg. Ref. 184779 & ABP 302379-18 for a housing scheme of 8 no. detached dwellings and associated site development. I note that this permission is active until September 2022.
- 7.1.5. I consider the proposal to develop 24 no. residential units on the site where previously 8 no. dwellings were permitted represents a considerably more efficient and economic use of these zoned and serviced lands. Furthermore, I would acknowledge that the proposed density of 34 no. units per hectare is higher than that of the immediately surrounding development, given the limited site size and the size of the proposed scheme, its relationship with adjacent properties, and the prevailing pattern of low density development in the immediate surrounds which is predominantly characterised by detached housing, I am satisfied that the proposed development achieves a suitable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill, as per the requirements of the Local Area Plan and the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'.
- 7.1.6. Under the provisions of the Ballincollig Carrigaline District Local Area Plan 2017. The appeal site is located in lands zoned – Existing Built-up Area. As detailed in Section 14.3.1 of the Development Plan, under this designation of “Existing built up areas” lands do not have a specific zoning objective attached. It is set out in the Development Plan that proposals for development will be considered in relation to the objectives of the Development Plan, any general or other relevant objectives of the relevant local area plan, the character of the surrounding area and other planning and sustainable development considerations. Objective ZU 3-1 refers to ‘Existing Built Up Areas’. It states under this objective that *‘Normally encourage through the Local Area Plan’s development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.’* Having regard to this objective of the Plan I would note that the proposed residential use of the appeal site would represent a continuation of the primary use of the immediately surrounding lands to the north and west of the site which is residential. The Planning Authority in their assessment of the proposal stated that

the proposed development would support the primary use in the closest proximity to the site on the land that lies within the settlement boundary of Carrigaline.

- 7.1.7. Under the provisions of the Draft Cork County Development Development Plan 2022 – 2028 site is zoned Existing Mixed/General Business/Industrial Uses. I note that as per page 359 Appropriate Uses in Existing Mixed/General Business/Industrial Uses Appropriate uses are listed as General warehousing, trade warehousing and distribution, manufacturing and repairs, storage, builders provider/yard, food processing facility, logistics, fitting and business to business activity, wholesaling, vehicle sales outlets, high technology manufacturing plant and tool hire, public services, service station, vehicle servicing/maintenance garage, incubator units, childcare facilities.
- 7.1.8. In relation to the character of use in the area it should be noted that the immediate surrounding area to the north and west of the site is primarily residential in character and that the prevailing pattern of development is large, detached houses set within reasonably sized plots. The lands to the south of the site are rural and predominantly greenfield.
- 7.1.9. In relation to the Existing Mixed/General Business/Industrial Uses zoning under the provisions of the Cork County Development Plan 2022 – 2028 which will come into force on the 6th of June 2022, I would suggest that the subject site can be considered to comprise a greenfield site on the edge of the zoned area of Carrigaline which has a zoning which includes existing mixed. The immediate uses adjoining the appeal site are predominantly residential specifically to the north and west. Therefore, I consider that the proposed residential use of the lands is a use which is compatible with the existing immediately surrounding residential uses.
- 7.1.10. However, I would draw the Bords attention to the fact that residential use is not specified under the appropriate uses within the Existing Mixed/General Business/Industrial Uses, and I would note that under Objective ZU 18-10 which refers to Existing Mixed/General Business/Industrial Uses that it is the object to facilitate development that supports in general the employment uses of the Existing Mixed/General Business/ Industrial Areas. Development that does not support, or threatens the vitality or integrity of the employment uses of these areas shall not be permitted. Accordingly, once the provisions of the Cork County Development Plan

2022 – 2028 come into effect the Bord must be satisfied that the proposed residential use of the site does not threaten the vitality or integrity of the employment uses of these areas.

- 7.1.11. In relation to this matter, I consider that a reasonable balance should be struck between the transition in uses in the area given that the existing industrial/business uses in the area situated to the north of the appeal site are separated by existing residential development. It is also noted that there is an existing active permission on the site for a scheme of 8 no. dwellings. Furthermore, I note that the lands immediately to the south of the site are located outside the development boundary of Carrigaline and are rural.
- 7.1.12. Accordingly, under the provisions of the existing development plan and the Ballincollig Carrigaline District Local Area Plan 2017 I am satisfied that the proposed development is in accordance with the existing zoning provision. In respect of the provisions of the Cork County Development Plan 2022 – 2028 which will come into force on the 6th of June 2022, I consider that the proposed residential development of the site can be considered appropriate in the context of the existing residential development which is the primary use in the vicinity of the site.

7.2. Design and layout

- 7.2.1. The grounds of appeal raised the matter of the proposed design of the dwelling units. The point was made by a number of appellants that the proposed dwellings and apartments would be out of character with the design and type of housing in the immediate area.
- 7.2.2. Regarding the surrounding residential development, it comprises a mix of detached single storey and dormer dwellings. I note each dwelling is of individual design. Therefore, there is no distinct design character aside from the house type itself.
- 7.2.3. In relation to the proposed scheme, it comprises 8 no. two-storey semi-detached houses and 16 no. apartments. The apartments are proposed in four buildings with each containing 4 no. apartments. The proposed semi-detached dwellings feature a pitched roof with a projecting gable section to the front. The proposed apartment buildings are two-storey and feature a hipped roof. The proposed design is what I would consider to be of a standard and contemporary nature. I would note that the

proposed pitched and hipped roof design would be in keeping with those of the surrounding properties. While, I note that there are no full two-storey properties in the vicinity of the site, there are a number of relatively recently built dormer dwellings. Accordingly, I would not concur with the appellant's that the proposed scheme would be out of character with the existing surrounding properties given the similarity in design features of the proposed dwelling units and the adjacent dwellings and also the limiting of the height of the proposed dwellings and apartment buildings to two-storey.

Loss of Daylight/Sunlight

- 7.2.4. The provisions of BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) are relevant in the assessment of this development. Neither document is specifically referenced in the Ballincollig Carrigaline Municipal District Local Area Plan 2017 or the Cork County Development Plan 2014-2022. The Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018 refer to both BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.
- 7.2.5. No Sunlight Analysis was submitted as part of the planning documentation by the applicants. The proposed development consists of a mix of residential units including 8 no. two-storey semi-detached and 16 no. apartments. In relation to the proposed dwellings these units are dual aspect and therefore the BRE209/BS2806 targets would generally be met. In relation to the proposed apartments, 16 no. apartments are dual aspect with floor to ceiling heights of 2.9m and 2.4m. There is nothing apparent in the documents and drawings submitted that would highlight any issue here. Therefore, while there is no documentary evidence to demonstrate compliance with BRE209 requirements, based on the planning documentation submitted, I am satisfied that this is not a material or likely potential impact/deficit in information.

7.3. Impact on residential amenity

- 7.3.1. The grounds of appeal raised the matter of potential overlooking and also the concern was expressed at the regarding the siting of the proposed playground within the scheme.
- 7.3.2. Firstly, in relation to potential overlooking the issue was raised in the appeal lodged by Billy & Jackie Bermingham. The first party response noted that the site addresses the front of the appellant's property and that there would be a minimum separation distance of 36m between the first floor front windows of the proposed dwelling units and the existing front windows of the appellant's property. The response from the first party stated that the overlooking which would occur to the front of existing dwellings would make no greater imposition on the sites than from the existing road and pedestrians.
- 7.3.3. The closest residential properties to the scheme are located to the north along the opposite side of the road. The proposed siting of the buildings on site means that a separation distance of at least 33m is provided between the front of the new properties and the existing dwellings. I note that the closest dwelling to the west of the site is situated circa 34m from the closest property within the scheme.
- 7.3.4. Accordingly, I would concur with the points made by the first party given the separation distance provided and the location of the proposed development to the front of the appellant's property that the proposal would not result in any undue overlooking of their property or other surrounding residential properties.
- 7.3.5. In relation to the proposed playground, it is proposed to the western end of the site. The first party in their response noted that it has been proposed order to provide an appropriate standard of residential amenity for occupants of the development. They also stated that the absence of a playground from the proposed scheme would be detrimental as it could result in children and young people playing on the road. I note that the applicant was requested to address the matter of the playground and proposed open space as part of the further information. The Planning Authority had concerns regarding the intended siting of a playground area towards the western end of the site in an area without surveillance and close to the public road. They required that the applicant clarify the quantity of the site intended to be used for open space

and address the concerns the Planning Authority had regarding the siting of the area of open space in relation to surveillance.

- 7.3.6. The first party responded to these matters in their submission to the Planning Authority dated 10th of November 2021. They stated that the proposed playground forms part of the open space which has an area of circa 703sq m. This open space area represents 10% of the overall site area. Regarding the provision of surveillance of the open space and playground the first party stated that the area would be overlooked by apartment rear windows and balcony and that there would be passive surveillance from the road and adjacent path and cycle ways. Having regard to the linear nature of the site and its relatively limited size, I am satisfied that it is appropriate to locate the open space and playground to the west end of the site. I am satisfied that the first party have outlined that adequate surveillance of the area will be provided.
- 7.3.7. Accordingly, having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the and design of the proposed apartment building and dwellings within the scheme and the relative separation distances to the existing dwellings to the north and west of the site that the proposed scheme would not result in any undue overlooking impact of neighbouring residential properties and I am satisfied with the siting of the proposed open space and playground area within the scheme.

7.4. Access and Traffic

- 7.4.1. The proposal entails the provision of a total of 24 no. dwelling units comprising 8 no. houses and 16 no. apartments. Vehicular access is proposed onto Kilnaglery Avenue which runs along the northern site boundary.
- 7.4.2. The grounds of appeal have raised concern regarding the additional vehicular traffic the scheme would generate and the impact it would have on the existing roads. Concerns is specifically expressed regarding the level of car parking proposed to serve the scheme and also whether adequate sightlines are available at the junction between junction of Kilnaglery Avenue with the L6507-0.

- 7.4.3. As part of the further information requested the Planning Authority sought that the applicant provide a detailed Traffic Impact Assessment which should consider the impact to the junction between the R612 and the L6507-0.
- 7.4.4. The Traffic & Transport Assessment (TTA) was prepared by MHL & Associates Ltd. Consulting Engineers. The TTA assessment focuses on two junctions the development junction with the L6507(Priority Junction) and the junction between the Kilnagleary Road L6507 and the Crosshaven Road(R612) junction (J2) located to the north of the site. In relation to the potential traffic impact on the site access junction with the L6507 it is concluded that the impact of the traffic generated by the proposed development would be negligible due to the low traffic volume.
- 7.4.5. Regarding the junction between the Crosshaven Road the R612 and the road which serves the Kilnagleary Business Park the L6507 the modelling indicates that traffic flow to and from the development for the morning and evening peaks in the opening year of the development would not exceed 5% of the traffic flow at the adjoining traffic junctions. As detailed in the TTA the junction would be operating below capacity for all assessed design years. Accordingly having regard to the details contained in the TTA I am satisfied that the existing road network has sufficient capacity to accommodate the additional traffic that the proposed development would generate.
- 7.4.6. A number of the appeals and observations to the appeal raised the issue of the sightlines at the junction between Kilnaglery Avenue and the L6507entrance. The Planning Authority sought further information from the applicant to confirm that they are in a position to undertake the works to the northern side of the junction of Kilnaglery Avenue with the L6507 as agreed under Reg. Ref. 17/5912 achieving sight distance to the rear side of the roadway to the north of the junction of the public road. The Planning Authority sought that the applicant demonstrate permission/landowners consent to access and alter the private road connected off the L6507-0 to serve the scale of the development. In response to these matter the applicant submitted a letter dated 15/7/2018 which confirms agreement for them to carry out the works.
- 7.4.7. Accordingly, in respect of the proposed vehicular access arrangements, I consider that the applicant has demonstrated that they can carry out the necessary works to

upgrade the junction undertake the works to the northern side of the junction of Kilnaglery Avenue with the L6507 as agreed under Reg. Ref. 17/5912. Furthermore, I note that the Planning Authority in their assessment of the scheme were generally satisfied.

- 7.4.8. Item no. 15 of the further information requested by the Planning Authority required the applicant to clarify parking proposals for each property. The proposed development comprises 8 no. dwellings and 16 no. apartments. As indicated on Drawing no: 1684-CEA-FI-A-L5003 each proposed dwelling is served by 2 no. car parking spaces with 2 no. visitor parking spaces to be shared between two dwellings. Therefore, the car parking proposed for the dwellings is 24 no. spaces. Each apartment is served by 1 no. car parking space and 1 no. shared visitor space between two apartments. Therefore, the car parking proposed for the apartments is 24 no. spaces. Parking Standards are set out in Table 1a of the Cork County Development Plan 2014-2022. In relation to dwellings 2 no. spaces are required per dwelling and for apartments 1.25 apartments are required per unit. Therefore, the scheme would require a total of 36 no. car parking spaces. Accordingly, I am satisfied that the proposed car parking is in accordance with the Development Plan requirement. Drawing no: 1684-CEA-FI-A-L004 provides auto-tracking analysis of the car parking spaces and indicates that safe access and egress is provided.
- 7.4.9. As part of the further information request the Planning Authority sought that the applicant provide details of safe cycle connection between the site and existing cycle facilities and also safe pedestrian connection to the public transport network. Drawing no: 1684-CEA-FI-A-L003 rev B indicates that a cycle path and footpath is proposed to serve the scheme and connect to the cycle track and footpath which was permitted under Reg. Ref. 17/5912 extending along the L6507 to the north with connection to the existing footpaths and cycle path on the R612.
- 7.4.10. In relation to bicycle parking, I note that as indicated on Drawing no: 1684-CEA-FI-A-L003 rev B bicycle parking to the front of the proposed apartment buildings. Table 2 of the Cork County Development Plan 2014-2022 refers to Cycle Parking requirements for New Development. For a 1-2 bedroom unit 0.5 bicycle spaces are proposed. I am satisfied that the proposed layout and location of the bicycle parking bays will ensure that satisfactory provision is available within the scheme to serve the proposed apartments.

7.4.11. In conclusion, I am satisfied with the proposed car parking provision, bicycle parking provision and vehicular access arrangements.

7.5. Flood risk and drainage

7.5.1. The grounds of appeal raise the matter of flood risk. The Planning Authority as part of the further information sought the submission of a revised and comprehensive Flood Risk Assessment. It was also requested that the applicant examine whether attenuation is required.

7.5.2. The first party in response to this cited the details set out in the revised Flood Risk Assessment. I note that the Flood Risk Assessment which was prepared by JBA Consulting and was submitted with a previous planning application on the site (Reg. Ref. 15.5189 for the construction of 4 no. dwellings was originally submitted with the current application. Under that Flood Risk Assessment, it was concluded that the site was within Flood Zone C and that the site was at a low risk to flooding from tidal and fluvial flooding. It was also concluded that residual risk from structure blockage is low.

7.5.3. A revised Flood Risk Assessment was prepared by James Corcoran CEng. MIEI. In relation to the site context, it is stated that the Owenboy River is situated 500m to the north of the appeal site and that the Owenboy River is tidal at this location. Having regard to the Lee Catchment Flood Risk CFRAM the closest node to the appeal site indicates that the 1 in 1000 year flood event would result in water level of 2.93m OD Malin. The minimum floor level of the proposed buildings is 14.5m which would be 11.57m above the 1 in 1000 year flood level. Therefore, it was concluded that the proposed development would not be at risk of a tidal flood event.

7.5.4. In relation to fluvial flooding, it is stated that the appeal site is located circa 500m to the south of the Owenboy River. The closest node indicates that the 1 in 1000 year flood event would result in a water level of 2.64m OD Malin. The proposed floor level of the building at 14.5m would be 11.86m above the 1 in 1000 year flood level. It is concluded that the site is not at risk of fluvial flooding.

7.5.5. In relation to surface water drainage, on site attenuation is proposed including the installation of a soakaway. The proposed rate of run-off from the site is 2.26l/s which is in accordance with the requirements of Cork County Council. A piped drain is

proposed to the rear of the housing which would drain to the proposed soakaway. It is detailed in the Flood Risk Assessment that all drainage and flood risk calculations include 20% climate change and that the on-site surface water drainage system is designed to accommodate flows from a 5 year return event.

- 7.5.6. It was identified in the source-pathway-receptor analysis that a possible source of flood risk could arise from the surcharging of the development's drainage system. However, I note that this risk is mitigated by the design of the scheme with the finished floor levels of the building being above the adjacent road levels and that surface water discharges from the site will be limited by a hydro break to ensure the maximum discharge rate from the site is limited to greenfield runoff rates. Accordingly, the surface water drainage proposals will significantly reduce run-off from the site to the public surface water drainage infrastructure and will also reduce the localised flood risk from the site.
- 7.5.7. Having regard to the conclusions of the Site Specific Flood Risk Assessment it is considered that the proposed development would not result in displacement of fluvial floodwaters, would not result in an adverse impact to the hydrological regime of the area nor an increase in flood risk elsewhere. The proposed development would therefore be acceptable in terms of flood risk in the area.

7.6. Appropriate Assessment

- 7.6.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The European site Cork Harbour SPA (004030) is located circa 357m from the appeal at the closest point.
- 7.6.2. Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets. It is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl.

- 7.6.3. The qualifying interests/special conservation interests of the designated site, are summarised as follows:

Cork Harbour SPA
<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>

- 7.6.4. The Conservation Objective for Cork Harbour SPA (004030) is to maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA and to maintain the favourable conservation condition of the

wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

- 7.6.5. 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 Site, no direct effects are anticipated. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects the following matters, habitat loss / alteration / fragmentation and disturbance and / or displacement of species and water quality should be considered.
- 7.6.6. In relation to the matter of habitat loss / alteration / fragmentation, the subject site lies at circa 357m from the closest point of the boundary of the designated site. Accordingly, there would be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- 7.6.7. In relation to the matter of disturbance and / or displacement of species the site lies within the settlement boundaries of the Carrigaline, which includes a number of residential developments to the north and west of the site along with adjoining undeveloped rural lands to the south. The environs of the site, therefore, can be described as being a mix of urban and 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.
- 7.6.8. Regarding the issue of water quality, the proposed development relates to the construction of a residential scheme on lands within the settlement boundary of Carrigaline. The development will connect to existing public water services. 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 not bound on any

side by a water course / drainage ditch. The closest watercourse the Kinaglery River East is located circa 22m to the west of the appeal site. It is proposed that surface water arising from the development will discharge to the existing storm water network in Carrigaline, and I note no objections from Cork County Council Engineering Departments in this regard.

7.6.9. Accordingly, I am satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 site can be excluded having regard to the distance to the site, the nature and scale of the development and the lack of a hydrological connection.

7.6.10. In relation to the matter of in combination/cumulative effects, having regard to 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 Cork Harbour can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in Cork Harbour SPA via surface water features are also subject to AA.

7.6.11. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (004030), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

9.1. Having regard to the planning history of the site, to the zoning provision for this site, the pattern of development in the vicinity of the site, and to the density, design, character and layout of the proposed development, it is considered that the proposed development would not adversely impact on the residential amenities or the

amenities of adjoining properties, would not endanger public safety by reason of traffic hazard, and would otherwise be in accordance with the provisions of Cork County Development Plan and Ballincollig Carrigaline Municipal District Local Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to the planning authority on the 10th day of November, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4.

- (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (c) Road and path works proposed in Reg. Ref. 17/5912 shall be completed prior to the occupation of the dwelling units.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety.

- 5. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including the demolition of the existing structures on the site, the retention of boundary walls, and the provision of the retaining wall along the southern site boundary.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

10. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] [within each house plot] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

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

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

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

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

30th of May 2022