



An  
Bord  
Pleanála

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

## Inspector's Report ABP-312613-22

---

### Strategic Housing Development

198 no. residential units (117 no. houses, 81 no. apartments) and associated site works.

### Location

Coolflugh, Cloghroe, Tower, Co. Cork.  
([www.CloghroeSHD.ie](http://www.CloghroeSHD.ie))

### Planning Authority

Cork City Council

### Applicant

Cloghroe Development Limited

### Prescribed Bodies

Irish Water  
Transport Infrastructure Ireland

### Observer(s)

- 1) Billy and Margo Kelleher
- 2) Catherine and Ted Riordan
- 3) Cathy Kennedy

- 4) Colm Madeleine and O'Sullivan
- 5) David Gwynn Morgan
- 6) David O'Dwyer
- 7) Declan Egan
- 8) Denis McCarthy
- 9) Denis Sexton
- 10) Dolores O'Sullivan
- 11) Donal Coffey
- 12) Edmond Wall
- 13) Fairways Residents Association
- 14) Finbarr Bastible
- 15) Fiona Egan
- 16) Frank and Nora Forbes
- 17) Gerard Riordan
- 18) James Donovan
- 19) James Murphy
- 20) Kevin Curran
- 21) Máire and Ken Lee
- 22) Máire Lee
- 23) Michael and Marian Nugent
- 24) Michael O'Regan
- 25) Michael Wall
- 26) Michelle O Sullivan
- 27) Michelle Ryan
- 28) Nicholas and Helen Jones
- 29) Paddy O'Leary (RKA)
- 30) Patrick Nolan
- 31) Patrick Ring
- 32) Paul Coburn
- 33) Paul Herlihy

- 34) Rosalind Crowley
- 35) Senandale Residents Association
- 36) Sinead Huskisson
- 37) Sinead McSweeney

**Date of Site Inspection**

24<sup>th</sup> May 2022

**Inspector**

Elaine Power

## Contents

1.0 Introduction.....	5
2.0 Site Location and Description .....	5
3.0 Proposed Strategic Housing Development .....	5
4.0 Relevant Planning History .....	7
5.0 Section 5 Pre Application Consultation.....	8
6.0 Relevant Planning Policy .....	14
7.0 Third Party Submissions.....	20
8.0 Planning Authority Submission .....	24
9.0 Prescribed Bodies.....	30
10.0 Assessment.....	30
11.0 Environmental Impact Assessment (EIA).....	68
12.0 Appropriate Assessment .....	88
13.0 Recommendation .....	95
14.0 Reasons and Considerations .....	96
15.0 Recommended Order.....	97
16.0 Reasons and Considerations (1).....	95
17.0 Reasons and Considerations (2).....	<b>Error! Bookmark not defined.</b>
18.0 Conditions .....	101

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site is located within Tower, c. 700m south west of the town centre, c.3km southwest of Blarney, 4km north of Ballincollig and c. 10km north west of Cork city centre. The surrounding area is characterised by low density suburban housing and agricultural fields and associated structures. To the north the site is bound by agricultural fields and 5 no. large, detached dwellings. To the south it is bound by Seanandale Residential estate, to the east the site is bound by the R617 (Blarney Road), on the opposite side of the R617 are the Woodlands and Fairways residential estates. A cluster of commercial units are located c. 150m south east of the site and Cloghroe National School is c. 350m south east of the site. To the west the site is bound by open fields and a stream. There is a current application (Reg. Ref. 2140620) for the construction of 73 no. houses in the lands immediately west of the subject site.
- 2.2. The subject site has a gross area of c. 7.5 ha and is currently in agricultural use. There are 2 no. existing agricultural structures (382sqm) at the northern boundary of the site. The site is irregular in shape generally comprising 2 no. separate fields, which are divided by a man made ditch which runs in an east west direction through the site. This ditch runs to the Dromin Stream along the site's western boundary. This stream flows southwards towards the Owennagearagh River to the south of the site. The topography of the site is undulating and generally falls from north to south. The sites boundaries generally comprise mature trees and hedgerows.
- 2.3. Vehicular access to the site is via an existing agricultural gate at the site's eastern boundary with the R617.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the demolition of 2 no. existing agricultural structures (382sqm) and the construction of a mixed-use development comprising 198

no. residential units (117 no. houses and 81 no. apartment / duplex units), a creche, café and single storey retail food store. 79 no. apartment / duplex units are provided in 6 no. 3 storey apartment buildings and 2 no. units are provided at first floor level of a proposed café building.

3.2. The proposed retail development consists of a single storey retail food store with a net sales area of 1,315sqm which includes the sale of alcohol for consumption off premises, totem sign and ancillary building signage, servicing areas, surface car park and bicycle parking facilities.

3.3. Access to the proposed development is via 2 no. entrances from the R617 to the east of the site, 1 no. access would serve the proposed residential development and the other would serve the proposed retail and café use. An additional pedestrian entrance is proposed from the existing cul-de-sac at the sites northern boundary. The works include upgrades to the R617, including the installation of footpath / cycle infrastructure, signalised pedestrian crossing and the relocation of the existing public bus stop.

3.4. Ancillary site development works include flood defence works, public realm upgrades, amenity walks, public open spaces, an urban plaza to the east of the proposed retail unit and the undergrounding of existing overhead lines.

3.5. Key Development Statistics are outlined below:

	<b>Proposed</b>
<b>Site Area</b>	7.5 ha Gross / 5.4ha Net
<b>No. of Units</b>	198 no.
<b>Unit type</b>	117 no. houses and 81 no. apartment / duplex units
<b>Unit mix</b>	44 no. 1 bed units, 57 no. 2-beds, 40 no. 3-beds and 57 no. 4-beds
<b>Density</b>	35 units per ha
<b>Plot Ratio</b>	0.352
<b>Height</b>	2 -3 storeys
<b>Other Uses</b>	Retail food store (1,895sqm gross / 1,315sqm net) Café (186.3sqm) Creche (405sqm / 42 no. child care spaces)

<b>Open Space</b>	14% of usable site area
<b>Car Parking</b>	287
<b>Bicycle Parking</b>	126

3.6. The application included the following:

- Planning Statement, Statement of Consistency and Response to An Bord Pleanála Opinion
- Architectural Design Statement
- Material Contravention Statement
- Housing Quality Assessment
- Natura Impact Statement
- Environmental Impact Assessment Report: Volume I: Non-Technical Summary, Volume II: EIAR and Volume III: Appendices
- Engineering Design Report
- Flood Risk Assessment Report
- Universal Design Statement
- Traffic and Transport Assessment
- Traffic and Transportation and Associated Infrastructure and DMURS compliance Statement.
- Construction Traffic Management Plan
- Mobility Management Plan
- Construction Environmental Management Plan
- Retail Impact Assessment
- Building Lifecycle Report
- Childcare Needs Assessment
- Part V Proposal
- Outdoor Lighting Report

## 4.0 Relevant Planning History

### ***Subject Site***

None

### ***Site Immediately east of the subject site***

Reg. Ref. 21/40620: Current application for 73 no. residential units on lands immediately west of the subject site. Further information was requested in April 2022.

ABP-302594-18, Reg. Ref. 18/04947: Permission was refused in 2019 for the construction of 74 no. residential units on lands immediately west of the subject site. The reason for refusal related to a potential flood risk.

ABP-307785-20, Reg. Ref. 19/05413: Permission was refused in 2020 for the construction of 73 no. residential units on lands immediately west of the subject site. The reason for refusal related to a potential flood risk.

### ***Surrounding Area***

Reg. Ref. 21/40563: Permission was granted in 2021 for the demolition of an existing dwelling and the construction of 16 no. houses at a site c. 1.25km east of the subject site.

Reg. Ref. 20/39202: Permission was granted in 2020 for 37 no. houses at a site located c. 700 north east of the subject site.

Reg. Ref. 19/4718: Permission was granted in 2019 for 12 no. houses at a site c. 1km north of the subject site.

Reg. Ref. 19/39001: Permission was granted in 2019 for 62 no. houses at a site located c. 1.5km east of the subject site.

ABP-305373-19, Reg. Ref. 18/71111: Permission was granted in 2018 for a nursing home and 29 no. houses c. 2.3km north east of the subject site.

## **5.0 Section 5 Pre Application Consultation**

- 5.1. A Section 5 pre-application virtual consultation took place on the 5<sup>th</sup> March 2021 in respect of a development of 189 no. residential units (124 no. houses and 65 no. apartments), a café and a retail food store (1,315sqm). Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –



- Quantum of development in the context of the Blarney Macroom Municipal District LAP, 2017
- Surface Water Drainage and Flood Risk
- Biodiversity and Management of the Riparian Zone
- Design and Layout of the Development including the provision of public open space
- Roads, Traffic and Transportation Issues. Pedestrian and Cycle Connections
- Retail Development

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 16<sup>th</sup> March 2021 (ABP-308980-21) An Bord Pleanála stated that it was of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála with regard to the following: -

### ***Residential Density***

Further consideration / justification of the documents as they relate to the proposed quantum of development and residential density, with regard to: The location of the site within the boundary of Cork City; The Blarney Macroom Municipal District Local Area Plan 2017 and the Cork County Development Plan 2014-2020; National planning policy including the National Planning Framework; The Regional Spatial and Economic Strategy (RSES) for the Southern Region; Relevant Section 28 guidelines including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'), the 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018); The location / accessibility of the site relative to existing / proposed public transport services, district centres, retail facilities, local amenities and employment centres, including any relevant objectives in the Cork Metropolitan Area Transport Strategy (CMATS).

### ***Surface Water Drainage and Flood Risk***

Further consideration / justification of the documents as they relate to the issue of surface water drainage and flood risk, with regard to: A Site Specific Flood Risk Assessment in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities, to include hydraulic modelling of the watercourse at the development site and to address in particular any potential downstream impacts on the Owennagearagh River to the south of the site and at the R617/R579 junction; Detailed treatment of the watercourse on the western side of the site, including the riparian zone, such that there is no increase in flood risk, with regard to relevant guidance provided in the Inland Fisheries Ireland document 'Planning for Watercourses in the Urban Environment'; Detailed surface water drainage proposals for the development, to include SUDS measures where possible, and attenuation proposals with full details of proposed outfall rates, to be integrated where possible with the proposed roads design and landscaping scheme; Landscaping scheme to provide details of the treatment of the riparian zone and wetland areas within the site, along with biodiversity corridors; Detailed site layout of the development, to indicate any flood zones present at the development site based on the modelling in the SSFRA.

### ***Interaction with R617 / Pedestrian and Cycle Connectivity***

Further consideration/justification of the documents as they relate to the road frontage to the R617 and to pedestrian and cycle connectivity to the wider area. The applicant is advised to address the following matters in particular: The provision of a detailed roads layout for the site frontage to the R617, as per the comments of Cork City Council Transport Mobility Section and Cork City Council Urban Roads and Street Design, to include an appropriate, suitable pedestrian crossing of the R617 to the satisfaction of the planning authority; Traffic calming measures to the R617; Relocation of the existing bus stop at the development site and associated pedestrian infrastructure; Cycle routes along the R617 in accordance with the guidance provided in the National Cycle Manual; All works to the R617 that are to be delivered by the prospective applicant should be included in the red line site boundary and the applicant should provide clarity as to the proposed timeframe for their delivery; The applicant shall demonstrate sufficient legal interest to carry out the proposed works at the R617

5.3. The following specific information was also requested: -

- Statement of Material Contravention
- Housing Quality Assessment
- Building Lifecycle Report.
- A site layout plan showing which, if any, areas are to be taken in charge by Cork City Council.
- Comprehensive landscaping scheme for the entire site, to include (i) Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site and (ii) rationale for proposed public open space provision, to include an open space hierarchy and detailed layouts for the public open spaces.
- Landscape and Visual Impact Assessment with photomontages and CGIs.
- Existing and proposed ground levels across the site. Detailed cross sections indicating proposed FFL's, road levels, open space levels, etc. relative to each other and relative to adjacent lands and structures.
- Traffic and Transport Impact Analysis
- Rationale for the proposed car parking provision
- Retail Impact Analysis.
- Rationale for proposed childcare provision
- Part V proposals.
- Ecological Impact Statement
- AA screening report or NIS.
- The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Cork City Council Childcare Committee

## 5.5. ***Applicant's Statement***

- 5.5.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016 and a summary is provided below.

### ***Residential Density***

The scheme provides for a density of 35 units per ha which is considered the most appropriate scale of development for the site given the site specific topography and locational factors. The density complies with the ambition contained in the NPF, the RSES and Section 28 Guidelines. The density also complies with the density recommendations as outlined in the Sustainable Residential Development Guidelines for edge of centre sites.

### ***Surface Water Drainage and Flood Risk***

A Site Specific Flood Risk Assessment has been submitted with the application and includes modelling of the watercourse at the development site and addressed any potential downstream impacts of the proposed development on the Owennagearagh River to the south of the site at the R617 / R579 junction.

Due to the separation distance between the proposed development and the western boundary and the fact that no works are provided to the stream, it is considered the proposed development is consistent with guidance in the OPW's Planning for Watercourse in the Urban Environment.

The Engineering Design Report submitted with the application details the surface water drainage proposals. The scheme provides for the diversion of existing surface water flowing into the stream to the public system on the R 617.

The submitted landscape drawings detail the treatment of the riparian zone and wetland areas within the site and highlight the development of biodiversity corridors.

Flood waters are contained within upstream drainage basins and underground storage. Flood waters would have no impact on the proposed houses or site and are prevented from entering the adjacent Seanandale Estate.

### ***Interaction with R617 / Pedestrian and Cycle Connectivity***

The subject site is well located and within 5 – 10 minutes walking distance of all local amenities, that are currently provided within Cloghroe and Tower. The site is situated immediately adjacent to an existing bus stop, serving as the terminus of the no. 215 Cloghroe – Mahon Point which operates every 30 min.

The scheme includes traffic calming measures including a singalised toucan crossing to improve connectivity with Tower to the north, relocation of existing bus stop and the provision of a bus shelter, provision of a footpath, cycle lane and grass verge along the sites eastern boundary and a setback for the future provision of a bus lane to form part of BusConnects network. These works will be delivered by the applicant as part of Phase 1 of the development. In this regard a letter of consent has been submitted from Cork City Council.

5.5.2. The following specific information was also submitted: -

- A Statement of Material Contravention.
- Housing Quality Assessment.
- Building Lifecycle Report.
- A site layout plan showing illustrating the areas are to be taken in charge by Cork City Council.
- A Comprehensive landscaping plan for the entire site and an Arboricultural Impact Assessment which includes details of measures to protect trees and hedgerows to be retained at the site. The landscape masterplan and landscape strategy provides a rationale for proposed public open space provision, its hierarchy and provides detailed layouts for the public open spaces.
- A Landscape and Visual Impact Assessment with photomontages and CGIs.
- Detailed cross sections indicating proposed FFL's, road levels, open space levels relative to each other and relative to adjacent lands and structures.
- Traffic and Transport Impact Assessment.
- The Parking Strategy provides a rationale for the proposed car parking provision, which is based on housing type and likely demand of future residents.
- A Retail Impact Analysis.
- A Childcare Needs Assessment provides a rationale for the proposed childcare provision.

- Part V proposals.
- Chapter 9 of the EIAR provides details of flora, fauna and habitats present on the site, consideration of the impacts on the riparian zone of the watercourse, impacts on wetlands, the retention and management of hedgerows and the impact on bats.
- AA screening report and an NIS.
- An EIAR has been prepared.

## 6.0 **Relevant Planning Policy**

### 6.1. ***Cork City Development Plan 2022 -2028***

6.2. The subject site is Zoned ZO 2 New Residential Neighbourhoods with the associated land use objective to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure. Section 12.24 of the Plan sets out overarching objectives for development in all zones, with regard to ZO 2 New Residential Neighbourhoods it states that lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy. It further states that this zone covers primarily greenfield, undeveloped lands for new sustainable residential areas. Development in this zone, while primarily residential, must provide an appropriate mix of housing types and tenures along with the amenity, social, community and physical infrastructure required to promote compact growth, balanced communities and sustainable, liveable communities. Uses set out under ZO 1 'Sustainable Residential Neighbourhoods' are appropriate under this zone, subject to such uses supporting the creation of sustainable communities and not conflicting with the primary objective of this zoning. The uses set out under ZO1 include small-scale local services including local convenience shops.

6.3. Table 2.2 Core Strategy states that Tower has a baseline (2016) population of 3,274 which equates to 1.6% of the total population of Cork city. It is envisioned that the population of Tower will increase to 4,437 (1,163 persons) by 2028. Table 2.3 Cork City Growth Strategy states that Tower has 21.1 ha of underutilised land with a total potential yield of 467 units.

6.4. Tower is identified as an Urban Town. The role of an urban town is to provide the phased delivery of strategic sites by targeting growth proportionate to the existing population. All development shall focus on prioritising walking, cycling and public transport use. Apply a mixed-use approach to regenerating key underutilised locations. Use a range of designs and densities that reflect and enhance the individual character of each town.

6.5. Section 10.293 Retail and Ancillary Services states that Tower does not require additional retail floorspace during the Plan period and that the existing shopping centre and the nearby Cloghroe village centre will continue to be the principal location for future retail development and that it will continue to be limited to small scale convenience uses.

Chapter 10 Key Growth Areas and Neighbourhood Development Sites sets out 3 no. objectives for Tower.

Objective 10.72: Prepare a Public Realm Strategy for Tower to address issues such as pedestrian and cycle permeability, signage, car parking, traffic management and enhancements to the town core including the area around Tower Shopping Centre and Cloghroe Neighbourhood Centre. In addition, the potential for connections to Ballincollig and Kerry Pike will also be examined during the lifetime of this Plan.

Objective 10.73: All future planning applications for multiple housing units in Tower including the phasing and numbers permitted will be examined in the context of the current and future capacity of Cloghroe National School.

Objective 10.74: Consolidate future development within the development boundary of Tower and maintain the City Hinterland between Tower and Blarney and Kerry Pike respectively.

Section 11.221 states that development proposals should protect watercourses in accordance with Inland Fisheries Ireland's "Planning for Watercourses in the Urban Area" including the protection of riparian sections of rivers and streams, where possible, as set out.

Relevant Policies objectives of the plan include the following: -

- SO 1: Compact Liveable Growth

- SO 2: Delivering Homes and Communities
- SO 3: Transport and Mobility
- Objective 7.27 Strategic Retail
- Objective 7.31 Neighbourhood and Local Centres
- Objective 11.1: Sustainable Residential Development
- Objective 11.2: Dwelling Size and Mix
- Objective 11.3: Housing Quality and Standards
- Objective 11.4: Daylight, Sunlight and Overshadowing (DSO)
- Objective 11.5: Private Amenity Space for Houses

#### 6.6. ***Regional Spatial and Economic Strategy for the Southern Region***

The site is located with the 'Cork Metropolitan Area Strategic Plan'. The RESE incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. A key component of the RSES is building partnerships and a collaborative approach between the cities and metropolitan areas to realise combined strengths and potential, and to support their development as a viable alternative to Dublin. Tramore Road area is identified as a Regeneration Area and a Strategic Employment Location, Mixed Use Employment and Regional Assets within the Cork Metropolitan Area.

*RPO 2: Cork City:* Seek delivery of the following subject to the required appraisal, planning and environmental assessment processes.

- a. To strengthen the consolidation and regeneration of Cork City Centre to drive its role as a vibrant living, retailing and working city, the economic, social and cultural heart of the Cork Metropolitan Area and Region.
- b. Seek investment to achieve the infrastructure led brownfield regeneration of the Cork City Docklands and Tivoli as high quality, mixed use sustainable waterfront urban quarters, transformative projects which set national and international good practice standards in innovation, green and quality design, exemplary urbanism and place making



- c. Seek investment to achieve regeneration and consolidation in the city suburbs. Seek high quality architectural and urban design responses to enhance the uses of the waterfront and all urban quarters.
- d. To strengthen the attributes and opportunities for the city centre, including transformative initiatives such as the City Centre Strategy and other initiatives as identified by the City Development Plan (existing and future).
- f. Seek to achieve High Quality Design to reflect a high-quality architectural building stock in all urban quarters.

*RPO 10 : Compact Growth in the Metropolitan Area:* To achieve compact growth, the RSES seeks to:

- a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP...

## 6.7. **National Planning Framework**

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

Table 2.1 sets out a summary of the key national targets. With regard to Cork city and suburbs it sets an additional population target of 105,000 – 125,000 to provide an overall population of 315,000 by 2040. It also states that to create compact, smart and sustainable growth 50% of new housing should be provided within the cities and suburbs and 30% elsewhere within the existing urban footprint.

Relevant Policy Objectives include:

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

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

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

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

National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

#### 6.8. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018

- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008
- Guidelines for Planning Authorities: Retail Planning, 2012

#### 6.9. ***Applicants Statement of Consistency***

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

#### 6.10. ***Material Contravention Statement***

The applicant submitted a Material Contravention Statement. It is considered that the proposed development materially contravenes the Cork County Development Plan 2014 with regard to density and car parking standards.

- *Density:* The proposed scheme has a density of 35 units per ha. This is in excess of the Medium B density (12-25 units per ha) indicated for small towns in Table 3.1.
- *Car Parking:* The proposed car parking provision (397 no. spaces) is below the standard of 2 no. spaces per residential unit set out in Table 1a of Appendix D.

The Cork County Development Plan 2014 was superseded by the Cork County Development Plan 2022 – 2028 in August 2022 and, therefore, these objectives and standards are no longer relevant. It is also noted that the subject site is now located within the administrative boundary of Cork City Council. The Cork City Development Plan 2022-2028 was adopted in August 2022. The applicants material contravention statement does not address any potential contraventions of the new city plan.

The applicants material contravention statement also considered that the proposed development would be a material contravene of Objective GO-01 and Table 4.1 of the Blarney Macroom Local Area Plan 2017 which outlines that the normal recommended scale of any individual scheme in Tower during the lifetime of the plan is 40 no. units and the total number of units within the settlement within the lifetime of the plan is 182 no. Section 1.13 of the Cork City Development Plan 2022-2028 clarifies that the new

development plan supersedes the existing LAP's that relate to the Cork County Council Municipal area. Therefore, these objectives and standards are no longer relevant.

## 7.0 Third Party Submissions

37 no. third party submissions were received. The submissions are generally supportive of the development of the land for residential units. The concerns raised are summarised below: -

### ***Principle of Development***

- The proposed scheme has not overcome the previous reasons for refusal on the adjacent site, under ABP 302594-18 and ABP 307785-20.
- The residential zoning objective is premature and not sequential to the village centre.
- The site is not zoned for retail uses.

### ***Design Approach***

- The 3-storey elements are not in keeping with the single and 2-storey dwellings.
- The scale of the development is excessive.
- The density is excessive for the site's location at the edge of the village and exceeds the development plan standard.
- The proposed scheme would have a negative impact on the visual amenities of the area.
- Apartment blocks are unsuitable and out of character with the surrounding area.
- The scheme is not in accordance with the LAP which states that an individual scheme should not comprise more than 40 no. units.
- Insufficient open space for a development of this scale.
- Risk of anti-social behaviour in the commercial car park area.
- There is no justification for the pedestrian access to the cul-de-sac at the northern boundary of the site. This was previously an agricultural lane and is unnamed. It was upgraded in 2007 to accommodate 3 no. new dwellings. The existing footpath does not join with the R617.

- Concerns raised regarding potential future links ages provided to adjacent sites which are not zoned for development.

### ***Residential Amenity***

- The height of the proposed scheme would result in a development that was overbearing on existing residents.
- The proposed development would overlooking existing residential properties.
- The proximity of the commercial units to existing houses would have a negative impact on existing residential and visual amenities.
- Traffic noise and pollution from traffic entering and exiting a commercial car park less than 5m from existing properties would negatively impact on existing residential amenities.
- Part of a septic tanks for an existing dwelling is located within the site, with the agreement of the previous landowner. Concerns that the proposed development would have a negative impact on the flow of sewerage from the existing dwelling.
- Concerns regarding boundary treatment with existing dwellings

### ***Ecology***

- The loss of trees would have negative consequences on bats and hydrology.
- Insufficient consideration regarding the loss of biodiversity.
- Ecology within the site should be retained and parts of the site could be used as a walking trail.

### ***Retail***

- Tower does not need another supermarket/retail outlet. It is adequately serviced by the existing supermarket in the village and nearby shops in Blarney and Ballincollig.
- Any additional retail units should be provided in the centre of Tower and not at the outer edge.

### ***Infrastructure***

- Tower lacks infrastructure and lacks community services to cater for young people and teenagers. The existing Village Green and its playground has limited scope and can only accommodate younger children.

- The proposed development offers nothing by way of a community space/building. A community building / sports pitch should be provided within the site.
- Cloghroe National School is already at capacity and is trying to expand for a second time to meet the needs of the existing population in the area.
- Additional social infrastructure and supports are required in Tower to support a development on this scale in combination with other proposed and recently developed residential schemes.
- There are existing issues with the reliability of water supply.

### ***Transportation***

- Tower is car dependent with an already high volume of traffic and congestion, especially at peak times. The traffic generated by this development and the proposed adjacent development of 73 houses will exacerbate this situation.
- The surrounding roads are narrow and have not been upgraded to accommodate the increased traffic generated by recent developments.
- Existing Bus service is not sufficient to support our area's current needs.
- Concerns that traffic survey are not an accurate reflection of traffic in Tower.
- The car parking standards are not in accordance with the development plan standard of 2 no. spaces per house.
- The TIA has not considered the impacts of road closures on the R579 during flooding and traffic backing up on the R617.
- The TIA has not considered the full impact of traffic generated by the proposed development on the surrounding road network.
- Traffic hazard due to additional turning movements generated by the development close to a busy junction which accommodates large agricultural vehicles and high volumes of commuter traffic.
- No cycling infrastructure and the roads are narrow and dangerous.

### ***Flood Risk***

- The proposed development would increase the risk of flooding on adjacent land.
- The proposed mitigation measures are inadequate and would result in a flood risk. The storage tank is inadequate.

- The proposed drainage plans could cause subsidence of adjacent properties.
- The FRA has not considered the cumulative impacts on flooding for this development and the proposed application to the west of the subject site.
- No detailed calculations accompany either the Engineering Design Report or the FRA. Both documents simply contain summaries of calculations or computer runs.
- The proposed diversion of the run-off from the development site to the existing storm sewer on the R617 will lead to new flooding of the Cloghroe, Senandale and Woodlands areas from the existing storm sewer due to the increased flows
- Attenuation tanks for Areas 4 & 5 will not function during a flood as they cannot discharge.
- This application does nothing to protect Senandale despite several statements that it does.
- The design documentation submitted in support of this proposed development is flawed and will further exacerbate the flooding problems in Cloghroe by removing flood plain from the area and failing to propose adequate mitigation to properly address the issue.
- Concerns that the proposed development would result increased flood water which would block access to an agricultural field which is access via a bridged over the Owennageragh River only.
- The proposed scheme is reliant on flood relief works to be carried out at an adjacent site which is currently subject to a planning permission by Cork City Council.
- The proposed development would flood the adjacent lands to the west which are outside of the control of the applicant.

### ***EIAR***

- The EIAR lacks sufficient details to enable An Bord Pleanála to make an informed decision about the development.
- The EIAR prepared for this development fails to define significance, or duration or magnitude of an impact for several topics of the EIAR.
- The section on Landscape (Chapter 4) covers views of the proposed development from various locations along the R617 and the junction of the

R617 and R597. However, it does not include views from the existing residential properties. Photomontages and CGI's are required to allow for a full assessment.

- The EIAR does not address the limiting car parking arrangements for visitors to the estates and has failed to comment on access for emergency services to the estate.
- The EIAR fails to properly address cumulative impacts and not in the spirit of the EIA Directive
- The EIAR does not include details on the carbon footprint for the proposed development. The report has not provided evidence of how the construction materials or renewable sources are going to result in a GHG emissions saving.
- The EIAR has not provided any details on a management and cleaning programme for any of the proposed underground storage tanks or the storage pond.
- Dark zones for bats is mentioned in the EIAR, however, these are not indicated on any drawings submitted.
- The sporting facilities outlined in the EIAR are oversubscribed. Primary sporting facilities are 3km from the subject site.

### ***Other Issues***

- There has been no public consultation with the residents of Tower with regard to this application.
- There are some discrepancies in the drawings.

## **8.0 Planning Authority Submission**

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 28<sup>th</sup> March 2022. The report includes a summary the proposed development, relevant planning history, third-party submissions and prescribed bodies. The views of the elected members at a meeting held on the 22<sup>nd</sup> March 2022 are summarised as follows: the unit mix including the need for apartments at this location; similar developments they have been subject to a change of use later or have been sold to AHB for social housing; flood risk; a childcare assessment required. Appendix B includes Internal Reports from City



Architect, Infrastructure, Parks and Landscape Section, Area Engineer, Urban Roads and Street Design, Traffic Operations, Drainage, Environment and Housing.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

**Site Zoning/Principle of the development** The proposed development is broadly in compliance with planning policy for the settlement of Tower as set out in the Blarney-Macroom Municipal District LAP 2017, the Cork County Development Plan, the draft Cork City Development Plan and national and regional planning guidance.

**Density:** The proposed site would be considered to be an 'Edge of Town Site'. In this regard it is considered that the proposed density of 35 units per hectare is considered acceptable. The planning authority is satisfied that the proposed development reasonably accords with the relevant density objectives of the County Development Plan and the S.28 Guidelines. It is noted that the proposed density of 35 units/ha exceeds the figure stated in Objective HOU 4-1 of the Cork County Development Plan and, therefore, the proposed scheme may be considered to materially contravene the County Development Plan.

**Scale, Height and Visual Impact:** The proposed commercial uses are welcomed and will enhance the existing village centre across the road from the subject site as well as giving a definitive and active frontage onto the roadway.

While it is noted that there are a number of 3-storey buildings included as part of the proposed development, given the topography of the site, and the location of these buildings, it is not considered that these buildings would appear out of character with the location.

It is considered that the scale, heights and visual impact of the proposed development are acceptable for the location.

**Residential Amenity:** Given the location of the subject site relative to the location of the existing dwellings and the existing mature boundaries and treelines, it is not considered that the proposed development would have an impact on a large number of dwellings. There is a singular, one-off dwelling located to the east of the

development site with its vehicle access from the R617. This dwelling will be located directly across from the commercial element of the proposed development. It is considered that the proposed development would have a considerable impact on the outlook from this existing dwelling. There may be some impacts on the outlook of the existing dwellings located to the north of the proposed development, however, given the height difference from North to South this impact is considered to be relatively minor.

The proposed development, by reason of its height and distances from existing dwellings surrounding the site is not considered to overshadow or cause loss of light to any adjacent dwellings. The proposed development is also not considered to impact on the privacy or overlook any adjacent dwellings.

**Design:** The report of the City Architect is noted. The report states that from an urban design stance this proposed layout utilises the site in a rational manner by integrating the existing landscape within the proposed development and creating an 'entrance' to the village by means of a commercial development and consolidating the form of the village.

The design of non-residential buildings is of a high design standard and residential buildings are of good quality design. Solid to void massing, window proportion and pedestrian subdivision are reasonable. However, it would be appropriate to have an architectural consistency within the residential element of this scheme, which is a vernacular aesthetic. Consequently, it is recommended that Duplex Block 01, Duplex Block 02, Duplex Block 03 and Apartment Block 06 have a mono pitched roof and Duplex Block 04 and Duplex Block 05 have a pitched roof.

The scheme is considered acceptable in architectural and urban design terms and would be a welcome addition to Cloghroe Village.

**Residential Development Standards:** The overall design and layout approach is considered acceptable. In general, the units correspond in height and scale with existing dwellings in the area. All units meet or exceed minimum standards, some by a considerable measure, which is welcomed.

The three no. distinct character areas are considered a well-designed approach and should give each area a distinct character which will assist in making the overall development feel more welcoming and lessen the feel of the scale of the development. The layout of the residential units is considered to be generally acceptable. The majority of the units overlook or are adjacent to a green/open space area.

This mix of unit types is considered acceptable and accords generally with the requirement for a mix of units as set out in the Cork County Development Plan.

**Ecology/Landscaping:** The proposed development includes for 16% of usable open space within the developable area of the site. This public area is subdivided into three distinct areas. The majority of amenity areas in the development are passively overlooked by the residential elements which is welcomed and is best practice. The report of the Senior Parks and Landscape Officer is noted which states that open space provision is satisfactory and well distributed within the site with easy access from all residential units. The location of the open space areas takes account of the unique natural features within the site (stream, hedgerows, field drain) and these are sensitively incorporated into the open space areas providing a balance between active/usable open space and areas rich in biodiversity and nature. There is satisfactory provision for both active and passive play.

**Retail/Commercial:** The positioning of the retail element is considered acceptable given its proximity to the existing local services across the road and combined, will form a defined urban entrance to the village.

The Draft City Development Plan indicates the zoning of the site as being ZO2 New Residential Neighbourhoods with an objective to “provide for new residential development in tandem with the provision of the necessary social and physical infrastructure”. In this regard, the retail element is considered premature pending the publication of the Joint Retail Strategy for Metropolitan Cork and adoption of the Cork City Development Plan 2022-2028.

**Connectivity, Access and Traffic and Transportation** The reports by the Area Engineer, the Roads Design (Planning) section and the Traffic Operations section of Council are noted.

Alterations to the public road shall be approved by Cork City Council infrastructure department to ensure proposed construction works do not conflict with CMATS (Bus Connects) and future active travel projects.

A justification for the level of car parking has been provided and is acceptable.

As the development accelerates the degradation of the junction capacity, some short term works to the junction to preserve the capacity should be carried out in agreement with Cork City Council.

***Stormwater Drainage & Sustainable Urban Drainage Systems (SuDS):*** The report from the Drainage Section raises no objection in relation to stormwater.

***Flood Risk:*** Although the applicant has demonstrated that their development's flood management proposals will have an (albeit negligible) impact (~10-20mm over a small area) on third party lands to the west and south (i.e. not Senandale), it should be noted that those lands are also currently the subject of a separate planning process (ref. 21/40620), wherein flood risk management proposals for that development would also mitigate the need for the flood plain in the south of the subject site. In addition, the area of lands affected by this increase, are not intended for development, but rather intended to be green space. Therefore, should the adjacent development and this SHD development both be granted planning permission, and progress to construction, both applicants should coordinate their flood management works to the satisfaction of the Planning Authority.

***Relationship between Proposed Development & Existing Dromin Stream:*** The Drainage Section has serious concerns that the proposed development does not meet the requirements of IFI, either in terms of their guidance documentation, nor their specific requirements for this exact section of the Dromin Stream.

***Childcare Facility:*** It is considered that the proposed 42-place crèche is acceptable in this regard. It is noted that there is a primary school within walking distance of the proposed development. This is welcomed and should promote sustainable travel.

***Part V:*** No objection

**Conclusion:** The proposed development accords with the zoning objectives for the site and, generally, accords with the general strategic development objectives of the Cork County Development Plan, Blarney-Macroon Municipal District LAP, and national planning guidance and is acceptable in principle.

The development will make a significant contribution to addressing the housing shortage in the city. The proposed development will result in more sustainable residential densities. The design, form and layout of the proposed development is considered positive and is in accordance with the density guidance and objectives as set out in the County Development Plan and National planning guidelines.

The proposed development is not considered to be in accordance with the Inland Fisheries Ireland (IFI) guidance document entitled 'Planning for Watercourses in the Urban Environment'.

The Planning authority noted the following concerns: -

- The roof design of some of the Apartment/Duplex blocks should be re-designed to have an architectural consistency within the residential element of this scheme.
- The proposed development should be revised to accord with same, in particular seeking a minimum buffer zone of 15m between the stream channel edge, and any roadways / car parking areas / flood storage areas etc.
- The retail element is considered premature pending the publication of the Joint Retail Strategy for Metropolitan Cork and adoption of the Cork City Development Plan 2022-2028.
- There are several mature trees on the site and it would be important that as many as possible of these are retained, treated and supported.

The principle of the proposed development generally corresponds to the pattern of previously permitted developments within the area. The planning authority is satisfied that the proposed development accords with the relevant land-use zoning objectives and, generally, accords with the general strategic development objectives of the County Development Plan.

It is recommended that permission be granted subject to 45 no. conditions.

## 9.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Cork City Council Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 1<sup>st</sup> February 2022. A summary of the comments received are summarised below:

**Irish Water:** In respect of Wastewater upgrade works are required at the Cloghroe Wastewater Pumping Station which will not require planning permission. Irish Water does not currently have any plans to carry out the works required. The applicant will be required to provide a contribution of a relevant portion of the costs for the required upgrades as part of a connection agreement.

In respect of Water a new connection can be facilitated without infrastructure upgrade by Irish Water.

**Transport Infrastructure Ireland:** No observations to make.

No response was received from the National Transport Authority or Cork City Council Childcare Committee

## 10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executives report and

submission by prescribed bodies and third parties. The assessment considers and addresses the following issues: -

- Principle of Development
- Density
- Design and Layout
- Open Space and Landscaping
- Residential Amenity
- Retail Use
- Transportation and Car Parking
- Water Services
- Flood Risk
- Material Contravention
- Chief Executives Report
- Planning Assessment Conclusion

## 10.2. ***Principle of Development***

10.2.1. The proposed development comprises the demolition of 2 no. existing agricultural structures (382sqm) and the construction of a mixed-use development comprising 198 no. residential units (117 no. houses and 81 no. apartment / duplex units), a single storey retail food store (1,315sqm net), a creche and a café on a greenfield site in Tower.

10.2.2. Tower was formerly located within the administrative area of Cork County Council. Since May 2019, Tower is located within the expanded Cork City Council administrative area. The applicant, planning authority and third parties assessed the scheme against the provisions of the Cork County Development Plan 2014 - 2020 (as extended), which was the relevant statutory plan in place when the scheme was lodged. However, the new Cork City Development Plan 2022 – 2028 for the new expanded administrative area, which includes Tower, was adopted in August 2022. My assessment is based on the policies and objectives of the current statutory plan, which is the Cork City Development Plan 2022-2028.

- 10.2.3. The subject site is Zoned ZO 2 New Residential Neighbourhoods with the associated land use objective to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure. Therefore, I am satisfied that the proposed residential use is permissible in principle.
- 10.2.4. A number of third parties raised concerns that the proposed retail element of the scheme is not in accordance with the residential zoning objective. The sites land use objective aims to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure. Section 12.24 states that small-scale local services including local convenience shops are appropriate in areas Zoned ZO 2. The development plan does not provide a definition of local convenience shop, however, having regard to the size (1,315 sqm net) of the proposed retail store, I am satisfied that it falls within the definition of local convenience shop and is permissible in principle and in accordance with the land use zoning objective for the site.
- 10.2.5. Overall, I am satisfied that the proposed development, which comprises residential uses with some commercial / community uses is appropriate at this location and in accordance with the land use zoning objective. The planning authority also consider that the proposed development accords with national policy and is acceptable in principle
- 10.2.6. Section 12.24 of the development plan sets out overarching objectives for development in all zones, with regard to ZO 2 New Residential Neighbourhoods it states that any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy. The subject site forms part of a larger land parcel which is identified as a Tier 2 on figure 2.21 Growth Strategy Map of the development plan. Table 2.3 envisions that this parcel of land (Tier 2) has a potential yield of 278 no. units. The proposed development comprises 198 no. units. There is a current application (Reg. Ref. 21/40620) with Cork City Council for 73 no. units on the adjacent site. Therefore, there is a potential yield of 271 no. units on the overall Tier 2 lands. I am satisfied that the proposed development in combination with the adjacent site is compliant the growth strategy for Tower as set out in the Core Strategy.



### 10.3. ***Density***

- 10.3.1. The proposed scheme has a density of 35 units per ha. The applicant, the planning authority and third parties considered the density to be a material contravention of the previous Cork County Development Plan 2014 – 2020 (as extended). As noted above, my assessment is based on the policies and objectives of the Cork City Development Plan 2022-2028.
- 10.3.2. Section 11.71 of the development plan states that developing Cork City as a compact city will require housing to be built at a higher densities utilising different models of development. Table 11.2 sets a recommended lower density target of 40 units per ha and an upper density target of 60 units per ha for the outer suburbs. Section 11.72 of the plan states that density targets and prevailing character will be the key measures in determining site-specific density. The proposed density of 35 units per ha is below the lower target of 40 units per ha. However, given the topography of the site and the prevailing low density character of the surrounding residential estates, it is my view that the proposed density is appropriate in this instance. Having regard to the flexibility in the wording of the plan and as the density recommendations do not relate to a policy of the plan it is my view that the proposed density is not a material contravention.
- 10.3.3. Third parties raised concerns that the proposed density is excessive at this edge of the village location. While it is acknowledged that the quantum of development is significantly denser than the surrounding housing estates it is my view that the proposed development is in accordance with the provisions of the development plan, would reinforce that changing profile of the city and would significantly contribute towards consolidating the urban environment which is in accordance with Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 2 and RPO 10 of the Regional Spatial and Economic Strategy for the Southern Region and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, which support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.
- 10.3.4. In addition, Section 5.11 of the Sustainable Residential Development in Urban Area guidelines states that for outer suburban / ‘Greenfield’ sites the greatest efficiency in land usage would be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities, involving a variety of housing

types where possible, should be encouraged generally. Therefore, while at the lower end, the proposed density is in accordance with the provisions of the Sustainable Residential Development Guidelines.

- 10.3.5. In conclusion, having regard to the sites zoning objective, the delivery of residential and associated commercial / community uses in a compact form comprising well-designed units, the sites urban location, its size (7.5ha), its proximity to public transport, the availability of services and facilities within Tower and Cloghroe and to the changing context of the city, it is my view that to ensure efficiency in land usage, a density of 35 units per ha is acceptable and not excessive in this instance. It is also noted that the planning authority raised no objection to the proposed density.

#### 10.4. ***Design and Layout***

- 10.4.1. The site is located within the urban area, c. 700m south west of the town centre and c. 150m north west of Cloghroe Neighbourhood Centre. The surrounding area is generally characterised by low density suburban housing and agricultural fields and associated structures. The site currently comprises 2 no. separate fields which are delineated by a man made ditch which runs in an east – west direction. The site is irregular in shape and generally falls from north to south, with a c. 20m level difference between the highest point in the northern portion of the site and the lowest point in the southern portion of the site. While the southern portion of the site is generally flat, the topography of the northern portion of the site is undulating. To provide for appropriate levels it is proposed to cut and fill sections of the site, where possible, excavated material would be use as general fill.
- 10.4.2. The proposed development comprises the construction of a mixed-use development comprising 198 no. residential units (117 no. houses and 81 no. apartment / duplex units), a creche, café and single storey retail food store. Access to the proposed development is via 2 no. entrances from the R617 to the east of the site. 1 no. entrance would serve the proposed residential development generally located in the northern portion of the site and the second entrance would serve the proposed retail development in the southern portion of the site. An additional pedestrian entrance is proposed from the existing cul-de-sac at the sites northern boundary. The scheme is designed around 3 no. character areas. Character Area 1 is generally located in the

centre of the site and comprises the higher density units comprising 1 no. 3-storey apartment block (27 no. units), 5 no. 3 storey duplex blocks (52 no. units), 46 no. town houses (Types D, E and F) and a large central area of open space. Character Area 2 is located to the south of the site and generally comprises the commercial element of the scheme, which includes a retail food store, crèche and a café with 2 no. apartments above. An entrance plaza / public amenity space is proposed to the east of the retail food store and adjacent to the R617. Character Area 3 is located in the north of the site and comprises 71 no. detached, semi-detached and townhouse units. The finished floor levels and ridge heights are varied throughout the development which is a reflection of the natural topography of the site, which has informed the layout.

- 10.4.3. The commercial units are located at the southern portion of the site, c. 150m north west of the existing Cloghroe Neighbourhood Centre on the opposite side of the R617. While I agree with the planning authority that the location of the commercial element at the southern portion of the site, in close proximity to Cloghroe Neighbourhood Centre is appropriate, I have some concerns regarding the principle of the retail use on the subject site. This concerns is addressed in detail in Section 10.7 below.
- 10.4.4. The proposed scheme comprises 198 no. residential units, 117 no. houses, 52 no duplex blocks units and 27 no. apartments, with an overall housing mix of 44 no. (22%) 1 bed units, 57 no. (29%) 2-beds, 40 no. (20%) 3-beds and 57 no. (29%) 4-beds. A variety of residential units are proposed with 12 no. different typologies ranging in size from a 49.5sqm 1-bed apartment to a 170 sqm 4-bed house. The 2-storey corner houses have been designed as dual aspect units, which allows for passive surveillance of streets and public spaces. This design feature is welcomed.
- 10.4.5. A total of 19no. Part V units are allocated within the scheme, these units have been 'pepper potted' in clusters throughout the development. This equates to 10 per cent of the residential units within the development. The applicant's Planning Report confirms that the site was purchased between 1<sup>st</sup> September 2015 and the 31<sup>st</sup> July 2021 and therefore the provisions of the Affordable Housing Act, 2021 do not apply. I have no objection the proposed housing mix and tenure and consider it appropriate at this location.

- 10.4.6. A Schedule of Accommodate was submitted with the application. All proposed units reach and exceed the minimum standard for room sizes as set out in Table 5.1 of Quality Housing for Sustainable Communities Guidelines, 2007 and Sustainable Urban Housing: Design Standards for New Apartments, 2020. All houses and duplex units are dual aspect. Of the 27 no. apartments located in Block 6, 12 no. (44%) are single aspect. There are no north facing single aspect units. The balconies of the single aspect units have been recessed to provide for cross ventilation, a choice of views, improved access to daylight and sunlight. Having regard to the limited number of single aspect units and to their orientation, I am satisfied that the applicant has endeavoured to maximise the number of dual aspect units and have no objection in this regard.
- 10.4.7. The proposed houses are 2-storeys and the duplex / apartment block are 3-storeys in height. Concerns are raised by third parties that the 3-storey elements are not in keeping with the character of the area. Section 11.71 of the development plan states that *developing Cork City as a compact city will require housing to be built at a higher densities utilising different models of development. Most new development will be built at a scale of 2-4 storeys.* The proposed scheme generally comprises 2-storey dwellings and 3-storey apartment / duplex units and is, therefore, in accordance with the provisions of the development plan. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and Section 2.1 states that *'increased housing supply must include a dramatic increase in the provision of apartment development.'* Sites that may be suitable for limited, very small-scale apartment development include sites within small towns and villages. In addition, SPPR 4 of the Urban Development and Building Height Guidelines requires that the development of greenfield sites must secure a greater mix of building heights and typologies and avoid mono-type building typologies particularly, in any one development of 100 units or more. Having regard to the proximity to Tower, which is designated as an urban town in the development plan and to the provisions of Design Standards for New Apartments Guidelines, 2020 and Urban Development and Building Height Guidelines, 2018, it is my view that the provision of 81 no. duplex / apartments is appropriate in this instance, as they provide for a variety of unit types and sizes. It is noted that the planning authority raised no concerns regarding the proposed height and noted that given the topography of the site and the location of

the 3- storey buildings within the site that these buildings would not appear out of character with the location.

- 10.4.8. All house typologies are contemporary in design with similar elevational treatments. A variety of materials are proposed to differentiate the character areas. While I have no objection to the proposed materials it is noted that the apartment block (Block 6) incorporates white render at first and second floor levels. Render is not considered a durable material. Therefore, it is recommended that the render finish be omitted from the apartment block and replaced with a suitable high quality and durable finish.
- 10.4.9. The 3-storey duplex and apartment buildings have been designed with a flat roof. The planning authority raised some concerns regarding the roof design and recommended that these buildings be re-designed with pitched and mono-pitched roofs. While the blocks could have been of a more ambitious with regard to architectural design / style, I am satisfied that the variation in roof design provides for a sufficient variety within the scheme which would provide visual interest to aid with placemaking and legibility within the scheme. Therefore, I have no objection to the proposed roof design of the 3-storey buildings.
- 10.4.10. Concerns are also raised that the proposed development would have a negative impact on the visual amenities of the area. Chapter four of the submitted EIAR comprises a Landscape and Visual Impact Assessment (LVIA). It includes 5 no. verified views of the scheme. The submitted views / photomontages provide a comparison of the existing site and the proposed development. Concerns are raised by third parties that the LVIA does not include a direct view of the scheme from the R617. While it is acknowledged that no photomontage has been provided from directly west of the subject site, I am satisfied that the applicants submitted photomontages provide a reasonable representation of how the proposed development would appear to allow for a full assessment of the potential impact. It is also noted that a number of CGI's have been provided which provide additional visual representation of the scheme.
- 10.4.11. The LVIA provides an assessment of the visual impact of the development from these 5 no. viewpoints. There are 3 no. categories used to classify the 'sensitivity' of the landscape, in this regard High, Medium and Low. It is considered that the subject site

has a Medium sensitivity. There are 5 no. categories used to classify magnitude of change, these are: imperceptible, slight, moderate, significant and profound and 3 no. categories used to classify the type of impact, these are: neutral, positive and negative. To classify the significant effects the magnitude of change is assessed against the type of change. The impact level also takes into account the duration of the impact. Details of these categories are provided within Chapter 4 of the EIAR.

- 10.4.12. Table 4.8.1 of the LVIA provides an assessment of the visual impact of the development from the 5 no. viewpoints. Views 1, 2, 3 and 5 are short range views. Views 1 and 2 are from the R617 to the east of the subject site. View 3 is from Kiely's Lane to the north of the site and View 4 is from Senandale to the south of the site. In my opinion the visual impact from short range views, would be generally positive due to the high-quality contemporary design of the scheme, the existing and proposed screening and the significant separation distances proposed. With regard to the potential impact from View 4 which is a medium distance view from Scenic Route 39 at Bawnafinny, c. 2km from the subject site, I also agree with the findings of the LVIA that the scheme would have an imperceptible impact.
- 10.4.13. Although not assessed by the applicant I would agree with the third parties that the proposed development would also be visible when viewed from the rear amenity spaces of properties in Senandale. However, having regard to the significant separation distances proposed and the limited height (6m) of the retail element, it is my view that the proposed development would not have a significant impact on the visual amenity of the existing dwellings. The impact on residential amenity is addressed below in Section 10.6.
- 10.4.14. In conclusion, having regard to the high quality design and layout of the scheme and the landscaping proposals for the subject site, it is my view that the proposed development represents a reasonable response to its context and the topography of the site and would support the consolidation of the urban area. I agree with the findings of the LVIA and consider that the proposed scheme would not significantly detract from the visual amenities of this urban area and would not be visually obtrusive. It is also noted that the planning authority raised no objection in principle to the design and layout of the scheme.

## 10.5. ***Open Space and Landscaping***

### *Public Open Space*

- 10.5.1. The open space strategy for the site has been informed by natural features within the site. In general, areas of public open space are linked or interconnected. The landscape strategy is outlined in drawing no. L106 and L107. The public open spaces are numbered 1, 2, 3, 4, 5, 7, 8 and 9. (Open Space 6 comprises communal open space).
- 10.5.2. The scheme incorporates an amenity path along the site's entire western boundary (Open Space 1), which is c. 460m in length, adjacent to the existing watercourse. The drawings submitted indicate that the walkway / amenity space would have a minimum width of 5m. Therefore, this walkway provides c. 2,300 sqm of public open space. This walkway is passively overlooked by the residential units.
- 10.5.3. A central area of public open space (1,700sqm) adjoins the amenity path. The central area incorporates the existing man-made drain which would be expanded with the creation of two basins / wetland meadows. A 1,400sqm of open space (Open Space 2) would be provided on the northern side of the wetlands. This area would incorporate a kick about space. A c. 300sqm of open space (Open Space 3) incorporating a children's play area and picnic area would be provided on the southern side of the wetland. A 1.2m high fence is proposed around the wetland area with a pedestrian bridge over the watercourse.
- 10.5.4. Public open space is also proposed at the site's eastern boundary. This area currently comprises a wet willow woodland and a dry sycamore wood. This wet habitat is typically inaccessible. However, it is proposed to provide a 50m long boardwalk to allow access (Open Space 4). The walkway would connect to a sycamore wood to the south (Open Space 5). It is proposed to remove non-native trees from this area and replant a native deciduous woodland. A portion of this open space (300sqm) would incorporate maintained logs and boulders for imaginative play and a walkway to connect to the wetland. This area of open space also provides pedestrian connectivity to the R617 and the relocated bus stop. It would be passively overlooked by the residential units. The retention of natural features and trees within the site is welcomed.

- 10.5.5. To the north of the wet willow woodland, at the site's northern and eastern boundaries, it is proposed to provide a 2,500 sqm area of open space (Open Space 9). This area comprises existing mature trees and the existing man-made drain and has gradient change of c. 10m. Again, the retention of natural features and trees within the site is welcomed. The scheme incorporates a stepped pedestrian access onto existing roadway to the north of the site.
- 10.5.6. Open Space 9 is connected to a terraced / stepped area of public open space (Open Space 7). Open space 7 has a gradient change of c. 6m. It is envisioned that it would incorporate a 300sqm of level amenity space, a public orchard, a wildflower meadow and seating area. The location of this area of open space allows for an appropriate gradient of the access road and dwellings in the northern portion of the site. Having regard to the natural topographical changes in the northern portion of the site, I have no objection to the proposed stepped area of open space.
- 10.5.7. The final area of public open space (Open Space 8) is located at the upper end of the scheme. It is c. 200sqm and incorporates a biodiversity garden and children's play space.
- 10.5.8. The scheme also incorporates a 700sqm urban plaza in the southern portion of the site. The plaza is located between the 2 no. vehicular accesses and is immediately adjacent to the commercial units. The plaza incorporates hard landscaping, planting and seating areas and in my opinion provides an appropriate urban frontage onto the R617.
- 10.5.9. Table 11.112 of the development plan requires that public open space for residential developments on greenfield sites will normally be 15% of the site area, apart from in exceptional circumstances. Concerns are raised by third parties that insufficient open space has been provided for a development of this scale. The applicant has not provided a total breakdown of the total area of the public open space. However, the documentation submitted states that 16% of residential developable site area would be provided as public open space and that 14% is useable public open space. From the information and drawings submitted it is my view that the scheme incorporates c. 9,300sqm of public open space, excluding the proposed 700sqm urban plaza at the sites entrance with the R617. This open space accounts for c. 17% of the net



developable area (5.4ha), which is in excess of the development plan standards. While it is acknowledged that some of the open spaces are inaccessible, it is my opinion that on balance the retention of natural features, including native trees, wetlands and the sites natural topography is welcomed. I am satisfied that sufficient open space has been provided to serve the proposed residential development and that the amenity spaces would provide a benefit for the wider area as this site is currently in agricultural use and inaccessible to the public.

### *Communal Open Space*

- 10.5.10. The Apartment Guidelines 2020 set out a minimum communal open space requirement of 5sqm per 1-bed unit and 7sqm per 2-bed (4 person) unit. Block 6 accommodates 22 no. 1-bed units and 5 no. 2-bed units. Therefore, there is a requirement to provide 145sqm of communal open space to serve the apartment units. A c. 105sqm courtyard area is provided to the south of Block 6, which is immediately adjacent to an ESB substation, bike storage and bin storage. It is noted that there is no direct access to this area from the ground floor level in Block 6, as only a fire exit is provided onto the space via the stair well. It is also noted that windows and terraces front directly onto this area of open space. It is my opinion that insufficient consideration has been given to the area of communal open space to serve the apartment units. Having regard to the limited size and lack of direct access to this amenity I have concerns regarding the amenity value of the communal open space and the potential loss of privacy for future occupants of the ground floor units. If permission is being contemplated it is my recommendation that a minimum 145sqm of communal open space be provided to the east or west of apartment Block 6 in lieu of car parking spaces. It is also recommended that the proposed internal layout should be revised to ensure a permanent access to the bin and bike storage area for future occupants or that the bin and bike storage be relocated to a more convenient location.
- 10.5.11. The scheme also incorporates 2 no. (3 person) apartments above the café unit in the southern portion of the scheme. The Apartment Guidelines 2020 set out a minimum communal open space requirement of 6 sqm per 2-bed (3 person) unit. Therefore, there is a requirement for 12 sqm of communal open space to serve these units. There is no provision for communal open space for these units. The Apartment Guidelines 2022 acknowledged the need for greater flexibility to achieve increased apartment

developments. Having regard to the limited number of apartment units and their proximity to the urban plaza at the sites eastern boundary I am satisfied that sufficient open space has been provided to ensure a high quality residential amenity for future occupants.

#### *Private Open Space*

10.5.12. In addition to the above, all of the residential units have individual private open space in accordance with the standards set out in the Apartment Guidelines, 2020.

#### *Trees*

10.5.13. Having regard to the agricultural use of the site trees are generally limited to the sites boundaries. The scheme has been designed to incorporate existing good biodiversity trees, with over 200 no. native hedgerow trees retained. All existing trees and hedgerows along the sites northern and western boundary would be retained. In addition, where possible trees and hedgerows will be retained along the sites southern and western boundaries and the central hedgerow. In terms of both biodiversity and screening, the significant retention of trees is welcomed.

10.5.14. The planning authority noted that there are several mature trees on the site and it would be important that as many as possible of these are retained, treated and supported. The existing woodland (willow and sycamore trees) and the Sitka Spruce and Fir trees at the sites eastern boundary were planted in the late 20<sup>th</sup> century as part of the R617 road scheme. Approx. 75% of the sycamore trees would be removed to facilitate a subsurface stormwater tank and 25% of the wet willow would be removed to facilitate the internal road network. Sitka Spruce and Fir trees would also be removed to facilitate vehicular access and the proposed new urban plaza. It is noted that the majority of trees to be removed are located along the sites eastern boundary with the R617 and comprises low quality non-native trees. The scheme also incorporates additional planting of native species. Drawing no. L108 Landscape Masterplan indicates that 325 no. additional trees would be planted within the scheme and 625 no. trees and plants would be planted in the woodland area. The provision of a significant number of additional trees and vegetation and the retention of a significant number (c. 200) of existing trees is welcomed. While the planning authority's concerns regarding the loss of mature trees is noted, I have no objection to the removal of a

limited number of trees to facilitate the proposed development and consider that the proposed tree loss would be adequately compensated by additional planting and the significant landscaping proposed within the areas of open space.

### *Riparian Buffer Zone*

- 10.5.15. Section 11.220 of the development plan states that development proposals should incorporate an appropriately-sized buffer zone to maintain natural fluvial processes and to protect the water environment. Section 11.221 states that's development proposals should protect watercourses in accordance with Inland Fisheries Ireland's "Planning for Watercourses in the Urban Area" including the protection of riparian sections of rivers and streams, where possible.
- 10.5.16. The Irish Inland Fisheries guidance document Planning for Watercourses in the Urban Environment sets out 4 steps to good riparian and river planning for urban areas. Step 1: protect streamside zone less. Step 2: Construct middle zone, This can include amenity infrastructure. Step 3: create an outer zone to incorporate SUDS. Step 4: Rehabilitate the river itself to recreate diversity of instream features found in natural channels. The recommended buffer zone width for larger river channels (>10m) is 35m to 60m and for smaller channels (<10m) is 20m or greater. The determined width should be tailored to site specific circumstances, river reach or lakeshore characteristics. It is important that the buffer zone is wide enough to protect the ecological integrity of the river and takes into account human history of the area.
- 10.5.17. As noted above, the scheme incorporates an amenity path, c. 5m in width along the site's entire western boundary (Open Space 1), which is c. 460m in length, adjacent to the Dromin Stream. Within the northern portion of the site the stream has a steep gradient, and the channel is well defined. Towards the southern portion of the site, the gradient is flatter and the channel is less well defined. The drawing submitted indicate that the stream has a channel width of between 2m and 7m. Concerns are raised by the planning authority that the buffer zone is not in accordance with IFI guidance. It is noted that the proposed scheme does not provide for a 20m buffer zone along the entire width of the stream with particular pinch points in the southern portion of the site. However, having regard its current location between 2 no. agricultural fields, the limited width of the stream and the significant modifications to the stream to the south

of the site, adjacent to Senandale residential estate, it is my opinion that an appropriate buffer zone has been provided to retain its ecological integrity and to provide amenity to future residents. It is also noted that this area of the site is zoned for development and that no submission was received from Inland Fisheries Irelands with regard to the proposed scheme.

10.5.18. Concerns were raised by third parties that ecology within the site should be retained, and parts of the site could be used as a walking trail. Having regard to the current agricultural use of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site which includes the significant retention of trees and vegetation and additional landscaping and planting of native species would provide greater benefits in terms of biodiversity in the medium to long term.

10.5.19. Overall it is my view that the open space and landscaping strategy for the site has been well considered with a clear hierarchy of spaces which are attractive and well connected and that the scheme provide a balance of retaining natural features such as wetland areas and mature and high quality trees and allowing for the appropriate development of this urban site.

## 10.6. ***Residential Amenity***

### *Overlooking and Overbearing Impact*

10.6.1. The surrounding area is characterised by low density suburban housing and agricultural fields and associated structures. To the north the site is bound by agricultural fields and 5 no. large, detached dwellings. To the south it is bound by Seanandale Residential estate, to the east the site is bound by the R617 (Cloghroe – Blarney regional road), on the opposite side of the R617 are the Woodlands and Fairways residential estates. To the west the site is bound by agricultural fields. Concerns are raised by third parties that the proposed scheme would result in undue overlooking and have overbearing impact on existing residents.

10.6.2. There are 2 no. existing dwellings located adjacent to the sites northern and eastern boundary. These existing dwellings are identified as no. 4 and 5 on the site layout drawings. The rear elevation of proposed houses 57 and 58 are located c. 12m from the sites eastern boundary and c. 38m from an existing detached dwelling (no. 4).

Section HH / Drawing no. 20068/P/007B indicates that the existing dwelling has a slightly higher (0.5m) finished floor level and a 2m lower ridge height than the proposed dwellings. Block 5 (duplex units) is located c. 49m from an existing detached dwelling (no. 5). Section GG / Drawing no. 20068/P/007B indicates that the existing dwelling (no. 5) has a significantly higher (8m) finished floor level and ridge height (6m) than the proposed duplex building (Block 5). Having regard to significant separation distances and the relatively limited height of the proposed development it is my opinion that the proposed scheme would not result in any undue overlooking or overbearing impact on existing properties to the north / north east of the subject site.

- 10.6.3. To the south the site is bound by the rear gardens of 3 no. dwellings (no. 1, 2 and 4) in the Senandale residential estate. It is proposed to provide the commercial car park at the sites southern boundary. The car parking spaces are located a minimum of c. 5m from the site boundary and a minimum of 15m from the rear elevation of the existing houses. Section AA / Drawing no. 20068/P/005 indicates that the car park would have a finished floor level c. 1m above the finished floor level of the existing dwelling and rear garden of dwellings in Senandale. To ensure the proposed development would not have an negative impact on the existing residential amenities it is proposed to provide timber fence above a concrete wall with a height of 1.8m above the finished level of the car park. The existing boundary ditch and hedgerow would be retained with additional planting provided to ensure appropriate screening. Having regard to the separation distances and the screening proposed it is my opinion that the proposed development would not result in overlooking or have an overbearing impact on existing dwellings in Senandale. The proposed 2 no. first floor level apartments above the café unit are located c. 20m from the rear boundary of no. 1 Senandale. There are no windows proposed on the southern elevation of these apartment units. Therefore, the proposed development would not result in any undue overlooking. Section BB / Drawing no. 20068/P/006 indicates that the existing dwelling has a similar finished floor level than the café / and a slightly lower ridge height (2m) than the proposed café / apartment building. Having regard to the limited height of the proposed café unit, the proposed separation distance and the level of screening proposed it is my opinion that the development would not result in an overbearing impact.

- 10.6.4. With regard to the potential impact on dwellings to the east of the site, on the opposite side of the R613 it is noted that there is a separation distance of c. 24 m between the 2 no. first floor apartments over the café unit and the rear elevation of no. 3 Woodlands, which is a single storey dwelling. The proposed café unit is set back c. 12m from the public road (R617) and it is noted that no. 3 is located at an angle to the R617, which ensures there is no direct overlooking. Section KK / Drawing no. 20068/P/007C indicates that the existing dwelling has a similar finished floor level than the café / and a 2m lower ridge height than the proposed café / apartment building. Having regard to the separation distance, the limited height of the development and the location of the dwellings on the opposite side of the public road, I am satisfied that the proposed development would not result in any undue overlooking or have an overbearing impact on existing dwellings to the east of the subject site.
- 10.6.5. The concerns of the third parties are noted, however, having regard to the separation distances, orientation of the proposed buildings and the limited height proposed it is my opinion that the proposed development would not negatively impact on the existing residential amenities, in terms of overlooking or overbearing impact. It is noted that the planning authority raised no concerns in this regard.
- 10.6.6. With regard to the proposed scheme, the separation distances between the rear elevation of the dwellings range from c. 20m to 32m. It is noted that were the separation distance between dwellings is less than 22m, there are no first floor level windows serving habitable rooms at the rear elevation (house type C4).
- 10.6.7. The separation distances between the apartment / duplex unit range from 5m between Blocks 2 and 3 to 18m between Blocks 1 and Blocks 2 / 3. It is my opinion that the proposed separation distances between the blocks generally achieves a balance of protecting the residential amenities of future occupants, in terms of overlooking and overbearing impact, and achieving high quality urban design, with attractive and well connected spaces. However, due to the limited (5m) separation distance between Block 2 and 3 I have some concerns regarding undue overlooking between the second floor level bedroom of unit 145 (Block 3) and the bedroom window of unit 159 (Block 2). The bedroom in unit 145 has 2 no. windows. Therefore it is recommended that if permission is being contemplated that a condition be attached that the window on the

southern elevation of unit 145 of Block 3 be permanently fitted with obscure glazing or louvres.

- 10.6.8. To prevent anti-social behaviour and ensure a high level of residential amenity and privacy for future occupants it is also recommended that a condition be attached to any grant of permission that the proposed walkway between Blocks 2, 3, 4 and the terrace houses (no. 1 - 8) be gated and accessible only to residents which adjoin the walkway / courtyard area.
- 10.6.9. Concerns are also raised by third parties regarding the risk of anti-social behaviour in the commercial car park. The car park is located in the southern portion of the site to the north of the existing Senandale estate. As outlined above, the existing dwellings in Senandale would be separated from the car park area by a 1.8m high fence / concrete wall in addition to the existing trees and hedgerows and additional planting to be provided. The car park is also overlooked by the proposed retail unit and the café with 2 no apartments above. The submitted lighting plan indicates that the car park would be well lit. The car park would also be managed and maintained by the management company / retail operator. It is also noted that the car park is accessed from a separate access to the residential units. Therefore, if anti-social behaviour became an issue it would be possible to limited access to the car park area outside of the hours of operation of the retail unit could be limited. In my opinion this would be an on-going management issue of the car park and not a planning issue. Therefore, it is considered that a condition is not required in this regard.

*Daylight, Sunlight, Overshadowing*

- 10.6.10. Objective 11.4 of the development plan Daylight Sunlight and Overshadowing (DSO) states that *'all habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and ventilation. Planning applications should be supported by a daylight and sunlight design strategy that sets out design objectives for the scheme itself and its context that should be included in the Design Statement. The potential impacts of the proposed development on the amenities enjoyed by adjoining properties will need to be assessed in relation to all major schemes and where separation distances are reduced below those stipulated. Cumulative impacts of committed schemes will also need to be assessed...'*

- 10.6.11. The applicant has not submitted a Daylight, Sunlight and Overshadowing assessment to support this application. However, having regard to the flexibility in the wording of Objection 11.4 it is my opinion that this does not constitute a material contravention of the development plan.
- 10.6.1. The Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' describe recommended values (eg. ADF, VSC, APSH, etc) to measure daylight, sunlight and overshadowing impact. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones. While the BRE guidelines are discretionary and not mandatory policy/criteria it is noted that the Building Height Guidelines recommend that reasonable regard is had to the BRE standards.
- 10.6.1. As outlined above, the site is generally bound by low density suburban housing and agricultural fields and associated structures. While I note the lack of a submitted assessment with the application, I am satisfied that this does not have a material bearing on my assessment. It is my view that the proposed development is at an appropriate scale for the site location, with properties between 2 and 3 storeys in height which limits the extent of overshadowing that may result. Therefore, potential daylight/sunlight impacts upon existing residents in accordance with the criteria described in the BRE guidelines can be determined as negligible
- 10.6.1. The BRE guidelines are clear that access to natural light is only one of many factors in site layout design. I consider that adequate allowance has been made in the proposed design for daylight and sunlight through adequate separation between the units. As such, I am content that daylight, sunlight and overshadowing conditions for the residential units within the proposed development will be within an acceptable range. All of the proposed houses and duplex units are dual aspect which maximises available light and ventilation. Buildings proximate to the subject site are not of a scale or height that would generate significant obstruction to light or overshadowing of areas.



While I acknowledge that the applicant has not submitted their own assessment of the numerical targets for daylight and sunlight in the proposed development, I am satisfied that considerations of daylight and sunlight have informed the proposed layout design in terms of separation distances, scale and dual aspect of units. Therefore, noting the design of the units and compliance with development management standards, targets identified in the BRE 209 Guidance documents would be achieved.

10.6.2. In addition, I note that the Planning Authority and third parties have not raised any concerns in relation to this matter. In my view, it is accepted practice within Cork City Council's administrative area for schemes of a traditional character, and relatively low density, do not require the submission of a specific daylight and sunlight assessment. On this basis, it is reasonable to interpret that the proposed accommodation is within best practice limits.

#### 10.7. **Retail Use**

10.7.1. The proposed development includes the provision of a single storey retail food store with a net sales area of 1,315sqm which includes the sale of alcohol for consumption off premises, totem sign and ancillary building signage, a café and creche with a large surface car park. The retail / commercial element is located in the southern portion of the site, c. 150m north west of the existing retail / commercial units at Cloghroe Neighbourhood Centre, on the opposite side of the R617.

10.7.2. The planning authority consider that the positioning of the retail element is acceptable given its proximity to the existing local services across the road would form a defined urban entrance to the village. However, the planning authority also consider that the retail element is premature pending the publication of the Joint Retail Strategy for Metropolitan Cork and adoption of the Cork City Development Plan 2022-2028.

10.7.3. The Cork City Development Plan 2022-2028 came into effect in August 2022. Therefore, the proposed development is not premature pending the adoption of the plan. Strategic Retail Objective 7.27(a) of the plan aims *to support the preparation of the Cork Metropolitan Area Joint Retail Study and Strategy with Cork County Council and support and implement the Retail Hierarchy in defining the role of retail centres, in preparing plans and in assessing development proposals for retail development* is noted. While it is acknowledged that this has not been completed to date, the existing

Metropolitan Cork Joint Retail Strategy, 2015 identified Tower as a Level 4: Neighbourhood Centres and Large Village Centre. The status of Tower in the existing strategy is reflected in the current city development plan. In addition, Appendix 1: Statement of Conformity with Section 28 Ministerial Guidelines of the development plan states that Retail Planning: Guidelines for Planning Authorities DECLG (2012) have been implemented in Chapter 5 Economy and Employment and Chapter 11 Placemaking and Managing Development. I am satisfied that the proposed scheme can be fully assessed in the context of the policies and objectives of the city development plan and the Metropolitan Cork Joint Retail Strategy, 2015 and is not premature pending the publication of the Metropolitan Cork Joint Retail Study and Strategy.

10.7.4. As outlined above in Section 10.2, small-scale local services including local convenience shops are permissible in areas Zoned ZO 2. While the principle of the retail development may be acceptable, Section 7.86 states that proposals should demonstrate the appropriateness of the site by means of a Sequential Test, demonstrate retail impact and provide for a mix of uses appropriate to the scale of the centre. Section 4.9 of the Retail Planning Guidelines outlines specific criteria that a RIA must address. These include support of the long-term strategy for the area; potential to increase employment and economic regeneration; increase competition; respond to customer demand; should not undermine the urban centre; cause an increase in vacancy; ensure a high standard of access and link effectively with the existing centre. The applicant has addressed each of these criteria in Table 3.1 of the submitted RIA. I have concerns that the proposed retail element does not support the long term strategy for the area and has the potential to undermine the urban centre of Tower, c. 700m north east of the subject site.

10.7.5. Tower is not identified within the retail hierarchy as set out in Section 7.86 of the development plan. Therefore, it is considered to fall within the definition of Level 4: Neighbourhood / Local Centres and Large Village Centres. Section 7.91 of the development plan identifies Neighbourhood and Local Centres as generally anchored by a small or medium sized convenience store that tends to include a number of smaller, associated local service units that enhance the overall appeal of the centre in terms of service provision and design. It is noted that Tower is already anchored by a

medium sized convenience store. The existing SuperValu with associated small scale shops is located within the village centre, c 700m north east of the subject site. Permission was granted in 2016 (Reg. Ref. 16/5541) by Cork County Council for the extension to this existing supermarket (Supervalu) to provide a net floor area of 1,232sqm. In addition, the Cloghroe Neighbourhood Centre c. 150m south east of the subject site comprises a row of commercial / retail units. Both the Supervalu site and the Cloghroe Neighbourhood Centre are zoned 'Neighbourhood and Local Centres' with the associated land use objective to protect, provide for or improve local facilities. The proximity to Cloghroe Neighbourhood Centre is noted, however, due to the nature of the proposed development in terms of its quantum of retail provision, its location on the opposite side of the R617 and the separation distance, I do not consider it to be an extension of the Neighbourhood Centre at Cloghroe and consider it to be a new standalone development.

- 10.7.6. Section 10.293 Retail and Ancillary Services of the development plan states that Tower does not require additional retail floorspace during the plan period (2022-2028) and that the existing shopping centre and the nearby Cloghroe village centre will continue to be the principal location for future retail development and that it will continue to be limited to small scale convenience uses. While it is noted that Section 10.293 does not relate to a policy of the plan, I consider that that Tower already benefits from a significant convenience offering and that the proposed retail development is not in accordance with the retail hierarchy set out in the development plan.
- 10.7.7. To justify the retail development, the applicants RIA states that the unmet demand in Tower results in overtrading of existing stores within the catchment and an unnecessary reliance on Ballincollig, Blarney and Blackpool, which encourages unsustainable travel patterns. The RIA considers that the provision of additional retail development in Tower will improve competitiveness within the local retail sector and benefit the area's economy as a whole. The RIA further states that Tower would have a catchment area of a 15 min drive, (excluding areas that overlap with Blarney and Ballincollig) and that Tower is the most convenient location for rural areas to the north and west of the town. Table 4.9 of the applicants RIA indicates that based on a population growth scenario of 1% by 2031 there would be spare capacity within the

catchment to support 2,724sqm additional convenience floorspace and 4,196sqm based on a 2% population growth scenario.

- 10.7.8. I am satisfied with the methodology applied to calculating the quantity of existing and potential retail capacity. However the retail hierarchy in the development plan identifies Ballincollig as a Large Urban Town Centre (Level 2) and Blarney as a Small Urban Town Centre (Level 3) and Objective 7.30 aims *to support, promote and protect the Urban Town Centres of Blarney and Glanmire, which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities. In order to support planned population growth in these centres, some additional retail development of an appropriate scale and size may be directed to these centres.* Having regard to the proximity of Tower to both Blarney (c. 3km) and Ballincollig (c. 4km), to their status within the retail hierarchy and to Objective 7.30 to direct additional retail development to Blarney, it is my opinion that these larger centres would more likely serve the catchment area identified in the applicants RIA. Therefore, it is my opinion that the proposed development would undermine the retail hierarchy as set out in the development plan.
- 10.7.9. A sequential test was not undertaken as part of the RIA. The RIA states that the site selection process was influenced by the existing local context of Tower and due to the proximity of Cloghroe Neighbourhood Centre it would result in the expansion of the centre to cater for the needs of the towns growing population. As noted above, I do not consider the proposed development to be an extension of the Neighbourhood Centre at Cloghroe.
- 10.7.10. Section 7.96 of the development plan states that the order of priority is to locate retail development in the City Centre and designated District Centres/Ballincollig Town Centre and to only allow retail development in edge-of-centre or out-of-centre locations where all other options have been exhausted. The Retail Planning Guidelines (2012) define the edge of centre area as being within easy walking distance of the identified primary retail area (usually between 300 and 400 metres of the Core Retail Area and to be confirmed in individual circumstances). The subject site is located c. 700m from the centre of Tower and, therefore, is considered to be an out of centre site. It is my view the RIA fails to robustly assess potential sites, particularly in this suburban part of the City. I am not satisfied that all potential sites within the retail catchment including

Blarney and Ballincollig were given adequate consideration. Having regard to the existing retail provision in the area and the proximity to both Blarney and Ballincollig, I do not consider that there are exceptional circumstances to facilitate an out-of-centre development at this location.

10.7.11. Overall, having regard to the proximity of the subject site to both Ballincollig and Blarney and their status within the Retail Hierarchy, to Objective 7.30 to direct additional retail development to Blarney and to the scale of the proposed retail element, it is considered that the proposed development would be contrary to Strategic Retail Objective 7.27 (a) to implement the Retail Hierarchy and would also be contrary to Section 10.293 of the development plan which states that Tower does not require additional retail floorspace during the plan period. It is recommended that permission be refused for the retail element.

10.7.12. I have no objection to the proposed café unit with 2 no. apartments above. However, having regard to the buildings relationship to the retail unit with associated car parking and vehicular access arrangements it is my view that this building should also be omitted and that the development of the southern portion of the site should be subject to a revised planning application.

## 10.8. ***Transportation and Car Parking***

### *Traffic Assessment*

10.8.1. The subject site is located to the west of the R617 (Blarney Road) within the 50kph speed limited. There is no footpath or dedicated cycle network along the site boundary. There is an existing footpath on the opposite side of the R617. The proposed development includes upgrades to the R617 to include a 2m cycle track, a 1m planted verge, a 2m pedestrian footpath and a reservation of 3.25m for a future bus lane as part of Bus Connects, which would be grassed in the interim. The proposed works also include relocating and upgrading the existing bus stop at the sites western boundary with the provision of a new bus shelter and a colour contrasted paved stop area. Access to the scheme from the bus stop is proposed via a footpath and a more direct stepped access. The works also include provision of the controlled pedestrian crossing on the R617 to the north of the bus stop. The existing bus stop serves as the terminus

of the no. 215 bus route which provides connectivity between Cloghroe and Mahon Point via the city centre. This service operates every 30 min 7 days a week.

- 10.8.2. The Cork Metropolitan Area Transport Strategy 2040 (CMATS) was undertaken by the National Transport Authority, in conjunction with Cork City Council, Cork County Council and Transport Infrastructure Ireland and was completed in early 2020. While it is acknowledged that the subject site is not served by a high capacity and high frequency public transport, it is considered that the location of the subject site will most likely benefit from improved levels of public transport accessibility / public transport service provision in the short to medium term. It is also noted that the subject site is located in close proximity to the emerging cycle network.
- 10.8.3. Traffic counts were carried out at 3 locations on Thursday 6<sup>th</sup> May 2021 over a 12 hour period and again on Tuesday 30<sup>th</sup> November 2021. To ensure a robust model the traffic counts were increased by 12.5% as travel patterns may not have returned to pre-covid levels. It is noted that concerns were raised by third parties that the traffic counts are not accurate. In my view the applicants approach is reasonable and I am satisfied that the traffic counts provide a realistic reflection of traffic on the local road network.
- 10.8.4. The TRICS database was used to estimate the number of trips potentially generated by the proposed development. Table 7.1 of the applicants TTA provides a breakdown of estimated trips for each use within the development. TRICS estimated that the residential development would generate 139 no. trips (34 no. arriving and 105 no. departing) in the AM peak and 145 no. trips (90 no. arriving and 45 no. departing) in the PM peak. It also estimated that the creche use would generate 9 no. trips in the AM peak and 8 no. trips in the PM peak. With regard to the retail use TRICS estimated that it would generate 54 no. trips in the AM peak and 259 in the PM peak. Having regard to the limited (101 no.) car parking spaces to serve the retail use it is my opinion that the number of trips generated in the PM peak are overestimated and represent a worst case scenario. It should also be noted that my recommendation to omit the retail element of the scheme would significantly reduce the estimated number of trips on the local road network. However, to ensure a robust assessment of the potential impact on the local road network the entire proposed development has been assessed.

- 10.8.5. The TTA assessed 3 no. junctions, (1) R617/R579 junction, (2) proposed residential access / R617 and (3) proposed retail access / R617 for the base year 2021, the year of opening 2024 and the design year 2029 (+5) and 2039 (+15). As a junction approaches values of 85% - 90% this typically indicates traffic congestion, with queues beginning to form. The lower figure (85%) is generally assigned to unsignalised junctions which rely on human behaviour while the higher figure (90%) is assigned to signalised junctions. Once the RFC is above 100% the modelling software produces results for queue lengths and delays that are unrepresentative of the actual or likely effects.
- 10.8.6. The modelling indicates that the proposed junctions with the R617 (Junctions 2 and 3) would operate within capacity for all future years. With regard to R617 / R579 junction (Junction 1) the modelling indicates that with or without the development the junction would reach capacity by 2029 with a RFC of 85 in the AM peak without the development and a RFC of 100 in the AM peak with the development. By 2039 this increases to a RFC of 100 in the AM peak without the development and a RFC of 114 in the AM peak with the development with significant delays occurring.
- 10.8.7. The planning authority note that the proposed development accelerates the degradation of the junction capacity. Therefore, it is considered that some short term works to the junction to preserve the capacity should be carried out in agreement with Cork City Council. It is acknowledged that the proposed development would negatively impact on the capacity of the R617 / R579 junction. However it is also noted that this junction would reach capacity in the AM peak by 2029 without the development. While the capacity of the junction could potentially be improved by introducing turning lanes or signalling the junction, this is outside of the remit of this application. It is my view that the estimated traffic volumes are within the norm for a busy urban area and that the proposed scheme is not reliant on the upgrade of this junction. Having regard to the sites zoning objective, its location within the urban area, the lack of an alternative access route to the site and overall national, regional and local policy to consolidate the urban area, it is my view that the potential traffic generated by the proposed development is acceptable in this instance. It is also noted that in the medium to long term the delivery of Bus Connects may include modifications / upgrades to this junction. The submission from TII raised no objection to the proposed development

and no comments were received from the NTA, who were consulted as part of the application.

- 10.8.8. Third parties raised concerns that the surrounding road network experiences traffic congestion at peak times, particularly adjacent to Cloghroe National School. While parking congestion may be experienced during school drop off / collection times this is for a relatively short period each day. There is an existing dedicated car park for the school located on the northern side of the R579, directly outside the school. There is also a dedicated car parking area associated with the church located c. 50m west of the school and an unrestricted area / lay-by on the northern side of the R579, which allows for vehicles to pull in without impacting on traffic flows on the road network. The school is also located within walking distance (500m) of the Senandale, Woodlands and Fairways residential estates and the subject site. If there are concerns regarding long term unauthorised car parking along the R579 which interferes with traffic flows, it is my view that this could be addressed by the introduction of restrictive measures to be managed by the local authority. It is my opinion that the proposed development would not exacerbate congestion experienced during school drop off / collection times.

#### *Car Parking*

- 10.8.9. The scheme includes 397 no. surface level car parking spaces. It is proposed that 295 no. spaces would serve the residential units and crèche and 101 no. spaces would serve the retail element. Car parking spaces to serve the residential unit would be accessed from a separate entrance on the R617 to the retail car parking spaces. Drawing no. 20068/P/014 indicates the car parking allocation for the scheme.
- 10.8.10. The development plan identifies Tower as being in Zone 3 for car parking. Section 11.237 of the plan states that although these areas have been identified for public transport improvements, the interventions currently being considered are not at a scale envisaged to allow for a more substantial reduction. Table 11.13 sets out maximum car parking standards.



Use	Development Plan Standard	Maximum Provision	Proposed Provision
<b>1 and 2 bed residential units (101 no.)</b>	(1 - 2 bed units): 1 space unit	204	253
<b>3 and 3+ residential units (97 no.)</b>	(3 – 3+ bed units): 2 spaces per unit plus 0.25 visitors spaces per unit	218 (194 no. residential spaces plus 24 no. visitor spaces)	
<b>Creche (42 no. children)</b>	1 space per 6 students	7	4
<b>Convenience Retail (1,895sqm gross)</b>	1 space per 30 sqm gross	63	101
<b>Café (186 sqm)</b>	1 space per 30sqm	6	0
<b>Total</b>		498	397

10.8.11. It is generally proposed to provide 2 no car parking space per house, 1 no. space per duplex and 0.5 no. spaces per apartment with 16 no. visitor spaces. The car parking spaces are provided in communal areas to the front of the residential units. The proposed car parking for the retail unit exceeds the maximum car parking standard set out in the development plan. However, it is my view that these spaces would have a dual use and would also serve overspill from the café and creche. It is noted that third parties have raised concerns regarding the car parking provision and consider that a minimum of 2 no. spaces should be provided per unit. Having regard to the maximum car parking standard set out in the development plan, the urban location and the proximity to public transport I am satisfied that sufficient car parking has been provided to serve the proposed development. It is noted that no concerns have been raised by the planning authority regarding the car parking provision.

#### *Connectivity*

10.8.12. The scheme has been designed to allow for future connectivity to the north and west of the site. Third parties raised concerns regarding these future links as the adjacent sites are not zoned for development. It is acknowledged that currently the adjacent sites are not zoned for development and are in agricultural uses. However, in my view the future potential connectivity is welcomed and is in accordance with Objective 2.17 Neighbourhood Design of the development plan which states that the design and siting of development shall enhance connectivity.

10.8.13. The scheme also incorporates an additional pedestrian access to the site from the northern boundary onto an existing cul-de-sac that links to the R617. Concerns are raised by third parties that there is no justification for the pedestrian access to the cul-de-sac and that it would have a negative impact on the existing residential amenities. The proposed pedestrian access would provide a link onto the unnamed cul-de-sac, c. 100m from the R617. There is a narrow footpath on the street, immediately adjacent to the subject site and an additional footpath on the northern / opposite side of the street. Neither of these footpaths provide a continuous link to the R617. The footpaths both end before the junction and there is a grass verge at the junction with the R617. Having regard to the significant numbers of pedestrians that could potentially use this route it is my view that significant upgrade / improvement works to the pedestrian environment within the cul-de-sac are required. These improvement works do not form part of the application.

10.8.14. The site includes 2 no. vehicular and 1 no. additional pedestrian access point directly onto the R617 which provide connectivity to the bus stop and the services and facilities within Tower and Cloghroe Neighbourhood Centre. Additional connectivity is welcomed, however, having regard to a lack of footpath along the cul-de-sac and the topography of the site which results in a stepped access to the site's northern boundary, I am not satisfied that the proposed pedestrian link via the cul-de-sac is appropriate in this instance. It is, therefore, recommended that the pedestrian access onto the cul-de-sac be omitted from the scheme.

## 10.9. **Water Services**

10.9.1. The applicant's Engineering Design Report notes that there is no existing dedicated surface water infrastructure within the site. An existing storm water sewer runs in a north-south direction under the R617 which ultimately discharges into the Owennagearagh River. It is proposed that the majority of the surface water runoff generated from the proposed development would be routed through a series of SuDS elements which will facilitate the detention and infiltration at source. Surface water would generally flow in a south-easterly direction to 6 no. underground attenuation tanks and would connect to the public storm sewer under the R617.

- 10.9.2. The existing man made drain running from east to west through the centre of the site would be expanded with the creation of two basins / wetland meadows. The basins would slow the velocity of surface water entering the Dromin Stream at the sites western boundary. Overall, the proposed scheme reduces the quantity of surface water from the development lands entering the Dromin Stream. I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts and that the planning authority raised no concerns regarding the proposed surface water proposals. The issue of flood risk is addressed below in Section 10.10.
- 10.9.3. The applicants Engineering Design Report and associated drawings indicate that wastewater from the site would flow by gravity to the existing public network under the R617. This would flow to the Cloghroe Wastewater pumping station to the south of the site where it would be pumped to the Blarney / Tower Wastewater Treatment Plant. The submission from Irish Water notes that upgrade works are required to the Cloghroe Wastewater Pumping Station. Irish Water does not currently have any plans to carry out the works required. The applicant is required to provide a contribution of a relevant portion of the costs for the required upgrades as part of a connection agreement. If permission is being contemplated it is recommended that a condition be attached in this regard. It is noted that there is capacity within the Blarney / Tower Wastewater Treatment Plant to accommodate the scheme.
- 10.9.4. It is proposed that the scheme would be connected to the public watermain under the R619. Third parties raised concerns regarding the capacity within the public water system. However, the submission from Irish Water notes that a new connection can be facilitated. Therefore, I am satisfied that the proposed scheme can be accommodated within the public network.
- 10.9.5. Overall, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that no concerns were raised by the planning authority in this regard.

#### 10.10. ***Flood Risk***

- 10.10.1. The Dromin Stream runs along the sites western boundary. Within the northern portion of the site the stream has a steep gradient and the channel is well defined. Towards the southern portion of the site, the gradient is flatter and the channel is less well

defined. There is also a man-made drain running in an east – west direction through the centre of the site towards the stream on the western boundary. There is also a man-made drainage ditch along the sites southern boundary with Senandale residential estate. These watercourses run to the Owennagearagh River c. 170m south of the subject site, on the opposite side of the R579. Figure 1.4. of the applicants FRA indicates that various culvert structures are located on the channel in the vicinity of the Senandale estate.

10.10.2. The Strategic Flood Risk Assessment (SFRA) carried out as part of the Cork City Development Plan 2022-2028 indicates that the majority of the subject site is located within Flood Zone C. A small area in the south western portion of the site, along the sites boundary with the Dromin stream is located Flood Zone A. Flood Risk zones are determined on the probability of river and coastal flooding only, other sources do not affect the delineation of flood risk zones. The OPW mapping indicates the site is not at risk from coast flooding. A Site-Specific Flood Risk Assessment (FRA) was submitted with the application which also indicates that the site is not at risk from pluvial flooding or groundwater or drainage systems.

10.10.3. The OPW maps indicated that there are recurring flood events to the south of the subject site. Third parties note that the Senandale estate and along the R579 to the south of the site are subject to flooding and raised concerns that the subject site would exacerbate the existing situation. Concerns were also raised that the proposed development would increase the risk of flooding to the adjacent site to the west and that the proposed development would negatively impact on the development potential of the adjacent site. The planning authority and the applicant note that properties in Senandale flood as a result of increased flows in the Owennagearagh River which overflows to the Dromin Stream. The applicants FRA notes that flooding is partially the result of inadequate conveyance capacity in the Owennagearagh river channel and the restrictive Currabehta bridge.

10.10.4. The modelling indicates that the flood extents within the subject site do not change when flows in the Owennagearagh River increase, indicating that flooding within the subject site is solely influenced by flows in the Dromin Stream, as a small portion of the south western portion of the site is a natural floodplain for the stream.

10.10.5. Table 3.1 of the Planning System and Flood Risk Management Guidelines, 2009 outlined the 'vulnerability of different types of development'. The proposed development is residential in nature and, therefore, classified as 'Highly Vulnerable Development'. A creche is not identified as a use, however, a school is identified as a highly vulnerable development, therefore, it is my view that a creche would also be considered a highly vulnerable development. It is noted that these elements of the development are located in Flood Zone C. The proposed retail unit and associated car parking area are considered a less vulnerable development. Therefore, a Justification Test is not required. Notwithstanding this, to ensure a robust assessment of the proposed scheme the applicant submitted a justification test as part of the FRA. It is noted that the planning authority raised no concerns regarding flood risk.

10.10.6. Section 4 of the applicants FRA addresses each of the criteria set out in Box 5.1 of the guidelines. Having regard to the concerns raised by third parties it is considered appropriate to address each of the criteria.

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

The subject site is Zoned ZO 2 New Residential Neighbourhoods with the associated land use objective to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.

The proposed uses are considered permissible. The Strategic Flood Risk Assessment carried out as part of the Development Plan states that it is in accordance with the Planning System and Flood Risk Management Guidelines, 2009. The proposed application is considered to be in accordance with criteria 1.

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

**(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;**

As outlined above, a small area of the site is at risk from fluvial flooding from the Dromin stream. The scheme incorporates surface water management proposals.

Surface water run-off from the site would be collected by a surface water drainage system and routed through 6 no. underground storage tanks. Out flow at greenfield rates would be directed to the existing municipal drainage system on the R617, which ultimately discharges to Owennageragh River downstream of the Curreabeha bridge. Therefore, run off from the site, which currently enters the stream at the sites western boundary would be direct towards the public system to the east of the site. It is also proposed to include an underground storage area in the south eastern portion of the site to manage overflow storm water and provide protection for the subject site and properties within Senandale. The central area of open space within the scheme also incorporates 2 no. biodiversity ponds, which would facilitate flood water storage of up to 300m<sup>3</sup> during high flows. In total the scheme incorporates 1,200m<sup>3</sup> of compensatory storage. Despite the loss of a natural floodplain the scheme results in an additional 500m<sup>3</sup> of flood storage post-development. This would reduce the risk of flooding to properties within Senandale residential estate. However, it is noted that the main risk of flooding to the properties within Senandale is from the Owennagearagh River.

As a consequence of the proposed works the modelling indicates that the proposed scheme would result in less than 20mm of increased flood waters on a small area to the west of the subject site. The landowner has raised concerns regarding the potential negative impact this would have on the development potential for the adjacent site. The adjacent site is subject to a current planning application (Reg. Ref. 21/40620) for 73 no. residential units. The proposed layout for the adjacent site includes an area of significant area of open space along its boundary with the Dromin Stream. This area is located within Flood Zone A. It is my view that the proposed impact on this area from the proposed development would be negligible. It is also noted that the scheme proposed to the west of the subject site includes flood risk management proposals.

Overall I am satisfied that the proposed development does not pose a risk to any third party lands. The proposed application is considered to be in accordance with criteria 2(i).

***(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;***

The proposed vulnerable uses (residential and creche) and less vulnerable uses (café and retail) are located within Flood Zone C. A portion of the surface car park to serve the commercial / retail elements is located within Flood Zone A. The applicants Engineering Report also noted that the residential units have a minimum finished floor level of 25.4mOD, which is above the estimated maximum flood water level of 24.5mOD. This provides for a high level of protection and, therefore, the risk of flooding to people, property and the environment is very low. In my opinion the proposed scheme has been designed to minimise the flood risk to people, property, the economy, and the environment, as far as reasonably possible. The proposed application is considered to be in accordance with criteria 2(ii).

***(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 measures and provisions for emergency services access; and***

The majority of the subject site is located in Flood Zone C. The proposed scheme is not reliant on existing or proposed flood protection measures. The R617 is not a risk of flooding and the modelling indicates that the access road (R617) is not at risk from flooding in future scenarios. Therefore, emergency services access is available to the site.

The planning authority have not requested that any financial contribution be provided to facilitate flood defence / relief works and there does not appear to be any plan or project to facilitate such works in the short to medium term.

I am satisfied that the scheme has been designed to ensure that residual risks to the area and the scheme can be managed to an acceptable level. The proposed application is considered to be in accordance with criteria 2(iii).

***(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***

The proposed development is located on zoned and serviced land and is contiguous to existing residential developments. With regard to the site specific flood risk assessment, it is my opinion that the proposed development contributes to the wider objective of consolidating the urban environment and incorporates high quality design which would create an appropriate urban frontage on to the R619. The proposed application is considered to be in accordance with criteria 2(iv).

10.10.7. It is my opinion that the proposed development satisfies each of the criteria set out in the justification test. Having regard to the information submitted I am satisfied that the proposed arrangements would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that no concerns were raised by the planning authority regarding flood risk.

#### 10.11. ***Material Contravention***

10.11.1. The subject site is situated in Tower, which was formerly located within the administrative area of Cork County Council. Since May 2019, Tower is located within the expanded Cork City Council administrative area. The applicant, planning authority and third parties assessed the scheme against the provisions of the Cork County Development Plan 2014 -2020 (as extended), which was the relevant statutory plan in place when the scheme was lodged. However, the new Cork City Development Plan for the new expanded administrative area which includes Tower was adopted in August 2022. My assessment is based on the policies and objectives of the current statutory plan, which is the Cork City Development Plan 2022-2028. I am satisfied that the proposed development does not materially contravene the Cork City Development Plan 2022-2028.

#### 10.12. ***Chief Executives Report***

The planning authority raised the following concerns: -

- The roof design of some of the Apartment/Duplex blocks should be re-designed to have an architectural consistency within the residential element of this scheme.
- The proposed development should be revised to accord with The Irish Inland Fisheries guidance document Planning for Watercourses in the Urban



Environment, in particular seeking a minimum buffer zone of 15m between the stream channel edge, and any roadways / car parking areas / flood storage areas etc.

- The retail element is considered premature pending the publication of the Joint Retail Strategy for Metropolitan Cork and adoption of the Cork City Development Plan 2022-2028.
- There are several mature trees on the site and it would be important that as many as possible of these are retained, treated and supported.

### *Design*

10.12.1. While the 3-storey apartment / duplex blocks could have been of a more ambitious with regard to architectural design / style it is my opinion that the variation in roof design between the houses and apartment / duplex units provides a variety and visual interest within the scheme which would aid with placemaking and legibility in accordance with the guidance set out in the Urban Design Manual. Therefore, it is my view that the roof design is acceptable in this instance.

### *Riparian Buffer Zone*

10.12.2. The scheme incorporates an amenity path along the site's entire western boundary (Open Space 1), which is c. 460m in length, adjacent to the Dromin Stream. Within the northern portion of the site the stream has a steep gradient, and the channel is well defined. Towards the southern portion of the site, the gradient is flatter and the channel is less well defined. The drawing submitted indicate that the stream has channel width of between 2m and 7m. Concerns are raised by the planning authority that the buffer zone is not in accordance with IFI guidance. It is noted that the proposed scheme does not provide for a 20m buffer zone along the entire width of the stream with particular pinch points. However, in my opinion having regard to the current nature of this stream, its located between 2 no. agricultural fields, the limited width of the stream and the significant modifications to the stream to the south of the site, adjacent to Senandale residential estate it is my opinion that an appropriate buffer zone has been provided to retain the ecological integrity of the stream and to provide amenity to future residents. It is also noted that this area of the site is zoned for development.

### *Retail Element*

10.12.3. The Cork City Development Plan 2022-2028 came into force in August 2022. Therefore, the proposed development is not premature pending the adoption of the plan. Strategic Retail Objective 7.27(a) of the plan aims to support the preparation of the Cork Metropolitan Area Joint Retail Study and Strategy with Cork County Council and support and implement the Retail Hierarchy in defining the role of retail centres, in preparing plans and in assessing development proposals for retail development is noted. While it is acknowledged that this has not been completed to date. There is the existing Metropolitan Cork Joint Retail Strategy, 2015 which identified Tower as a Level 4: Neighbourhood Centres and Large Village Centre. The status of Tower in the strategy is reflective of its status in the current city development plan. In addition, Appendix 1: Statement of Conformity with Section 28 Ministerial Guidelines of the development plan states that Retail Planning: Guidelines for Planning Authorities DECLG (2012) have been implemented in Chapter 5 Economy and Employment and Chapter 11 Placemaking and Managing Development. I am satisfied that the proposed scheme can be fully assessed in the context of the policies and objectives of the city development plan and the Metropolitan Cork Joint Retail Strategy, 2015 and is not premature pending the publication of the Metropolitan Cork Joint Retail Study and Strategy.

However, as outlined above it is my opinion that the proposed retail element of the development by reason of its scale would be contrary to Strategic Retail objective 7.27 (a) to implement the Retail Hierarchy in defining the role of retail centres and contrary to Section 10.293 which states that Tower does not require additional retail floorspace during the plan period. Therefore, it is my recommendation that this element of the scheme should be refused permission.

### *Trees*

10.12.4. The scheme has been designed to incorporate existing good biodiversity trees, with over 200 native hedgerow trees retained. All existing trees and hedgerows along the sites northern and western boundary would be retained. In addition, where possible trees and hedgerows will be retained along the sites southern and western boundaries and the central hedgerow. The significant retention of trees is welcomed, in terms of both biodiversity and screening. The majority of trees to be removed are located along

the sites western boundary with the R617 and comprises low quality non-native trees. The scheme also incorporates additional planting of native species. Drawing no. L108 Landscape Masterplan indicates that 325 no. additional trees would be planted within the scheme and 625 no. trees and plants would be planted in the woodland area. While the loss of some mature trees to facilitate the development is noted. It is my view that this is acceptable to allow for the appropriate development of this zoned urban site. I am also satisfied that the proposed tree loss would be adequately compensated by additional planting and the significant landscaping proposed within the areas of open space.

### 10.13. ***Planning Assessment Conclusion***

10.13.1. The proposed scheme generally comprises 2 no. elements. In this regard a residential development comprising 117 no. houses and 79 no. apartment / duplex units and a creche on the northern portion of the site. While the southern portion of the site generally comprises a retail / commercial element accommodating a single storey retail food store with a net sales area of 1,315sqm which includes the sale of alcohol for consumption off premises, totem sign and ancillary building signage, servicing areas, surface car park and bicycle parking facilities and café with 2 no. apartments above. Access to the proposed development is via 2 no. entrances from the R617 to the east of the site. 1 no. entrance would serve the proposed residential development generally located in the northern portion of the site and the second entrance would serve the proposed retail development in the southern portion of the site.

10.13.2. As outlined in Section 10.7 it is my opinion that permission should be refused for the retail element in the southern portion of the site due to the proximity of the subject site to both Ballincollig and Blarney and their status within the Retail Hierarchy, to Objective 7.30 to direct additional retail development to Blarney and to the scale of the proposed retail element, it is considered that the proposed development would be contrary to Strategic Retail Objective 7.27 (a) to implement the Retail Hierarchy and would also be contrary to Section 10.293 of the development plan which states that Tower does not require additional retail floorspace during the plan period.

10.13.3. I have no objection in principle to the proposed café unit with 2 no. apartments above. However, having regard to the buildings relationship to the retail unit with associated

car parking and vehicular access arrangements, it is my view that this building should be omitted from the scheme and that the development of the southern portion of the site should be retained in agricultural uses and be subject to a revised planning application.

10.13.4. I have no objection to the residential units and creche on the northern portion of the site. Having regard to the sites size (7.5ha), its urban location, to the high quality design and layout of the scheme and the landscaping proposals for the subject site, it is my view that the proposed residential development represents a reasonable response to its context and the topography of the site and would support the consolidation of the urban area.

## 11.0 **Environmental Impact Assessment (EIA)**

### ***Environmental Impact Assessment Report***

11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The proposed development provides for 198 no. residential units a retail food store (1,895sqm gross / 1,315sqm net), café (186.3sqm) and creche (405sqm / 42 no. child care spaces) on a site area of 7.5 ha. The site is located within the administrative area of Cork City Council. Concerns are raised by a third party that the submitted EIAR lacks sufficient detail to enable An Bord Pleanála to make an informed decision. The specific concerns are addressed below.

11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

11.1.3. The proposed development comprises 198 no. residential units. The current proposal is an urban development project that would be in the built-up area of a city but not in

a business district and is, therefore, it is below the applicable threshold of 10ha. Having regard to the relatively limited size and the location of the development, it is not within a class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is not mandatory as the proposed development is sub-threshold. Notwithstanding this, as an Environmental Impact Assessment Report has been submitted and an Environmental Impact Assessment of the proposed development is carried out below.

- 11.1.4. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Section 1.6 details the EIAR team and describes the expertise of those involved in the preparation of the EIAR.
- 11.1.5. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air, and climate; (d) material assets, cultural heritage, and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 11.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from Cork City Council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment. The assessment below should be read in conjunction with my planning assessment above.

## 11.2. ***Vulnerability of Project to Major Accidents and/or Disaster***

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR addresses this issue Major Accidents and Disasters throughout the chapters. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO. Therefore, this is not a source for potential for impacts. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 8 Water (Hydrology and Hydrogeology) of the EIAR address the issue of flood risk with reference to the submitted site specific Flood Risk Assessment submitted with the application. The majority of the site is located within Flood Zone C and, therefore, is not at risk of flooding. The south western portion of the site, adjacent to the Dromin Stream is a natural flood plain and is located within Flood Zone A. The proposed development will not have an impact on floodplain storage and will incorporate 6 no. underground attenuation tanks that would connect to the public storm sewer under the R617. The existing man made drain running from east to west through the centre of the site would be expanded with the creation of two basins / wetland meadows. The basins would slow the velocity of surface water entering the Dromin Stream. I am satisfied that the likelihood of flooding is minimised with adequate sizing of the on-site surface network and SuDS measures. Adequate attenuation and drainage have been provided for to account for increased rainfall in future years. The proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use is unlikely to be a risk of itself. Having regard to the sites zoning objective and its urban location I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

## 11.3. ***Alternatives***

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

*(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of*

*the main reasons for the option chosen, taking into account the effects of the project on the environment;*

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

*2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*

The alternatives considered are outlined in Chapter 3 of volume I of the EIAR. It notes that no alternative locations were considered as the subject site is the only site within the ownership of the applicant within the settlement boundary for Tower. Alternative layouts / designs for the site were considered and developed by the Architects during the design process with an evolving design to establish the optimum design solution. The alternatives that were considered were largely restricted to variations in layout and building design and open space arrangements. I am satisfied that the alternatives have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

#### 11.4. **Consultations**

11.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions

#### 11.5. **Likely Significant Direct and Indirect Effects**

The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Landscape and Visual
- Material Assets - Traffic and Transportation
- Material Assets – Services, Infrastructure and Utilities

- Land, Soil and Geology
- Water (Hydrology and Hydrogeology)
- Biodiversity
- Noise and Vibration
- Cultural Heritage
- Air Quality and Climate
- Population and Human Beings
- Interaction of Impacts
- Summary of Mitigation Measures

## 11.6. ***Landscape and Visual***

- 11.6.1. Chapter 4 outlines the landscape and the visual impacts that would arise from the development and includes 5 no. verified views of the scheme. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report.
- 11.6.2. The lands are not recorded as a high value landscape and is not visible from any scenic routes. The surrounding area is characterised by low density suburban housing and agricultural fields and associated structures. A row of commercial units at Cloghroe Neighbourhood Centre are located c. 150m south east of the subject site. The proposed development site has a general positive landscape character in that it is vegetated and serves as green relief between the suburbs of Tower and Cloghroe and is considered to have a medium sensitivity.
- 11.6.3. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site, with indirect effects on the setting of the existing area. Such temporary negative townscape and visual effects are unavoidable and not unusual in the urban context where change is continuous.



- 11.6.4. The proposed development would constitute an intervention in the local suburban landscape which would change the character of the site and influence the character of the locality. The site is currently an underutilised greenfield site. Due to the schemes response to the context and to relevant national and local policy its effects on townscape character can be considered positive on this urban environment.
- 11.6.5. Cumulative impacts have been considered in conjunction with future and current developments in the vicinity of the subject site. These developments are outlined in Table 4.8.1 of the EIAR. Cumulatively, the proposals have a positive impact on the village.
- 11.6.6. Third parties have raised concerns about the scale of the development is out of character with the area. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the layout and design of the proposed scheme. It is also noted that the Planning Authority raised no objection to the visual impact of the scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

11.7. ***Material Assets Traffic and Transportation***

- 11.7.1. Chapter 5 of the submitted EIAR deals with Traffic and Transportation. Third parties have raised concerns in relation the capacity of the surrounding road network and car parking. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts. My assessment of Transportation in Section 10.9 above also considers these matters and I refer the Board to same.
- 11.7.2. Construction traffic on the surrounding road network would be less significant than the impact of the operational traffic. This impact would be confined to the duration of construction activity. Mitigation measures proposed for the construction stages of the development include a detailed Construction and Environmental Management Plan

(CEMP), including a plan for the scheduling and management of construction traffic. No significant impacts are anticipated.

- 11.7.3. The modelling submitted indicates that that during the operational phase the proposed junctions with the R617 (Junctions 2 and 3) would operate within capacity for all future years. With regard to R617 / R579 junction (Junction 1) the modelling indicates that with or without the development the junction would reach capacity by 2029 in the AM peak. While the capacity of the junction could potentially be improved by introducing turning lanes or signalling the junction, the estimated traffic volumes are within the norm for a busy urban area and that the proposed scheme is not reliant on the upgrade of this junction. It is my view that the potential traffic generated by the proposed development is acceptable. It is also noted that my recommendation to omit the retail element of the scheme would significantly reduce estimated traffic movements on the local road network.
- 11.7.4. Third parties also raised concerns that the EIAR does not comment on access for emergency services. The proposed scheme is accessed from the R617 to the east of the site with internal access roads provided within the development. The proposed access arrangements are considered adequate for a scheme of this scale.
- 11.7.5. Cumulative impacts were also assessed. Mitigation measures have been proposed. Overall, the proposed development is considered to permanently generate additional vehicles on the road network within the local vicinity, however, this impact is considered to be slight.
- 11.7.6. I have considered all of the written submissions made in relation to Traffic and Transportation. The submission from TII raised no objection to the impact of the proposed development on the capacity of the road network. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Traffic and Transportation.

## 11.8. ***Material Assets – Services, Infrastructure and Utilities***

- 11.8.1. Chapter 6 of the EIAR deals with Material Assets. Existing infrastructure and utilities services are described, together with predicted impacts and mitigation measures.
- 11.8.2. There are existing surface water and foul water sewers and a public watermain under the R617 to the west of the site. An Engineering Design Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems. This is addressed in Section 10.9 of my planning assessment, and I refer the Board to same. Road openings will be required to connect the proposed watermain, storm and foul networks on the R617. This will require minor local traffic management measures for the duration of the works in the public realm. This likely adverse impact may be characterised as a temporary, regionally short term, moderate impact.
- 11.8.3. The local road network is of good quality and the site is adequately served by public transport in the form of bus. The proposed scheme includes upgrades to the pedestrian and cycle network along the sites western boundary with the R617. The TTA submitted addressed the impact of the development on the surrounding road network and is addressed in Section 10.8 of my planning assessment and I refer the Board to same.
- 11.8.4. The proposed development would be served from the existing ESB network. A number of overhead lines currently traverse the development lands. These would be relocated underground as part of the application. The final connection details are subject to agreement with ESB Networks. The connection to electricity would be conducted in parallel with other services. This would mainly involve excavation of trenches to lay ducting, construction / installation of access chambers and backfilling the trenches. Potential loss of connection to the ESB Networks infrastructure may occur while carrying out works to provide service connections but this likely adverse impact may be characterised as a temporary, regionally short term, moderate impact. While the operational phase would not adversely impact on the existing services to neighbouring sites and properties.

- 11.8.5. The development will be served by a new public lighting network as agreed with the Cork City Council lighting department.
- 11.8.6. The proposed development will be served by a new telecommunications network with access provided for all new buildings. The design of the proposed telecommunications network will be agreed with providers prior to construction.
- 11.8.7. The construction phase of development will generate a range of non-hazardous and hazardous waste materials. A Construction and Demolition Waste Management Plan has been prepared for the site outlining mitigation measures. The potential impacts of operational waste generation from the development are considered to be long term and not significant.
- 11.8.8. It is unlikely that the cumulative impact of permitted and proposed developments would give rise to significant impacts on material assets built services during the construction or operational stage of those projects and any impacts are likely to be temporary in nature.
- 11.8.9. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Assets.

11.9. ***Land, Soils and Geology***

- 11.9.1. Chapter 7 of the EIAR deals with land, soil and geology of the site. A site visit was carried out on the 25<sup>th</sup> August 2021. A Ground Investigation Report is attached as Appendix 7.1 and details borehole logs, trial pit logs and test data.
- 11.9.2. The site is mainly grassed as a result of its existing agricultural use with areas of disturbed ground to the east and centre of the site. There are currently 2 no. existing farm buildings in the norther portion of the site. The site is generally underlain by topsoil, glacial till, and clay/ silt/ sand/ gravel, with localised areas underlain by made ground. Bedrock was not encountered onsite during the site investigation. Therefore, bedrock is anticipated to be >10m and is unlikely to be encountered during the

construction of the development. No potential sources of onsite contamination have been identified.

- 11.9.3. The proposed development would result in the loss of c. 7.5ha of urban greenfield land, zoned for residential purposes. Given the character and extent of such land that would remain available in the overall region, this is not considered to be a significant effect. The proposed development would not require substantial changes in the levels of site. Excavation of existing fill, topsoil, subsoil, and bedrock will be required for some site levelling and for the installation of drainage and services (wastewater, water supply, electricity, etc.) infrastructure. Stripping of topsoil and subsoil during the construction phase will be carried out in a controlled manner and stockpiles of materials will be protected to minimise the impact on land, soils and geology. It is anticipated that all materials excavated onsite will be suitable for reuse onsite. Any unsuitable material will be moved offsite in accordance with all relevant waste legislation. Following construction there will be no long-term significant impacts with respect to soils and geology of the site.
- 11.9.4. Storage and handling of materials will be carried out using best practice methods, which would remove potential pathways to ground. Measures to prevent subsoil erosion during excavation and reinstatement will be undertaken to prevent water quality impacts. It is therefore unlikely that the proposed development would have significant effects with respect to soil and land.
- 11.9.5. No cumulative impacts were identified during the construction or operational phase. The effect of the proposed development on land soil geology and hydrogeology is considered to be slight, negative and permanent during construction and operational phases. No residual effects of significance on land, soil and geology were identified during the operational phase.
- 11.9.6. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land, soils or geology.

## 11.10. ***Water (Hydrology and Hydrogeology)***

- 11.10.1. Chapter 8 of the EIAR deals with Water. My assessment of Water Services and Flood Risk in Sections 10.9 and 10.10 above also considers these matters and I refer the Board to same.
- 11.10.2. The site comprises a 7.5ha greenfield site. The site itself is not situated within any environmentally designated areas, however, surface water from the site drains to the Owennagearagh river which ultimately ends up in the Cork Harbour. The issue of Appropriate Assessment is addressed in Section 12 of my report.
- 11.10.3. The stream at the sites western boundary enters a culvert system close to the south western corner of the site. This culvert system runs along the rear of Senandale housing estate properties No. 5 to No. 12 and discharges through two pipe culverts under the regional road, R579. A shallow, open drain is located on the southern boundary of the site adjacent to the Senandale housing estate. This conveys local land runoff including some from the R617. There are two other significant drainage channels located within the centre of the site. These drains collect surface runoff and are also likely to receive inflow from groundwater.
- 11.10.4. Surface water runoff from the built-up areas and roads will be collected by the surface water drainage network and discharged into the existing storm sewer on the R617. Existing drainage channels within the site area will be maintained. This results in a slight reduction in peak flows reaching the Owennagearagh River. The works proposed as part of the development will remove the risk of flooding associated with high flows in the western stream and have a beneficial impact on parts of the Senandale housing estate and on the R617.
- 11.10.5. The foul drainage network will flow to the south eastern corner of the site from where it will connect to the existing public foul sewer on the R617. Water supply will be provided by the public watermain on the R617. Confirmation of design acceptance has been received from Irish Water.
- 11.10.6. Concerns were raised by third parties that the proposed scheme, which includes the loss of some trees would have negative consequences on hydrology. The development has the potential to impact the local surface hydrology, groundwater and

water quality during the construction and operation phases. Due to the temporary and shallow nature of the works, and subject to implementation of specified mitigation measures during the construction phase, I am satisfied that there would be no significant construction impacts. The operational impacts on the water and hydrology aspects are minimal.

11.10.7. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated

11.11. ***Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC***

11.11.1. Chapter 9 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 12 below, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

11.11.2. A desk study was undertaken and included review of available ecological data within zone of influence. An ecological walkover survey of the site was conducted on the 23rd October 2020 and 25th August 2021. The purpose of the survey was to characterise and record the habitats and sensitive ecological receptors within and adjacent to the channels included in the study area. A terrestrial mammal survey was carried out on the 12th and 26th November 2020. Bat survey work was also undertaken in May 2021 and September 2021. The river adjoining the site was also walked in September 2021 to check for signs of Otter.

11.11.3. Concerns were raised by third parties that Insufficient consideration was given to the loss of biodiversity within the site.

11.11.4. *Habitats*: There are no habitats within the development site of greater than local value. This site is dominated by grassland. The site is bordered by treelines and hedgerows

and includes some mature oak trees on the western side of the site. The Dromin Stream runs along the sites western boundary and there is a central drain within the development site. No rare or protected plant species and no invasive plant species were recorded on site. The development will result in a permanent loss in semi-natural habitats. Semi natural habitat of similar ecological value will, however, be replaced as part of the landscape strategy and thus the habitat loss impact will be temporary. Mature oak trees on the western boundary will not be impacted as part of the development.

- 11.11.5. *Mammals*: No badger, foxes, red squirrel or hedgehog were recorded on site. No signs of otter were recorded on the Dromin Stream. It is unlikely that the Dromin Stream would be utilised by otter given its small size and the presence of a number of small culverts downstream of the site. No impact to this species is predicted as a result of the Cloghroe development. No mitigation is necessary for mammals using the site.
- 11.11.6. *Bats*: The proposed development site is considered to be of high suitability for foraging and commuting bats due to the presence of connectivity to other suitable habitats in the wider landscape. 4 no potential bat roosts (trees) were identified. However, these will be retained as part of the development. Due to the open nature of the agricultural sheds they are not considered suitable for roosting bats.
- 11.11.7. Bat species were recorded on the site. The most frequently recorded species was common pipistrelle, followed by soprano pipistrelle then Leisler's bat. These species were all recorded foraging across the site. Natterer's, Daubenton's and Myotis species of bat (unidentifiable to species level) were recorded commuting and foraging across the site. Whiskered bat was not recorded at the site in May; however, this species was recorded across the site in September. One brown long-eared bat call was recorded alongside the Dromin Stream in May. Full details of bat activity recorded within the site is outlined in Table 9.5. The bat populations are considered to be of Local Interest (Higher Value).
- 11.11.8. The alteration and removal of woodland, wet grassland and hedge would have a significant adverse impact to bat species (at a local geographic scale). However, having regard to the abundance of similar habitat beyond of the proposed site, it is considered that the proposed scheme would have a slight temporary negative impact



to bat species due to local habitat loss on site. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on the bat population.

11.11.9. *Birds:* The proposed development site is of a local importance (higher value) for terrestrial bird species that are relatively common in the Irish countryside. No species of high conservation status were recorded within the proposed development site. Having regard to the abundance of similar habitat beyond of the proposed site, it is considered that the proposed construction phase would have a slight temporary negative impact to bird species due to local habitat loss on site. However, the proposed landscaping / planting would improve foraging and nesting potential for birds. It is recommended that the removal of vegetation be carried out outside the breeding bird season from 1st March to 31st August inclusive.

11.11.10. *Amphibians:* Common frog was encountered in the wet grassland at the southern end of the site. The primary potential breeding habitat that could be used by amphibians such on site is the central drain. This is to be protected as part of site works and a wetland complex is to be created in the centre of the site. This includes for a large area of semi-natural habitat through the centre of the site which will compensate for loss of wet grassland elsewhere on site. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts on the amphibians.

11.11.11. Overall, the residual impacts of the proposed development on ecology are likely to be slight negative impact at a site level and of short-term duration. In the short to medium term, as vegetation on site mature, the residual impact would increase to slight positive impact at a local level.

11.11.12. I have considered all of the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping and planting provides greater benefits in terms of biodiversity. I draw the Boards attention to the AA section

of my report (Section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail

## 11.12. **Noise and Vibration**

- 11.12.1. Noise and Vibration are outlined in chapter 10 of the EIAR. The baseline noise environment at the proposed development site is characterised by noise generated by vehicles on the surrounding roads. A baseline noise survey was carried out at 4 no. locations within the subject site. Attended noise measures were conducted between 12.00 – 16.00 on 1<sup>st</sup> September 2021 and unattended noise measurements were conducted between 12.00 on 1<sup>st</sup> September 2021 and 18.00 2<sup>nd</sup> September 2021. The results indicate that the main source of noise within the site is from road traffic, local car movements, residents house, wind and birds.
- 11.12.2. Noise and vibration will be generated during the construction phase as a result of site preparation and enabling works, construction of site infrastructure, excavation of foundations and façade, fit-out and landscaping works. A noise assessment of the site preparation and construction works was carried out and concluded that the construction daytime noise at sensitive noise locations (houses) may be as high as 76 dB. This indicates that mitigation measures will be necessary to prevent likely significant impacts at the noise-sensitive locations.
- 11.12.3. No rock-breaking or blasting is predicted to be required for the construction of the proposed development, as all excavation will be in soils, and the piling will be bored. Vibration effects associated with construction activities are likely to be negligible to slight.
- 11.12.4. During the operational phase, noise sources include additional traffic, plant and equipment. There would not be any significant adverse effects on noise from traffic associated with the construction or operation of the proposed development.
- 11.12.5. Mitigation measures and monitoring are described in 10.7 of the EIAR, with a focus on implementation on the control of construction activities to limit noise and vibration. Following the implementation of mitigation measures and compliance with limit values, no significant residual effects on the environment in terms of noise and vibration are envisaged.

11.12.6. Cumulative impacts have been considered in conjunction with future and current developments in the vicinity of the subject site. It is predicted that there would be no additional cumulative impacts on noise or vibration in the construction phase. In operation, the cumulative traffic generated by the operation of both developments will give rise to increases in traffic volumes on the neighbouring roads.

11.12.7. I am satisfied with the level of information submitted and that construction impacts resulting from the proposed development are within acceptable limits and can be addressed by way of condition. I concur with the conclusions of the EIAR that following the implementation of the mitigation measures and compliance with limit values, there would be no significant effect on the environment in terms of noise and vibration.

### 11.13. **Cultural Heritage**

11.13.1. Chapter 11 of the EIAR considers archaeological, architectural heritage and cultural heritage. A desk-based assessment was carried out followed by a site inspection.

11.13.2. *Archaeology:* The site is not indicated as a Zone of Archaeological Interest, or as a Site of Archaeological Interest and there are no recorded monuments within the site. A review of previous archaeological investigations within 1km of the study area revealed there are no archaeological sites or features surrounding the site. The potential does exist for the presence of unrecorded, sub-surface archaeological sites, features and artefacts within the green field areas within the proposed development site. A programme of archaeological investigations will be carried out prior to the commencement of the construction phase.

11.13.3. *Architectural Heritage:* There are no designated architectural heritage sites located within the study area and the surrounding built environment is modern in character. No mitigation measures for the architectural heritage resource are required.

11.13.4. *Cultural Heritage:* The stream at the sites western boundary forms the townland boundary between Coolflugh and Dromin. The proposed development will not result in any predicted impacts on this historic boundary feature. No mitigation measures for this undesignated cultural heritage feature are required.

11.13.5. No significant cumulative impact has been identified. It is anticipated that there will be no operational impact. I am satisfied that no significant adverse direct, indirect, or cumulative effects on archaeological, architectural heritage and cultural heritage are likely to arise.

#### 11.14. ***Air Quality and Climate***

11.14.1. Air Quality and Climate Change are outlined in chapter 12 of the EIAR. The proposed development and associated open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. There is a potential for dust emissions, engine exhaust emissions associated with construction vehicles and plant to occur during construction phase, however, standard construction practices are proposed to mitigate against any potential negative impacts as set out in Section 12.6 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air. No mitigation is proposed for the operation phase of the proposed development as it is predicted to have an imperceptible impact on air quality and climate.

11.14.2. Concerns are raised by third parties that the EIAR does not include details on the carbon footprint for the proposed development. During construction, there is the potential for a number of greenhouse gas emissions to atmosphere. However, residential units will be constructed to high energy saving standards, the likely overall magnitude of the changes on climate in the construction and operational stages of the proposed development is imperceptible. The impact of the proposed development on the climate would be negligible. I am satisfied that the EIAR complies with all the relevant national and international requirements on climate change.

11.14.3. Cumulative impacts have been considered in conjunction with future and current developments in the vicinity of the subject site. It is predicted that due to the temporary nature of these projects and with the implantation of mitigation measures the impact on air quality from the construction phase would be low and short term. No cumulative impacts are predicted to arise from the operational phase.

11.14.4. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

#### 11.15. ***Population and Human Beings***

11.15.1. Population and Human Health is addressed in Chapter 13 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent demographic and socio-economic trends are examined.

11.15.2. The construction phase (48 months) is likely to result in moderate short term positive impacts to the local economy as construction workers avail of local retail outlets and food establishments. Supplies and materials for proposed construction works may also be supplied locally further resulting in positive impacts on the local economy. The construction phase will also provide for both direct and indirect construction related employment opportunities.

11.15.3. The predicted impacts of the operational phase are considered to be long term and positive to population and human health. The proposed development equates to a population of c. 600 no. persons. The projected increase in population of Tower will create additional demand for local retail and service provision, providing increased local employment opportunities. The proposed development will result in providing a diverse range of housing and apartments which will serve all aspects of the current housing market and address the current housing shortage in Cork.

11.15.4. Overall, the proposal would contribute positively to the community by improving the vibrancy and vitality of the area. Mitigation measures have been outlined in Section 13.6. The implementation of these measures would ensure that there will be no significant negative impacts/effects on human health or population with regard to including traffic, road safety, air quality, landscape and visual, water quality, noise and vibration.

11.15.5. Third parties have raised concerns the proposed development fails to provide sufficient community and social infrastructure to accommodate the proposed development. Section 13.4 details existing social infrastructure available within the catchment (5km) of Tower. The subject site is zoned for residential uses. Notwithstanding my recommendation to omit the retail element of the scheme, I am

satisfied that sufficient community and social infrastructure has been provided as part of the scheme, which includes non-residential uses including a creche and areas of public open space and that there is sufficient existing services and amenities within the catchment of the subject site to accommodate the proposed population.

11.15.6. I have considered all of the written submissions made in relation to population and human health. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

#### 11.16. ***Interaction of Impacts***

11.16.1. Chapter 14 addresses Interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 14.1 provides a matrix of interactions. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis.

11.16.2. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified

#### 11.17. ***Cumulative Impacts***

11.17.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the

relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

#### 11.18. ***Reasoned Conclusion on the Significant Effects***

11.18.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large greenfield site to residential and commercial use. Given the location of the site within the built up area of Cork city and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and

attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.

- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm along the R617.

11.18.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

## 12.0 **Appropriate Assessment**

### 12.1. ***Introduction***

12.1.1. The applicant has prepared a Natura Impact Statement (NIS) as part of the application. The AA screening (Section 5 of the report) concluded that potential impacts on Cork Harbour SPA (Site Code 004030) and the Great Island Channel SAC (001058) may arise as a result of the proposed development, on this basis an NIS has been prepared. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### 12.2. ***Compliance with Article 6(3) of the Habitats Directive***

12.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management



of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

12.2.2. The applicant has submitted a Natura Impact Assessment. The report was prepared by Atkins. The AA Screening report provides a description of the existing site, the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development (15km), an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. The AA screening report concludes that on the basis of objective information and in view of best scientific knowledge, the possibility of significant effects from the proposed project on a European site, Cork Harbour SPA and Great Island Channel SAC, cannot be ruled out and, therefore, an NIS has been prepared.

12.2.3. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

### 12.3. **Stage 1 AA Screening**

12.3.1. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

12.3.2. The applicant provides a description of the project in Section 1.3 of the report. The development is also summarised in Section 3 of my report. In summary, the proposed development comprises the demolition of 2 no. agricultural structures (382 m<sup>2</sup>) and

the construction of 198 residential units, a creche, a retail food store, a café, open space and all associated works including car parking, pedestrian and cyclist infrastructure together, drainage and water supply infrastructure, lighting, power and communications infrastructure, public realm upgrades on R617 Blarney Road including footpath, cycle lane, signalised crossing, and relocation of existing bus stop and flood defence works.

- 12.3.3. The site is located on a greenfield site on the south west edge of the built up area of Tower, c.4km southwest of Blarney and c. 10km north west of cork city centre. The surrounding area is characterised by low density suburban housing and agricultural fields and associated structures. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. The site is serviced by public water supply and surface water and foul drainage networks. The topography of the site is undulating and generally falls from north to south.

#### 12.4. ***Submissions and Observations***

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above.

#### 12.5. ***Zone of Influence***

- 12.5.1. The proposed development is not located within or immediately adjacent to any European Site.
- 12.5.2. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:
- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;

- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

12.5.3. The applicant considers that a source-pathway-receptor link exists between the subject site and the following European sites: -

- Cork Harbour SPA (004030) is located c. 13.5km east and 17.6km downstream from the subject site
- Great Island Channel SAC (001058) located c. 19km east of the subject site.

12.5.4. Section 5.2 of the applicants report outlines the qualifying interests and conservation objectives and provides a brief summary of the designated sites. The proposed development has no potential source pathway receptor connections to any other European Sites.

12.5.5. The Dromin Stream runs in a north south direction at the sites western boundary. This stream flows to the Owennagearagh River c. 180m south of the subject site. The Owennagearagh River flows to the River Shournagh c. 1.2km downstream. The River Shournagh enters the River Lee west of Cork City. After flowing through the city the River Lee enters Lough Mahon which forms part of Cork Harbour. Therefore, there is an indirect hydrological link between the subject site and the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058), which overlap. In addition, wastewater from the proposed development would flow by gravity to the Cloghroe Wastewater pumping station, where it would be pumped to the Blarney / Tower Wastewater Treatment Plant, which ultimately discharge into the waters of Cork Harbour. Therefore, there is a distant and indirect hydrological link between the subject site and the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058). On this basis both these sites are subject to a more detailed Screening Assessment.

## 12.6. **Screening Assessment**

12.6.1. The Conservation Objectives and Qualifying Interests of the Cork Harbour SAC and the Great Island Channel are as follows:

<b>Cork Harbour SPA</b> (004030) - c. 13.5km east and 17.6km downstream from the subject site	
<i>Conservation Objective</i>	To maintain the favourable conservation condition of the species for which the SPA has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	<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>
<b>Great Island Channel SAC</b> (001058) - c. 19km from the subject site.	
<i>Conservation Objective</i>	To maintain and restore the favourable conservation condition of the habitats for which the SPA has been selected.
<i>Qualifying Interests/Species</i>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>

## 12.7. **Consideration of Impacts**

- 12.7.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
- 12.7.2. As outlined above the Dromin Stream at the sites western boundary is hydrologically connected to Cork Harbour via the Owennagearagh River, the River Shournagh, the River Lee and Lough Mahon. It is proposed that attenuated surface water would discharge to the Owennagearagh River via the public stormwater network. Therefore, the surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in Cork Harbour. The habitats and species of Natura 2000 sites in Cork Harbour are between 17.6km and 19km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either the SAC or the SPA.
- 12.7.3. The planning authority also raise concerns that topsoil stripping is intended to take place within 5m of the existing Dromin Stream channel. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Cork Harbour from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Cork Harbour (dilution factor).
- 12.7.4. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated natura site. The inclusion of SUDS is not considered mitigation measures in the context of Appropriate Assessment.

- 12.7.5. The foul discharge from the proposed development would drain, via the public sewer, to the Cloghroe pumping station and ultimately discharge to Cork Harbour. Therefore, there is potential for an interrupted and distant hydrological connection between the subject site and the Cork Harbour SPA and Great Island Channel SAC due to the wastewater pathway. It is noted that the Blarney/Tower WWTP is within its design capacity. The proposed development would not comprise the operational capability of the WWTP. Therefore, the impacts from the proposed development would be negligible given the current operating conditions at the WWTP.
- 12.7.6. It is also noted that the subject site is identified for development through the land use policies of the Cork City Development Plan 2022 – 2028. This statutory plan was adopted in August 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 198 no. units and a retail unit, on serviced lands on the edge of the town. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.
- 12.7.7. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site and the absence of relevant qualifying interests in the vicinity of the works.

## 12.8. ***Cumulative In-Combination Effects***

- 12.8.1. It is anticipated that there will be no predicted in-combination effects given the nature and scale of the proposed development and the distance to any European sites.

## 12.9. ***AA Screening Conclusion***

- 12.9.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which is located in the built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in

the vicinity, the proposed development would not be likely to have a significant effect on the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058) or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

- 12.9.2. I note the applicant submitted a Natura Impact Statement (NIS). I am of the opinion that the application of the precautionary principle in this instance represents an over-abundance of precaution and is unwarranted.

## 13.0 Recommendation

Having regard to the above assessment, I recommend a SPLIT DECISION I recommend that permission be REFUSED for the proposed single storey retail food store (1,895sqm gross) and ancillary uses for the reasons and considerations marked (1) below and I recommend that permission be GRANTED for the remainder of the development as proposed, in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.

## 14.0 Reasons and Considerations (1)

1. Tower is not identified within the Retail Hierarchy as set out in Section 7.86 of the Cork City Development Plan 2022-2028. The order of priority is to locate retail in the city centre and the designated District Centres / Ballincollig Town Centre and to only allow retail development in edge-of-centre or out-of-centre locations where all other options have been exhausted. The applicants Retail Impact Assessment fails to fully consider the availability of alternative sites within established centres in the catchment which includes Ballincollig and Blarney. The Retail Hierarchy identifies Ballincollig as a Large Urban Town Centre (Level 2) and Blarney as a Small Urban Town Centre (Level 3). Having regard to the proximity of the subject site to both Ballincollig and Blarney and their status within the Retail Hierarchy, to Objective 7.30 to direct additional retail development to Blarney and to the scale of the proposed retail element, it is considered that the proposed development would be contrary to Strategic Retail Objective 7.27 (a)

to implement the Retail Hierarchy and would also be contrary to Section 10.293 of the development plan which states that Tower does not require additional retail floorspace during the plan period. Therefore, the proposal would conflict with the provisions of the Cork City Development Plan 2022 - 2028 and would be contrary to the proper planning and sustainable development of the area

## 15.0 Reasons and Considerations(2)

Having regard to the following:

- b. The site's location on lands with a zoning objective for residential development;
- c. The policies and objectives in the Cork City Development Plan 2022 – 2028
- d. Nature, scale and design of the proposed development;
- e. Pattern of existing development in the area;
- f. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- g. Housing for All – A New Housing Plan for Ireland, 2021
- h. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- i. Regional Spatial and Economic Strategy for the Southern Region;
- j. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- k. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- l. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- m. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- n. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- o. Chief Executive's Report; and



p. Submissions and observations received.

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

## 16.0 **Recommended Board Order**

**Application:** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 1<sup>st</sup> day of February by HW Planning on behalf of Cloghroe Development Limited.

**Proposed Development:** The proposed development comprises the demolition of 2 no. existing agricultural structures (382sqm) and the construction of 196 no. residential units (117 no. houses and 79 no. apartment / duplex units) and a creche (405sqm / 42 no. child care spaces).

Access to the proposed development is via a new entrance from the R617 to the east of the site. An additional pedestrian entrance is proposed from the existing cul-de-sac at the sites northern boundary. The works include upgrades to the R617, including the installation of footpath / cycle infrastructure, signalised pedestrian crossing and the relocation of the existing public bus stop to the west of the R617.

Ancillary site development works include flood defence works, public realm upgrades, amenity walks, public open spaces and the undergrounding of existing overhead lines.

**Decision:** Grant Permission for the development, as proposed in accordance with the said plans and particulars based on the reasons and considerations marked (2) above and subject to the conditions set out below.

## **Matters Considered:**

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

## **Reasons and Considerations**

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Cork City Development Plan 2022 – 2028;
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Southern Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;

- n. Chief Executive's Report;
- o. Inspector's Report; and
- p. Submissions and observations received.

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

### **Appropriate Assessment:**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

### **Environmental Impact Assessment**

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning authority, third parties and the prescribed bodies in the course of the application; and (d) The Planning Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Soils and geology impacts mitigated by construction management measures including removal of contaminated soil, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Hydrology and Water Services impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses.
- Landscape and Visual impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large area of greenfield site to residential. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Cultural Heritage - Architectural Heritage would be mitigated by landscaping. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects on Cultural Heritage-Archaeology are likely to arise.
- Climate and Air Quality impacts mitigated by dust minimisation plan.

- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, and in terms of pedestrian and traffic safety. It was also concluded that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **17.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in

accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 – Summary of Mitigation Measures, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows: -

- a. The café with 2 no. apartments over, the urban plaza and the vehicular access serving the southern portion of the site shall be permanently omitted.
- b. The proposed pedestrian access onto the cul-de-sac at the sites northern boundary shall be permanently omitted.
- c. The window on the southern elevation of unit 145 in Block 3 shall be permanently fitted with obscure glazing.
- d. The proposed walkway between Blocks 2, 3, 4 and the terrace houses (no. 1 - 8) shall be gated and accessible only to residential units which adjoin the walkway / courtyard area.
- e. A direct access to the bin and bike storage area to the south of Block 6 shall be provided at the ground floor level of Block 6.

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

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

4. Prior to commencement of development details of communal open space with a minimum total area of 145sqm to serve the apartment units in Block 6 shall be submitted for the written agreement of the planning authority. It is noted that this may result in the loss of a limited number of car parking spaces

**Reason** in the interest of residential amenity and privacy.

5. Prior to commencement of development final details of the phasing of the development including details of areas of open space and infrastructure to be provided at each phase, shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of clarity

6. The render finish at Block 6 shall be omitted. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors 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 interest of visual amenity and to ensure an appropriate high standard of development.

7. Prior to the commencement of 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 housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential 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.

8. Details of signage relating to the creche unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

9. The boundary planting and public open space shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

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

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

11. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted



requirements, such proposals shall be submitted and agreed in writing with the planning authority 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

12. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

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

- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- b. employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other

external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

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

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

16. 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.

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

17. Prior to commencement of development details of the new junctions with the R617 / works to the public road, shall be submitted to, and agreed in writing with the planning authority.

**Reason:** In the interest of road safety

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

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

19. The developer shall enter into water and wastewater connection agreement with Irish Water, prior to commencement of development.

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

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

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

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

23. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

24. Prior to commencement of development, the developer 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.

25. 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 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

26. 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.

---

Elaine Power

Senior Planning Inspector

19<sup>th</sup> September 2022