



An  
Bord  
Pleanála

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

## Inspector's Report ABP-312640-22

### Strategic Housing Development

Construction of 299 no. residential units (185 no. houses, 114 no. duplex units / apartments), a creche and associated site works.

### Location

Annabella, Mallow, Co. Cork.  
([www.annabellashd.ie](http://www.annabellashd.ie))

### Planning Authority

Cork County Council

### Applicant

Reside Capital Limited

### Prescribed Bodies

Irish Water

### Observer(s)

Billy and Carol O'Sullivan and Others  
Breda Doolan

Edward Williamson on behalf of  
Dernville Residents Association  
Liam and Mary Sheahan  
Mairead Lehane  
Orla O'Sullivan  
Patrick Kelleher  
Springwood Residents Association  
(Brendan Goggin)  
Terry O'Callaghan

**Date of Site Inspection**

26<sup>th</sup> April 2022

**Inspector**

Elaine Power

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## 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 site is located on a greenfield site c. 1.3km west of Mallow Town Centre, at the edge of the urban area. The site is bound to the east and west by agricultural fields, to the north by a woodland area and the Leaselands Stream and to the south by Annabella Park Road. The area to the east of the site is generally characterised by low density suburban housing estates while the area to the south and west of the site is rural in nature with a linear pattern of residential development along Annabella Park Road and

- 2.2. The subject site comprises a stated gross area of 9.4ha and comprise of 2 no. agricultural fields which are delineated by a hedgerow running in an east – west direction. The external boundaries comprise mature hedgerows and trees. The site slopes in a south – north direction, with a level difference of c. 10m between the southern boundary and the northern boundary. The gradient of the slope significantly increases in the northern areas of the site adjacent to the Leaselands Stream. This watercourse flows in a west-east direction through an area of mature woodland and discharges into the River Blackwater.

- 2.3. To the south the site is bound by Annabella Park Road, which connects to Kennel Hill Road and provides access to Mallow town centre via a junction with the N72 / Navigation Road approx. 850m southeast of the site. Kennel Hill Road has footpaths of varying quality along one side. The footpath begins c.330m east of the subject site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 299 no. residential units comprising 185 no. houses, 50 no. apartments/duplex units and 64 no. apartments in 2 no. 4 storey blocks over lower ground floor level car parking and a 450sqm childcare

facility. The scheme includes the provision of landscaping and amenity areas including a neighbourhood play area to the north of Woodview Drive. The works also include public realm upgrades along Annabella Park Road and Kennel Hill Road including footpaths and raised table at the entrance to Dernville Estate and all associated ancillary development including vehicular access. It is proposed to provide a new amenity walkway along the northern boundary of the site including a cycle/pedestrian bridge over Leaselands Stream, lighting, drainage, boundary treatments, ESB Substation, bicycle & car parking and bin storage.

3.2. The application included the following:

- Planning and Design Statement
- Material Contravention Statement
- Statement of Consistency
- Response to An Bord Pleanála Pre-Application Consultation Opinion
- Daylight, Sunlight and Overshadowing Assessment
- Ecological Impact Assessment Report
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Environmental Impact Assessment Screening Report
- Statement in accordance with Article 299B(1)(b)(ii)(II)(C)
- Housing Quality Assessment
- Part V Proposal
- Engineering Planning Report
- Traffic and Transportation Assessment
- Stage 1 Road Safety Audit
- Quality Audit
- Mobility Management Plan
- DMURS Compliance Statement
- Outline Construction Traffic Management Plan
- Outline Construction and Demolition Waste Management Plan
- Outline Construction Environmental Management Plan
- Universal Design Statement
- Preliminary Landscape and Design Rationale

- Landscape and Visual Appraisal
- Tree Survey
- Archaeological Assessment
- School Demand Report
- Childcare Demand Report
- Building Lifecycle Report
- MEP Utilities Report
- Photomontages and CGI's

## 4.0 Planning History

### ***Subject Site***

**Reg. Ref. 15/6119:** The proposed vehicular access and a portion of the internal access road located at the eastern boundary of the subject site was granted permission in 2016 as part of a larger scheme for the removal of disused farm buildings and the construction of 61 no. dwellings on lands immediately east of the subject site, fronting Kennel Hill Road. The works included drainage infrastructure traversing the subject site. This application was presented as Phase 1 of three phases of development, while the subject site occupies the phase 2 and 3 lands. This permission was subject to a special development contribution toward the upgrading of the junction of Kennel Road and the N72, which was the subject of appeal to ABP (PL 04.246853). An extension of duration of permission was granted in 2020 under Reg. Ref. 20/6130.

### ***Surrounding Sites***

**Reg. Ref. 22/4819:** Current application to amend a portion of the previously approved under Reg. Ref. 15/6119 and extended by Reg. Ref. 20/6130 to omit 20 no. dwellings and replace them with 35 no. dwellings. This application is due to be decided in June 2022.

**Reg. Ref. 16/6023:** Permission was granted in 2016 for the construction of a crèche facility to the east of the subject site to serve the residential development permitted under Reg. Ref. 15/6119 and extended by Reg. Ref. 20/6130.

**ABP PL 04.247607, Reg. Ref. 15/6970:** Permission granted in 2017 for the construction of 88 no. houses on lands immediately northeast of the subject site. An extension of duration of permission was granted in 2021 under Reg. Ref. 21/6970.

**Reg. Ref. 22/4497:** Current application for 88 no. dwellings (54 no. houses, 32 no. duplex units and 2 no. apartments) on the opposite side of Kennel Hill Road to the subject site. This site previously formed part of a larger landholding that was granted permission (Reg. Ref. 06/4049) for 290 no. residential units.

## 5.0 Section 5 Pre Application Consultation

A Section 5 pre-application virtual consultation took place on the 7<sup>th</sup> December 2021 in respect of a development of 299 no. residential units (185 no. houses and 114 no. apartments) and a creche. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Land Use and Development Principle & Development Strategy
- Access and connectivity, including Kennel Hill and N72 junction.
- Design and layout
- Drainage and Water Services

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

5.1. In the Notice of Pre-Application Consultation Opinion dated 16th December 2021 (ABP-311685-21) 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: -

1. Further consideration of how the constraints on development in the Northwestern Urban Expansion Area, identified in the Kanturk Mallow Municipal District Local Area Plan 2017, have been addressed in order to facilitate this development, and

in particular those constraints relating to transport and connectivity to the rest of the town.

In this regard, further consideration is required in respect of the capacity of the surrounding road network to accommodate the vehicular, pedestrian and cycle movements arising from the proposed development, and other permitted development in this area. Details to be provided with any application should, inter alia, address the following matters:

- A. An assessment of the quality, width and alignment of roads and footpaths on Kennel Hill.
- B. Detailed proposals to connect the proposed development to the existing footpath network on Kennel Road, which should be achievable independent of any other planning permission / proposed developments in this area. Such proposals should include evidence of the consent of any third parties affected by such works.
- C. An assessment of the capacity of the Kennel Hill / N72 junction and the N72 / N20 junction to accommodate the pedestrian, cycle and vehicular traffic movements likely to be generated by the proposed development, and other permitted developments in the area.
- D. Detailed proposals and design specifications of identified improvement works required at these junctions, to include details with regard to:
  - i. Any planning consent, or other consents, likely to be required in respect of such works.
  - ii. The party responsible for the carrying out of the works.
  - iii. A timetable for completion of works.
  - iv. Details of the funding of works; and
  - v. Evidence of any necessary third-party consent required for their completion.

This may require amendment to the documents and / or design proposals submitted.

- 5.2. The opinion also stated that the following specific information should be submitted with any application for permission.



1. The application should be accompanied by the following:
  - i. A Traffic Impact Assessment (TTA) and a preliminary Construction Traffic Management Plan. The TTA should have clear regard to the extent of existing, permitted and proposed development in this area. The assessment should provide a clear justification and validation for the trip rates used in the assessment of traffic likely to be generated by the proposed development, and on the surrounding road network.
  - ii. A Mobility Management Plan, which should identify mechanisms and responsibility for its on-going implementation and monitoring.
  - iii. A quality audit in accordance with Annex 4 of DMURS, including a Road Safety Audit. The quality audit should address internal roads and connections through the development as well as external connections between the development and the town.
2. The application should describe the overall design approach to accommodate the varying levels across the site in order to minimise the wider visual impacts of the development, and the use of retaining walls. Particular regard should be had to the interface of northern public open space with structures at Apartment Blocks 1 & 2.
3. Detailed design proposals should be provided in respect of Sustainable Drainage Systems (SUDS) measures that will be implemented to address issues of surface water quality and volume, which should include measures such as permeable paving, swales, green roofs, rainwater harvesting, detention basins, ponds and wetlands. Proposals in this regard should address the issues raised in the report of Cork County Council received by An Bord Pleanála on 15/11/2021.
4. The application should clearly identify any amendments which may be required to the development previously permitted under PA ref. 15/6119, ABP Ref. PL 04.246853 (and extended under PA ref 20/6130), particularly with regard to the design and layout of access roads and water and drainage services.
5. The application should provide further detail with regard to the design and treatment of the proposed north-eastern pedestrian and cycle connection which traverses adjoining lands, including an area of public open space. Such detail should include routing and landscaping measures to ensure that the proposal does not unduly fragment or otherwise erode the amenity value of the public open space, and that the residential amenities of no.'s 15 – 29 Woodview Drive are not impacted

by these proposals. The treatment of levels along the route should be clearly described.

6. A public lighting scheme should be provided which shall include lighting along Kennel Hill Road and along the route of the proposed north-eastern pedestrian and cycle route.
7. The application should demonstrate how pedestrian connections through the development, and connections from the proposed development to existing and permitted adjacent residential developments, will be suitably overlooked and supervised.
8. A report that specifically addresses the proposed materials and finishes to the scheme should be submitted, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site. In this context, the report should address in particular, the proposed materials and finishes to Apartment Blocks 1 & 2, which include extensive areas of cement render finish.
9. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development
10. The application should clearly identify the areas intended to be taken in charge by the Local Authority.
11. The application should describe the relationship between the proposed development and existing and permitted residential properties adjoining the site, and how the development will ensure that satisfactory standards of residential amenity and privacy will be maintained.
12. A survey of existing trees on the site should be undertaken and a detailed Arboricultural Impact Assessment of the proposed development should be provided with any application. Accompanying plans should clearly identify existing trees to be retained or removed, and their condition and value. The viability of

retaining identified trees should be clearly established, having regard to the extent of site works proposed.

13. The application should demonstrate compliance with the requirement of the MW-R-09 zoning objective to give consideration to, and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. The conclusions of the Childcare Demand Report are noted, however, an assessment of childcare facilities in this area should also have regard to the permitted facility on adjoining lands under PA ref. 16/6023 and should give consideration as to how the cumulative demand arising from existing, permitted and proposed development in this area can be met in a rational and efficient manner. Regard should also be had to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020) in this regard.
14. The application should demonstrate how the proposed phasing strategy will ensure that adequate levels of residential amenity and open space, and accessibility to the town centre, are achieved for residents of the initial phases of development. The phasing strategy should also address the timing of road infrastructure upgrades required to facilitate the proposed development.
15. The Ecological Impact Assessment Report should include the results of all surveys undertaken in respect of these lands, including in particular breeding bird surveys, and mammal and bat surveys. Documentation should confirm that all surveys were undertaken at the appropriate times of the year.
16. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
17. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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

- TII
- Irish Water
- Inland Fisheries Ireland
- Minister for Housing, Local Government and Heritage
- Heritage Council
- An Taisce
- County Childcare Committee
- Irish Rail

#### 5.4. ***Applicant's Statement***

- 5.4.1. 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.

##### *Transport and Connectivity*

Further consideration was required in respect of the capacity of the surrounding road network to accommodate the vehicular, pedestrian and cycle movements arising from the proposed development, and other permitted development in this area.

**Item 1 A:** A Quality Audit and Stage 1 Road Safety Audit were submitted. The recommendations of the reports have informed the design and layout of the scheme

**Item 1B:** Drawing no. 214136-PUNCH-P2-XX-DR-C-0404 (Kennel Hill Road Improvement) details how the scheme would connect to the existing footpath network on Kennel Hill Road. A 1.8m wide footpath would be provided between the proposed development and the permitted adjacent residential development. Junction improvements on the route are also proposed to provide traffic calming and enhance junction safety. The proposals to connect the proposed development to the existing footpath network on Kennel Road are achievable independent of any other planning permission / proposed developments in this area. The proposals submitted include the consent of the third parties.

**Item 1C:** A Traffic and Transportation Assessment (TTA) has been submitted which shows that the Kennel Hill / N72 Junction performs well with the first phase of proposed development traffic as a priority- controlled junction. Once the second phase of this development proceeds, further improvements to the junction need to be considered.

The previously agreed upgrade of the junction to a roundabout has been reviewed and is not recommended due to the lack of space available to provide a suitable sized safe design of a roundabout at that location. Therefore, we have presented a viable option of upgrading the junction to a signal-controlled junction which can improve the junction capacity as well as safety at the junction for vulnerable road users.

Annabella Roundabout is already experiencing capacity issues with the current level of traffic. The future transport proposals of the Mallow Relief Road due for completion in 2027, and the proposed M20 are likely to significantly alter the existing traffic conditions in Mallow and will likely lead to increased capacity at both junctions. Cork County Council had no additional comment and expressed no concerns regarding the traffic figures presented.

**Item 1D(i), (ii) & (v):** All proposed works proposed within the red line boundary will be provided for by the applicant and letters of consent have been submitted. All works outside the red line boundary will be completed by Cork County by way of a contribution from the applicant as agreed and noted in the TTA.

**Item 1D(iii):** Kennel Hill upgrade and connectivity works will be completed in Phase 1 of the development, before any dwellings have been completed. Geometric improvement works to the Kennel Hill/N72 Junction (Drawing no. 214136-PUNCH- P2-XX-DR-C- 0412) are recommended to be carried out in parallel with Phase 1, however, these works will be carried out by Cork County Council and as such it is not possible to provide a definitive timetable for completion at this stage.

Proposed works by Cork County Council to upgrade the Kennel Hill/N72 Junction to a signalised junction (Drawing no. 214136-PUNCH-P2-XX-DR-C- 0413) should be considered in advance of completion of Phase 2, as outlined in the TTA.

Phase 1 will be completed within 18 months. It is expected that the first tranche of units within Phase 1 would be ready for occupation within 9 months. The Kennel Hill upgrade and connectivity works will be completed prior to occupation of any units within Phase 1.

Phase 2 will be completed within 12 months. ie. 30 months from commencement of the development. The upgrade of the Kennel Hill/N72 Junction to a signalised junction will be completed prior to occupation of any units within Phase 2.

Phase 3 will be completed within 15 months. ie. 45 months from commencement of the development.

**Item 1D(iv):** It is agreed with Cork County Council that the cost of the proposed upgrades to the N72 / Kennel Hill Junction would be covered by way of contributions from a number of residential developments on Kennel Hill. A Preliminary Construction Cost Estimate has been prepared, which has been agreed in principle with Cork County Council. Details are attached in Appendix E and F of the TTA.

5.4.2. The applicant addressed items 1-17 of the specific information to be submitted with the application. Items of note are outlined below: -

1A. A TTA and a preliminary Construction Traffic Management Plan have been submitted.

1B. A Mobility Management Plan has been submitted.

1C. A Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit has been submitted.

2. A Planning and Design Statement and a Visual Impact Assessment have been submitted.

3. An Engineering Planning Report has been submitted which provides a detailed design proposal in respect of Sustainable Drainage Systems (SUDS) measures that will be implemented to address issues of surface water quality and volume.

4. No amendments are proposed to the development previously permitted under ABP PL04.246853, Reg. Ref.15/6119, (extended under Reg. Ref. 20/6130), particularly with regard to the design and layout of access roads and water and drainage services.

5. A Landscaping Layout and Planning and Design Statement have been submitted which provides further detail with regard to the design and treatment of the

proposed north-eastern pedestrian and cycle connection which traverses adjoining lands.

6. A public lighting scheme has been submitted.
7. A Planning and Design Statement has been submitted which outlines the pedestrian connections through the development, and connections from the proposed development to existing and permitted adjacent residential developments, will be suitably overlooked and supervised.
8. The Planning and Design Statement specifically addresses the proposed materials and finishes.
9. A Building Lifecycle Report has been submitted.
10. A Taking in Charge Plan has been submitted.
11. The Planning and Design Statement describes the relationship between the proposed development and existing and permitted residential properties adjoining the site, and how the development will ensure that satisfactory standards of residential amenity and privacy will be maintained.
12. A Tree Survey and associated drawings/report has been submitted which clearly identifies existing trees to be retained or removed, and their condition and value.
13. A School Demand Report and Childcare Assessment Report have been submitted which demonstrates that the school and childcare demand generated by the proposed development can be accommodated within existing and permitted primary, post-primary schools and childcare facilities in the area. The creche included in this SHD application is sized sufficiently to cater for the proposed development and also the adjoining residential development permitted under ABP PL04.246853, Reg. Ref. 15/6119, (and extended under Reg. Ref. 20/6130).
14. A Phasing Plan have been submitted.
15. An Ecological Impact Assessment Report has been submitted.
16. A Statement of Consistency has been submitted.
17. An EIAR Screening Report and a Statement on EIA Screening Process Pursuant to Article Section 299B have been submitted.

## 6.0 Relevant Planning Policy

### 6.1. *Kanturk Mallow Municipal District Local Area Plan 2017*

The subject site is located within the boundary of the LAP. Table 3.2 sets out population growth and housing requirements for the LAP area, with 4,552 new housing units required for Mallow and 339.93ha of land zoned for residential use. There are two substantial areas identified for urban expansion, the Mallow North East Expansion Area and the Mallow North West Urban Expansion Area

The subject site is located within the Mallow Northwest Urban Expansion Area. These lands comprise c. 50 hectares and are located west of the N20 / Railway line at Kennel Hill. These lands have the potential to deliver c. 1,000 new dwellings, mixed use neighbourhood centre including community hall / recreation facilities, a primary school and an extension to Mallow Hospital. The lands are relatively close to the core of the town where shops, schools and other facilities are located, and the train station is potentially easily accessible. This area also has good access to national road network, without having to traverse the town centre.

Constraints on the NW Urban Expansion Area include:

- Natural heritage and biodiversity and the presence of the Blackwater SAC.
- Transport Issues: Developing these lands requires significant new road / rail crossing infrastructure to provide improved access and connectivity with the rest of the town, where schools and services are concentrated, requiring a comprehensive access strategy.
- The Mallow Traffic and Transportation Study 2011 identified significant new roads infrastructure for this area.
- Upgraded wastewater treatment plant and delivery of a water supply scheme is required to deliver the target population.
- The need for a comprehensive SUDS strategy

The subject site is zoned MW-R-09: Medium A Density Residential Development. Proposals should give consideration and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. Retain character, reinforce planting and provide an amenity corridor/walk along the stream to



northernmost extent of the site to link with existing walkway to the west of the railway line. Proposals should seek to link with adjoining residential areas as part of an overall open space network. Consideration should be given to the provision of serviced sites within the overall layout. A TIA and RSA are required as part of any application.

*General Objectives:*

**MW-GO-01** Plan to achieve a target population to 20,000 persons. Provide a balance between housing and employment uses to support Mallow's development as an integrated live/work destination.

**MW-GO-04** In accordance with Objective WS 5-1 of the County Development Plan, all new development will need to make provision for Sustainable Urban Drainage Systems (SuDS) and provide adequate storm water infrastructure.

**MW-GO-05** Prepare a Traffic and Transportation Plan for Mallow. All development will be required to be consistent with the recommendations of this Plan.

**MW-GO-08** Improve and enhance pedestrian and cycling connectivity particularly north / south across the river and east / west across the railway line and N20.

**MW-GO-09** - Provide for the coordinated and phased development of the Urban Expansion Areas to the Northeast and Northwest to deliver high quality housing / community and employment uses.

6.2. **Cork County Development Plan, 2014**

Mallow is identified as a 'Hub' town in the Development Plan and is located within the Greater Cork Ring Strategic Planning Area. The strategic aim for Mallow is to promote it as a major centre of employment, with appropriate education and cultural facilities and to provide necessary infrastructure to ensure its expansion.

The relevant policies are set out below.

***CS 3-1: Network of Settlements: Strategic Aim of Hub Town (Mallow)***

To grow its population to 20,000 as envisaged by the NSS. Develop as a major integrated employment centre so that it fulfils its role at regional and county level and should be location of choice for most people especially those with an urban employment focus.

***CS 4-2: Metropolitan Cork Strategic Planning Area***

a) Recognise the importance of the role to be played by Mallow as a 'Hub' town in the implementation of the NSS and the Atlantic Gateways Initiative to focus growth in North Cork and; to promote its development as a major centre of employment and population where there is a high standard of access to educational and cultural facilities, and to provide the necessary infrastructure to ensure that the expansion can be achieved without having adverse impacts on the receiving environment.

***Housing Objective HOU 3-1: Sustainable Residential Communities***

- a) Ensure that all new development supports the achievement of sustainable residential communities.
- b) Promote development which prioritises and facilitates walking, cycling and public transport use.
- c) Ensure that urban footpaths and public lighting are provided connecting all residential developments to the existing network of footpaths in an area and that such infrastructure is delivered in tandem with the occupation.

***HOU 4-1: Housing Density on Zoned Lands***

Medium A Density (min. 20 – max. 50, units per Ha)

- Applicable in city suburbs, larger towns over 5,000 population and rail corridors.
- Apartment development is permissible where appropriate but there is no requirement to include an apartment element in development proposals.
- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and wastewater services.
- Broad housing mix normally required including detached/serviced sites unless otherwise specified in relevant Local Area Plan.

Policies HOU 3-2: Urban Design, HOU 3-3: Housing Mix, SC5-2: Quality Provision of Public Open Space, SC 5-8: Private Open Space Provision, TM 2-1: Walking, TM 2-2: Cycling, ZU 2-1: Development and Land Use Zoning are also considered to be relevant.

Appendix Table B.12: Housing Requirements for Kanturk- Mallow Municipal District, identifies a population target of 4,777 new dwelling units 2011 – 2020.

Cork County Councils Recreation and Amenity Policy Document is also relevant.

### 6.3. **Southern Region - Regional Spatial and Economic Strategy 2020**

A key component of the RSES is to strengthen the settlement structure of the Region and to capitalise on the individual and collective strengths of the three cities (Cork, Limerick and Waterford), the metropolitan areas, and a strong network of towns, villages and rural communities.

Mallow is identified as a Key Town with a significant sub regional role as a transport hub. It is strategically located in Munster, is well-networked regionally on the Cork-Dublin rail line, the N20/M20 Cork to Limerick corridor and the N72 Killarney to Dungarvan route, giving access to the M8. The town is a strategic population and employment growth centre providing a range of services and employment opportunities to a large urban and strong agricultural rural hinterland and functions as a driver of growth in North Cork and Region. Mallow is the largest town in North County Cork, with a population of 12,459 and over 3,700 jobs in 2016. The town is strengthening its business and economic profile, ensuring employment-led growth occurs.

*Regional Policy Objective 19: Mallow:*

- a. To sustainably strengthen the employment-led growth and town centre-led regeneration as a regional economic driver, leverage its strategic location and accessibility on inter-regional road and rail networks to build upon inherent strengths.*
- b. Seek investment to support attributes and the sustainable delivery of infrastructure, including enhanced inter-regional connectivity (transport networks and digital) along the strategic road network N20/M20 corridor to the Cork and Limerick-Shannon metropolitan areas and Atlantic Economic Corridor.*
- d. Future growth should be planned for on a phased basis in consultation with the Local Authority and Irish Water to ensure that sufficient wastewater capacity is accounted for and to avoid negative impacts on the River Blackwater.*

### 6.4. **National Planning Framework (2018)**

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. 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...

#### 6.5. **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
- Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual'), 2009

- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

#### 6.6. ***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.

#### 6.7. ***Material Contravention Statement***

The applicant submitted a Material Contravention Statement provides a justification for the material contravention of the following:-

- Car Parking Standards of the Cork County Development Plan 2014
- Car Parking Standards of the Mallow Town Development Plan 2010-2016
- Objective MW-R-09 of the Kanturk-Mallow Municipal District Local Area Plan 2017

The statement is summarised below: -

#### ***Cork County Development Plan, 2014***

Table 1a of Appendix D sets out the following minimum car parking standards for Residential – ‘Rest of Cork County’:

- Dwelling House: 2 spaces per dwelling
- Apartments: 1.25 spaces per apartment
- Creches/Playschool/Nurseries: 1 space per 3 staff + 1 space per 10 children

Therefore, a total of 523 no. spaces are required, in this regard 370 no. to serve the houses, 143 no. to serve the apartments and 14 no. to serve the creche.

It is proposed to provide 487 no. car parking spaces. This is broken down into 276 no. space to serve the 3 and 4 bed houses which equates to 2 no. spaces per house, which is in accordance with the development plan. It is proposed to provide 71 no. car parking spaces or 1.5 no. space per mid terrace 2-bed houses, which is below the development plan standard of 2 no. spaces per house. It is proposed to provide 114

no. car parking spaces to serve the apartments which equates to 1 no. space per apartment, which is below the development plan standard. It is also proposed to provide 16 no. visitor spaces. There is no standard for visitor spaces set out in the plan. With regard to the creche it is proposed to provide 10 no. spaces which is below the development plan standard which would require 5-6 no. spaces for staff and 7 no. spaces for drop off.

The proposed material contravention is justified by National and Regional Planning Policy and Guidelines for the promotion of development that supports sustainable mobility including public transport, walking, and cycling. The Apartment Guidelines note that on public transport corridors (the site is within 500 metres of Mallow Rail Station) maximum rather than minimum parking standards should be detailed to reflect proximity to public transport facilities.

The Apartments Guidelines states that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria and that in suburban/urban locations served by public transport that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. For 'Peripheral and/or Less Accessible Urban Locations' the Guidelines states that as a benchmark/guideline for apartments one car parking space per unit, together with an element of visitor parking, should generally be required.

The Guidelines also state that where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off/visitor parking spaces and that provision is also to be made for alternative mobility solutions such as cycle parking.

The proposed development at Annabella is within close proximity (within 500 metres) to the Mallow train station and is designed to accommodate pedestrian and cycle connectivity. A total of 229 bicycle parking spaces are provided within the development, which is in excess of the standards required and will help to promote sustainable mobility. It is considered that car parking provision lower than the development plan standards is justified in this instance.

## ***Mallow Town Development Plan 2010-2016***

The eastern portion of the site, which includes the proposed upgrades to the public road to the south and proposed walkway to the north are both outside of the applicant's ownership, however, they are included in the red line boundary. Both of these portions of the site are located within the boundary of the Mallow Town Plan.

Table 15.3.1 of the Mallow Town Development Plan 2010 (2010 TDP) provides minimum standards in relation to car parking for the following categories of development:

- Dwelling House: 2 spaces for 3 bed/4 bed
- Flat/Apartments: 1 space per bedroom
- Creches/Playschool/Nurseries: 1 per employee and 0.25 per child

Therefore, a total of 520 no. spaces are required, in this regard 370 no. to serve the houses, 114 no. to serve the apartments and 36 no. to serve the creche.

It is proposed to provide 487 no. car parking spaces. This is broken down into 276 no. space to serve the 3 and 4 bed houses which equates to 2 no. spaces per house, which is in accordance with the plan. It is proposed to provide 71 no. car parking spaces or 1.5 no. space per mid terrace 2-bed houses, which is below the plan standard of 2 no. spaces per house. It is proposed to provide 114 no. car parking spaces to serve the apartments which equates to 1 no. space per apartment, which is in accordance with the plan. It is also proposed to provide 16 no. visitor spaces. There is no standard for visitor spaces set out in the plan. With regard to the creche it is proposed to provide 10 no. spaces which is below the development plan standard which would require c. 36 spaces, in this regard 18 no. spaces for staff and 18 no. spaces for drop off.

The proposed material contravention is justified by National and Regional Planning Policy and Guidelines for the promotion of development that supports sustainable mobility including public transport, walking, and cycling. The Apartment Guidelines note that on public transport corridors (the site is within 500 metres of Mallow Rail Station) maximum rather than minimum parking standards should be detailed to reflect proximity to public transport facilities.

The Apartments Guidelines states that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria and that in suburban/urban locations served by public transport that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. For 'Peripheral and/or Less Accessible Urban Locations' the Guidelines states that as a benchmark/guideline for apartments one car parking space per unit, together with an element of visitor parking, should generally be required.

The Guidelines also state that where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off/visitor parking spaces and that provision is also to be made for alternative mobility solutions such as cycle parking.

The proposed development at Annabella is within close proximity (within 500 metres) to the Mallow train station and is designed to accommodate pedestrian and cycle connectivity. A total of 229 bicycle parking spaces are provided within the development,<sup>5</sup> which is in excess of the standards required and will help to promote sustainable mobility. It is considered that car parking provision lower than the development plan standards is justified in this instance.

### ***Kanturk-Mallow Municipal District Local Area Plan 2017***

The site is zoned for residential development with the specific objective: MW-R-09: Medium A Density Residential Development. Proposals should give consideration and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. Retain character, reinforce planting and provide an amenity corridor/walk along the stream to northernmost extent of the site to link with existing walkway to the west of the railway line. Proposals should seek to link with adjoining residential areas as part of an overall open space network. Consideration should be given to the provision of serviced sites within the overall layout.”

The LAP also indicates that a Traffic Impact Assessment (TIA) and Road Safety Audit (RSA) is required.



In accordance with the MW-R-09 objective, a TIA and RSA have been submitted. The proposed density, which is 35 dwellings per hectare, is consistent with the Medium A density provision for the site. The MW-R-09 objective also seeks to retain the character, reinforce planting and provide an amenity corridor/walk along the stream to northern extent of the site to link with existing walkway to the west of the railway line and those proposals should seek to link with adjoining residential areas as part of an overall open space network. It is considered that this has been provided for in the proposed scheme.

The MW-R-09 objective also states that proposals “should give consideration and where necessary provide for school and/or other desirable community infrastructure required for this area of the town”. While the development includes a creche, a school and/or other community infrastructure is not provided for in the development.

The MW-R-09 objective applies to a much larger area (c.22.07 hectares), than the area subject of this application. It is submitted, therefore, that the potential provision of a school/community infrastructure applies to a larger area than the SHD application area and not just the site subject of this SHD application. As part of the SHD application, a school assessment was undertaken and demonstrates that there is capacity within the existing schools in the town. This is considered to satisfy the requirements of the MW- R-09 objective which states that proposals “should give consideration and where necessary provide” a school and/or community infrastructure. As the requirement for a school has been considered and deemed unnecessary, it is submitted that this satisfies the requirements of the MW-R-09 objective.

### ***Conclusion***

The proposed development is broadly compliant with the provisions of the Cork County Development Plan (CDP) 2014, the Mallow Town Development Plan (TDP) 2010-2016 and the Kanturk-Mallow Municipal District Local Area Plan (MDLAP) 2017, however, it is a material contravention of the 2014 Development Plan and 2010 Mallow Town Development Plan in relation to car parking standards.

It is considered that car parking provision lower than the standards is justified in this instance and that having regard to the provisions of section 37(2)(b)(i), (iii) and (iv) of

the Planning and Development Act 2000, as amended and would be justified for the following reasons and considerations:

- The proposed development is considered to be of strategic or national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended; and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.
- National and Regional Planning Policy and Guidelines call for the promotion of development that supports sustainable mobility including public transport, walking, and cycling. The SRDUA Guidelines note that on public transport corridors (the site is within 500 metres of Mallow Rail Station) that maximum (rather than minimum) parking standards should be detailed to reflect proximity to public transport facilities.
- The Apartments Guidelines, state that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria and that in suburban/urban locations served by public transport the Guidelines state that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. For 'Peripheral and/or Less Accessible Urban Locations' the Guidelines states that as a benchmark/guideline for apartments one car parking space per unit, together with an element of visitor parking, should generally be required. The Guidelines also state that for all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off/visitor parking spaces and that provision is also to be made for alternative mobility solutions such as cycle parking.

## 7.0 Third Party Submissions

7.1. 9 no. third party submissions were received. The submissions generally support the development of the site for residential development. The concerns raised are summarised below: -

### ***Zoning***

- The development is not in keeping with the Kennel Hill residential area.
- The closest school is 6.5km from the site.
- This site has been rezoned in the draft development plan for 'Residential Reserve' given the constraints in the area.

### ***Material Contravention***

- The level of car parking is not justified as the site is c. 1.7km from the town and people would not walk this distance. The existing narrow footpath under the railway bridge on the N72 is substandard. There are no dedicated cycle lanes.

### ***Design and Layout***

- The proposed large-scale blocks are not in keeping with the area. The proposed apartments are more suitable in town centres.
- The density exceeds existing developments in the area.
- The requirement for 1-bed units is questionable.
- The open space at the northern portion of the site would be unusable due to the steep slopes on the site.
- There is no substantial recreation area for children to play within this large-scale development. Open spaces provided are small and close to traffic.
- The walkway at the northern portion of the site should not be included in the calculation for open space.
- Screening is required along the proposed walkway at the sites northern boundary to protect the existing residential amenities.

### ***Transportation***

- Permission was previously refused in the area due to concerns with road infrastructure.

- The surrounding road network is already at capacity, with congestion and queuing on the N72 and Kennel Hill Road. The proposed development would exacerbate the existing situation. The application fails to adequately address the problems associated with additional traffic generated by the proposed development.
- The traffic assessment is based on an assumption that M20 will be in place and would by-pass Mallow Town. The proposed development is, therefore, considered premature pending upgrades to the road network in the area.
- The Mallow Relief Road would have a minimal impact on addressing capacity issues at the Annabella Roundabout. It is anticipated that it would reduce through traffic in the town and potentially increase traffic volumes at the Annabella Roundabout.
- The proposed signal-controlled junction would give rise to significant traffic congestion, disruption and delays at the N20 Annabella Roundabout as well as the Kennel Hill Road, as traffic on the N72 would have to be prioritised.
- The traffic counts are outdated and underestimate the traffic volumes.
- The impact needs to be considered in combination with previously approved schemes in the area.
- The revised works to the Kennel Hill Road would negatively impact on HGV's and buses who require the full width of the road to manoeuvre. These vehicles may mount the footpath to turn. Which would result in a traffic hazard.
- The site is 2km from the town centre with no dedicated cycle lands. The Annabella Roundabout is not suitable for cyclist and is a potential traffic hazard.
- The footpath under the railway bridge is only 0.8m in width and not suitable for increased pedestrian movements.
- The site is located 1.2km from the train station. There is no alternative public transport. The location of the site outside of the town would result in increased trips by private car.
- The under provision of car parking spaces would result in haphazard parking which is a safety concern.

- Concerns regarding anti-social behaviour on the proposed walkway along the site's northern boundary.
- Concerns regarding universal access to the town centre and train station.

### ***Water Services***

- There are concerns regarding the capacity of the existing water supply and the associated adverse impact due to the proposed development.
- There are capacity issues with the existing public sewer. There are concerns regarding the impact of increased loading generated by the proposed development.
- Permission was previously refused in the area due to concerns regarding water and wastewater infrastructure.

### ***Ecology***

- Risk of contamination to the River Blackwater SAC during the construction phase.
- Japanese Knotweed infected two sites at the lower end of Springwood Residential Estate last year. This area is also close to the stream and movement along streams is one of the ways it spreads. The Ecological Impact Assessment recommends that an Alien Plant Species specialist be employed prior to any works commencing. This should be attached by way of condition to any grant of permission.
- Emissions from increased vehicular trips are harmful to the environment.
- The proposed development would negatively impact on birds, foxes and badgers who utilise the site.

### ***Social Infrastructure***

- The information provided within the school demand report is inaccurate. Concerns that there are insufficient school spaces in the area.

### ***Legal Issue***

- The submission from Liam and Mary Sheahan states that they are the legal owners of a piece of land shown within the applicants red line boundary which provides a connection from the northern site boundary to the public road at

Railway Lane. They state that they have not been consulted and have not given their consent to any works on the land.

### ***Other Issues***

- Concerns are raised regarding discrepancies within the submitted documentation.
- Concerns are raised that groundworks are already underway on the site.

## **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 of the proposed development, pre-planning, site description, relevant planning history, third-party submissions and prescribed bodies. The views of the elected members were outlined at the Municipal District meeting, held on the 15<sup>th</sup> March 2022 and are summarised as follows: Proposed development broadly welcomed in principle, concerns raised regarding the capacity of the surrounding road network; Distance of the site from the town centre; Permeability and local connectivity; Lack of continuous footpath or a cycleway; Clarity required regarding open space and recreational provision: clarification of lands to be taken in charge; School capacity. Appendix A includes Internal Reports from the Area Engineer, Ecology / Heritage Unit, Traffic and Transportation, Estates Engineer. Housing Department, Road Design Office, and Senior Executive Architect.

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

***Principle of Development:*** The proposed residential scheme generally accords with the policies and objectives of the Development Plan 2014 and the Kanturk-Mallow Municipal District LAP 2017.

***Density:*** The proposed density of 35 no. units per ha is consistent with the policies and objectives of the County Development Plan and MD LAP and considered an acceptable density at this location.

***Design and Layout:*** The proposed distinct character areas throughout the scheme is noted and considered acceptable. The use of an external tracery, some projecting

balconies, use of some expressed cladding for example, would enrich the buildings and aid 'placemaking' and character building of this area.

In general, the overall approach to topography and levels across the site appears reasonable. However, the relationship and approach to levels between proposed development and scheme granted to the south under ref. 15/6119 may need further consideration in the interests of residential amenity.

There are two extant residential permissions and a creche permission abutting the subject site. The proposed phasing is not sequenced with or tied into the permitted scheme (under control of this applicant) nor permitted scheme under 15/6970 (outside control of applicant). It is considered that the Board should review and amend the 3-step phasing to incorporate (at the least) the 61 no. unit development permitted under the control of the applicant, given the capacity deficiencies in the road network and the likely trips generated. Infrastructural works relating to connectivity improvements is vital and should be integral part of phase 1 and completed prior to the occupation of any dwelling.

It may have been more beneficial from a 'community building' perspective' to locate the creche/community facility more centrally within the scheme.

**Recreation and Amenity:** The proposed development is broadly consistent with the Cork County Council Recreation and Amenity Policy and is therefore deemed acceptable.

**Integration with Existing Development:** The scheme responds well to the adjoining permitted development the possible future connection to link with the permitted development to the east. The scheme also has the potential for future connectivity to adjoining lands to the west, if ever required in the future.

**Housing Mix:** Overall, the proposed housing mix is broadly consistent with the Joint Housing Strategy and is therefore acceptable.

**Part V:** The Applicant proposes to provide 29 units or 10% of the development for Part V use but has not shown any documentary evidence that the development is exempt from the 20% requirements in the amendments to Part V. That will need to be clarified and if they cannot show that the site was acquired during the exemption period they will have to provide 58 units, (20%) for social and affordable use. A suitable Part V

condition should be attached to any grant of permission and full details to be agreed in writing with the Planning Authority prior to commencement of development.

**Creche:** The relocation of the creche to a more centralised location to form a community / neighbourhood node or focal point, proximate to a play area / playground may have been more appropriate. This could afford an opportunity to include community infrastructure to act as heart of new neighbourhood; and encourage active mode trips to drop off and pick up children, as opposed to vehicular trips within the estate and from beyond, which are encouraged / facilitated by current proposed location at estate entrance. This is a peripheral or edge of town site and relocation could have been beneficial from a 'community building' perspective.

**Drainage / Surface Water / Wastewater:** The submission from Irish Water is noted. In relation to surface water drainage, it is noted that separate foul water and surface water networks are proposed. The comments from Council's Ecology unit and Environment Officer should be noted.

**Traffic and Transportation:** There are some concerns as to the robustness and validity of the traffic survey data used (March 2016, updated by IDASO with data of 12th Nov 2019), the lack of more recent and detailed survey data and the lack of available specific local traffic growth information being supplied to support the traffic model. It is considered that Passenger Car Unit (PCU) figures will be high given the likely profile of private purchasers and high car ownership levels give the distribution of employment throughout the County and known rates of commuting out of Mallow. Cork County Council are agreeable in principle to the design and contribution proposed. A cost estimate for the works has been submitted which is considered reasonable and accurate at that time, but recent price inflationary pressures is a cause for concern and the said costings should be reviewed. Any grant of permission shall include a condition that a special contribution is charged towards the construction of this junction upgrade. The proposed Mallow Relief Road will not increase the future capacity of the N72 Annabella junction and it is a long way off delivery which is currently scheduled for completion in 2027. The Planning Authority has real concern that the 2027 timeline cannot be met.

**Cycle and Pedestrian Connectivity:** There are serious concerns regarding the deliverability of the recreational amenity route given the number of landowners involved and the submission of 'incompleteness' of legal consents supporting the



application. It would appear that this route is no more than aspirational at this stage as there is no evidence of requisite legal agreements being in place to provide same. Notwithstanding, it is unlikely to assist in mitigating the capacity constraints of Kennel Hill and junction with N72.

It appears that there will be a considerable section of the proposed connection to the north of Woodview Drive which will be poorly overlooked/supervised.

The benefits of this pedestrian/cycle route other than an amenity route is also questionable. There is a need for the provision of new pedestrian/ cycle bridge to cross the existing main line railway (which is a barrier/ constraint to movement) as the Kennel Hill route is not attractive route to potential pedestrians/cyclist due to the limited infrastructure and natural topography.

This application also includes proposal for improved pedestrian connections along Kennel Hill Road and public realm improvement. It is indicated that these works will be completed prior to commencement of construction of the proposed development. This should be addressed via condition.

**Parking Provision:** The proposed number of car parking spaces falls short of the Development Plan requirements, having regard Apartments Guidelines and the location of a portion of the site within close proximity to a rail corridor, there is scope to consider a reduced number of car parking spaces at this location. Whilst, the Council are supportive of approaches to encourage a modal shift to more sustainable transport modes, too great a shortfall may be proposed in this instance having regard to site location, context and practicalities. It is important that the demand is catered for, and that adequate provision is made for parking for residents and visitors in a safe and managed manner.

**AA / Ecology:** The Council's Ecologists report is noted.

**Recommendation:**

Having regard to the site's location within the settlement boundary of Mallow, to the fact that the subject land forms part of a larger area of residential zoned lands, to the planning history thereon, to the provisions of the Cork County Development Plan 2014, the Kanturk - Mallow Municipal District Local Area Plan 2017, the Sustainable Residential Development in Urban Areas Guidelines and the associated Urban Design Manual – A Best Practice Guide (Department of the Environment, Heritage and Local

Government, May 2009), Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes, Sustaining Communities (2007), Sustainable Urban Housing – Design Standards for new apartments, the Design Manual for Urban Roads and Streets, that the proposed development, subject to strict compliance with the conditions set out below (in particular, the adequate and timely provision of road network capacity and safety improvements and the amenity route, as part of an open space network) would be consistent with the objectives of County Development Plan and Local Area Plan and with relevant Section 28 Guidelines, and recommends that permission be GRANTED.

The report includes 45 no. recommended conditions.

## 9.0 Prescribed Bodies

### *Irish Water*

*Wastewater:* There is a project underway which to upgrade the Mallow WWTP to increase capacity. This upgrade project is scheduled to be completed by 2022 (subject to change). Upgrade works on the wastewater network in the Annabella area of Mallow, as part of a wider Irish Water project called the Mallow Wastewater Infrastructure Plan are required to service a waste connection for this development proposal. These upgrades include the construction of new sewers and sewer upsizing. The applicant may be required to provide a contribution towards the costs for the required.

*Water:* In order to complete the proposed connection at the premises upgrades to the local network are required. Until such time as the modelling is completed, the exact nature of these upgrades to service the proposal are not confirmed. For any upgrades not within the public domain a wayleave in favour of Irish Water will be required to be agreed at connection application stage. For any upgrades which will not be on the Irish Water Capital Investment Plan the applicant may be required to provide a contribution towards the costs for any required upgrades in conjunction with other developments in the area, as part of a future connection agreement for this site.

## 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. The assessment considers and addresses the following issues: -

- Principle of Development
- Design Approach
- Residential Amenity
- Transportation
- Water Services and Flood Risk
- Ecology
- Part V
- Archaeology
- Other Issues
- Material Contravention

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

10.2.1. The subject site is zoned MW-R-09: Medium A Density Residential Development in the Kanturk Mallow Municipal District LAP, 2017. The land use objective states that proposals should give consideration and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. Retain character, reinforce planting and provide an amenity corridor/walk along the stream to northern most extent of the site to link with existing walkway to the west of the railway line. Proposals should seek to link with adjoining residential areas as part of an overall open space network. Consideration should also be given to the provision of serviced sites within the overall layout. A TIA and RSA are required as part of any application.

- 10.2.2. It is my opinion that the main elements of the zoning objective can be summarised as density; school / community infrastructure; and open space and connectivity. In the interest of clarity each of these issues is addressed below. It is noted that both a Traffic and Transportation Assessment and a Stage 1 Road Safety Audit have been submitted in accordance with this objective. The issue of transportation is addressed below in Section 10.5.

Density

- 10.2.3. Policy HOU 4-1 of the development plan sets out a range of 20 – 50 units per ha on land zoned Medium Density A. The upper limit of this standard is reflective of the Outer Suburban / 'Greenfield' site standard set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) which states that 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. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. Therefore, the proposed density of 35 units per ha is in accordance with the standard set out in both the development plan and the Sustainable Residential Development in Urban Areas Guidelines.
- 10.2.4. Concerns were raised by third parties that the proposed density is excessive having regard to the existing pattern of development. The area to the east of the site is characterised by low density suburban housing estates. The area to the west of the site is rural in nature with a linear pattern of residential development along Annabella Park Road. It is noted that permission was granted in 2016 (Reg. Ref. 15/6119) and extended 2020 (Reg. Ref. 20/6130) for the removal of disused farm buildings and the construction of 61 no. dwellings on lands immediately east of the subject site, fronting on to Kennel Hill Road. This scheme has a density of c. 15 units per ha. There is a current application to amend this permission and increase the total number of units on the site to 76. If permitted this scheme would increase the density to 19 units per ha. In addition, permission was granted in 2017 (ABP PL 04.247607, Reg. Ref. 15/6970 and extended under 21/6970) for the construction of 88 no. houses on lands immediately northeast of the subject site. This scheme has a density of 22 units per ha.

- 10.2.5. The subject site is located c. 1.3km west of Mallow Town Centre. The RESE notes that Mallow is the largest town in North County Cork with a strategic population and employment growth centre providing a range of services and employment opportunities to a large urban and strong agricultural rural hinterland and functions as a driver of growth in North Cork and Region. The subject site is also located c. 800m south of Mallow General Hospital, c. 1km west of Dairygold Co-Op, c. 1.5km northwest of Mallow Racecourse and c. 1.6km north of Mallow Business and Technology Park. With regard to proximity to public transport the site is located c. 1km west of the Mallow Train Station. Services between Mallow and Cobh via Cork City operate at a frequency of 15 min in the AM and PM peak. There are also hourly services from Cork to Dublin via Mallow and less frequent services throughout the day (7 days a week) to Galway and Limerick. Full details of timetables are available at [www.irishrail.ie](http://www.irishrail.ie). Mallow is also served by 2 no. bus routes. The 51 provides connectivity between Galway, Limerick and Cork via Mallow Town Centre and Mallow General Hospital and operates every hour. The 243 provides connectivity between Cork, Kanturk and Charleville via Mallow town centre with 7 no. buses per day. Further details are available at [www.buseireann.ie](http://www.buseireann.ie). It should be noted that there are no public transport services within the Mallow area that operate at a greater frequency than 15 min.
- 10.2.6. Objectives 4, 13, 33 and 35 of the National Planning Framework all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. It is also a key principle of the RSES to restrict urban generated sprawl, strengthen the urban fabric and role of settlements servicing hinterlands, consolidate existing settlements, and protect the environment and resources of rural areas from haphazard, urban-generated housing patterns. The RSES also envisages that the Key Towns will be a focus for significant growth (more than 30%). It is my opinion that the proposed density would support these objectives. In addition, the planning authority raised no objection to the proposed density and consider it to be consistent with the policies and objectives of the Development Plan and the Local Area plan.
- 10.2.7. In conclusion, it is acknowledged that Mallow is a predominantly low density town and that the proposed scheme would have a higher density than existing and proposed schemes in the vicinity of the site, however, it is my view that having regard to the sites

proximity to a range of services and facilities and to Mallow Train Station, a density of 35 units per ha is not excessive at this site and would support the consolidation of the urban area in accordance with national, regional and local policy.

School / Community Infrastructure

- 10.2.8. There is a requirement under objective MW-R-09 that proposals should give consideration and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. To address this objective the applicant has submitted a School Demand Report. The report details the number and location of 8 no. primary schools and 3 no. post primary schools with a 4.2km radius of the subject site, the demographics of the area and the potential future demand generated by the development.
- 10.2.9. Concerns are raised by third parties that the information provided within the school demand report is inaccurate and there are insufficient school spaces in the area. The information submitted in the School Demand Report is evidence based and, therefore, I am satisfied that there is sufficient capacity within the existing school network to accommodate the envisioned demand generated by the proposed development.
- 10.2.10. It is also noted that the subject site comprises only a portion of the overall lands (c. 22ha) located to the west of the town / railway line, which are subject to the MW-R-09 objective. It is noted that the subject site, or any adjacent sites which are also subject to the MW-R-09 objective, have not been identified by the planning authority or the Department of Education and Skills as lands for a future school. Therefore, it is my view that the subject site is unlikely to be required as future school site in the short to medium term and that in the long-term if there is demand for a school on the western side of the town there are a number of suitable sites where this could be provided. Therefore, it is considered that the development of this site would not impede the provision of a school on lands subject to Objective MW-R-09.
- 10.2.11. Objective MW-R-09 also states that consideration should be given to other desirable community infrastructure. The scheme includes a creche which fronts onto Kennel Hill Road at the site's southern boundary. Having regard to the sites proximity to Mallow Town Centre I have no objection to the proposed mix of uses and it is noted that the

planning authority and third parties raised no concerns regarding the requirement for community uses on this site.

- 10.2.12. The applicant's material contravention statement notes that Objective MW-R-09 states that applications should *give consideration* and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. I agree with the applicant that the wording of the objective is flexible and, therefore, the proposed development is not a material contravention as due consideration has been given to the provision of a school and / or other desirable community infrastructure on the site. It is noted that no concerns were raised by third parties or the planning authority regarding a material contravention of the objective.

*Open Space / Connectivity*

- 10.2.13. There is a requirement under Objective MW-R-09 to retain character, reinforce planting and provide an amenity corridor / walk along the stream to the northern most extent of the site to link with existing walkway to the west of the railway line. The existing topography of the site slopes from south to north with the highest part of the site located to the south adjacent to Kennel Hill Road. The southern portion of the site has a gentle slope, the central portion has a moderate slope, and the northern portion has a steep slope and overlooks a woodland area to the north of the site. As far as is practical, the proposed design approach incorporates the natural topography of the site.
- 10.2.14. The scheme includes 1.21 ha of public open space which equates to 13% of the net developable area. There are existing hedgerows located along the sites northern, western and eastern boundaries and through the centre of the site in an east-west direction. As far as is reasonably possible it is proposed that all the existing hedgerows would be retained as part of the scheme. The Tree Survey was submitted with the application notes that there are 53 no. trees within the site. It is proposed to remove all category U (unsustainable) trees which consists of 3 no. individual trees and 1 no. tree group. It is also proposed to remove 2 no Category B (moderate quality) trees to accommodate the proposed development. No Category A trees would be removed as part of the development. The landscape drawings submitted indicated that the scheme includes a substantial number of new trees and shrubs to be planted throughout the

scheme, however, the total number of new trees has not been provided. From the information submitted it is my opinion that scheme would re-enforce planting with the scheme and that if permission is being contemplated the final details of tree planting could be agreed by way of condition with the planning authority.

10.2.15. The scheme includes a cycle and pedestrian route along the site's entire northern boundary and incorporates third party lands to provide a link to the western boundary of Mallow railway station, c. 1km east of the site. The proposed route incorporates and amends a pathway granted under Reg. Ref. 15/6970 to the east of the site, which is in the ownership of a third party, lands to the north of the existing Woodview Drive residential estate, which is within the ownership of Cork County Council and a portion of land within the ownership of CIE. Drawing no. 21078/P/002AA indicates the land ownership and letters of consent have been submitted with the application. The provision of a pedestrian and cycle link is welcomed and is considered to be in accordance with Objective MW-R-09 to provide an amenity corridor / walk along the stream to the northern most extent of the site to link with existing walkway to the west of the railway line.

10.2.16. The third-party submission from Liam and Mary Sheahan states that they own a portion of land included in the proposed cycle and pedestrian walkway and that they have not given consent to its inclusion in the application. It would appear that this is a portion of land indicated by the applicant to be in the ownership of CIE. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. It should be noted that under section 10 subsection 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016 a person shall not be entitled solely by reason of a permission to carry out any development. Therefore, I consider that the disputes between the parties in relation to land ownership or rights of way are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process.

10.2.17. The planning authority state that they have serious concerns regarding the deliverability of the recreational amenity route given the number of landowners involved and the submission of 'incompleteness' of legal consents supporting the



application. Having regard to the information submitted it would appear that the applicant has made significant attempts to improve connectivity between the site and the railway bridge and proposes to carry out these works as part of Phase 1 of the development. It is my view that the proposed walkway complies with Objective MW-R-09 and I do not agree with the planning authority that the proposed route is aspirational.

10.2.18. The planning authority also consider that the proposed cycle / walkway would operate more as an amenity route. I agree with this assessment. While the improved connectivity is welcomed it is noted that the proposed route terminates at the western boundary of the railway station, which consists of a palisade fence and railway tracks. It is acknowledged that there is a requirement for a new pedestrian / cycle bridge over the main railway link to allow for direct access to the station. However, it is my view that the proposed development is not reliant on this infrastructure and the improved connectivity between sites and towards the station / town is welcomed.

10.2.19. There is also a requirement that proposals should seek to link with adjoining residential areas as part of an overall open space network. The scheme has been designed to provide 2 no. vehicular and 3 no. pedestrian links to a previously approved scheme for 61 no. dwellings on lands immediate south-east of the subject site approved under Reg. Ref. 15/6119 and extended under 20/6130 and also provides a potential future link to a previously approved scheme for 88 no. houses on lands immediately north-east of the subject site approved under ABP PL 04.247607, Reg. Ref. 15/6970 and extended under 21/6970. The scheme has also been designed to allow for connectivity to future potential development sites to the west. In this regard, it is recommended that if permission is being contemplated that a condition be attached that all footpath / roads be constructed to the site's western boundary prior to commencement of development to ensure future connectivity.

10.2.20. Objective MW-R-09 also states that consideration should be given to the provision of serviced sites within the overall layout. There are two extant permissions for residential development and a creche immediately adjacent to the site. As noted above, permission was granted for the removal of disused farm buildings and the construction of 61 no. dwellings on lands immediately south and east of the subject site, fronting Kennel Hill Road. The works included drainage infrastructure traversing the subject

site. This application was presented as Phase 1 of three phases of development, while the subject site comprises phase 2 and 3 of the overall lands. An extension of duration of permission was granted in 2020. In addition, permission was granted in 2016 for the construction of a crèche facility to the east of the subject site to serve the residential development and permission granted in 2017 for the construction of 88 no. houses on lands immediately northeast of the subject site. Therefore, while it is acknowledged that the site is generally bound by agricultural fields it is my view that the subject scheme represents the sequential development of Mallow Town and is well connected to these approved schemes.

10.2.21. Concerns were also raised by third parties that given the constraints in the area the subject site has been rezoned in the draft development plan for 'Residential Reserve'. As the draft Development Plan has not been adopted the current Cork County Development Plan 2014 (as extended) is the relevant statutory document that the proposed development has been assessed against. The policies and objectives of the draft plan do not form part of my assessment.

### 10.3. ***Design Approach***

10.3.1. The proposed scheme comprises 299 no. dwelling units, 185 no. houses and 64 no. apartment and 50 no. duplex units laid out in a traditional grid pattern. The main entrance to the site is via Annabella Park Road to the south of the site and the main internal route is generally linear running in a north south direction. It is noted that the junction with Annabella Park Road and a portion of this internal access road were previously approved (Reg. Ref. 15/6119 and 20/6130) as part of a residential scheme located to the south and east of the site. There are a number of secondary streets which provide access to the eastern and western portions of the site. It is also proposed to provide a new pedestrian and cycle walkway along the site's northern boundary and pedestrian and cycle connections to the previously approved schemes to the east. As noted above, 13% of the site is provided as public open spaces (based on the developable area). The natural features of the site, such as the sloped nature and the existing hedgerows, have been retained and form key features within the scheme. It is intended that all internal roads, footpaths and areas of open space, including the amenity walkway would be taken in charge by Cork County Council.

- 10.3.2. The planning authority raise concerns that the proposed phasing is not sequenced with or tied into the permitted scheme (Reg. Ref. 15/6119) which they consider to be under control of this applicant, nor permitted scheme under 15/6970 which is outside control of applicant and given the capacity deficiencies in the road network and the proposed infrastructural works relating to connectivity improvements is vital and should be integral part of phase 1 and completed prior to the occupation of any dwelling.
- 10.3.3. It is noted from documents submitted with (Reg. Ref. 15/6119) and available on the Cork County Council website, that the subject site previously formed part of an overall land holding and was considered phase 2 and 3 of development of that larger site. The information submitted with this current application indicates that the subject site is a standalone development and is not considered to be a subsequent phase to a previously approved scheme. The adjacent site is not indicated as being within the applicant's ownership and has not been included within the blue line boundary of the drawings submitted. It is also noted that letters of consent for works effecting the adjacent site have been included. Therefore, it is my assumption that the applicant has no legal ownership of the adjacent site.
- 10.3.4. In my view the zoning of land and granting of planning permission alone, does not necessarily guarantee delivery of residential units and / or population growth in accordance with projected, targeted timeframes and that attention should be paid to the delivery of housing. Therefore, the long-term development potential of this residentially zoned site should not necessarily be reliant on other sites being brought forward first and can be assessed on its merits having regard to the wider objectives of the Development Plan. It is also noted that the applicant has includes a letter of consent from the adjacent landowner which allows for the provision of a footpath between the subject site and the existing public footpath and to allow for connections to drainage and wastewater infrastructure via the adjacent site.
- 10.3.5. The proposed scheme is to be developed over 3 no. phases and comprises 4 no. character areas. Phase 1 is located in the north-eastern portion of the site, immediately adjacent to the previously approved developments Reg. Ref. 15/6970 located to the east of the site and Reg. Ref. 15/6119 and Reg. Ref. 20/6130 located to the south of the site. Phase 1 incorporates Character Area 3 which comprises 61 no. houses and

a portion of Character Area 4 comprising the 2 no. apartment blocks (64 no. units). This phase also includes the proposed internal access road from Kennel Hill Road, the improvement works along Annabella Park Road and Kennel Hill Road to the south of the site, the amenity walkway along the northern boundary of the site and an area of open space at the sites northern boundary incorporating a MUGA and a linear portion of open space in the centre of the phase which incorporates the existing hedgerow. Character Area 3 has a medium to low density character generally comprising large semi-detached houses, while Character Area 4, has a medium to higher density character comprising 2 no. apartment blocks. In my opinion the more traditional design approach in Character Area 3 provides an appropriate transition from the existing and previously approved low density, large suburban detached and semi-detached houses to the east and south of the site and the proposed 2 no. 4-storey apartments blocks at the sites northern boundary. It is also noted that this phase includes pedestrian and cycle links to the previously approved schemes, which is welcomed.

- 10.3.6. Phase no. 2 of the proposed development generally relates to Character Area 1. This phase is located in the southern portion of the site with frontage onto Kennel Hill Road. It is characterised by a medium density development with a 58 no. houses comprising a mix of semi-detached and terraced dwellings, 12 no. duplex units and a creche unit. The duplex units, the creche and 2 no. dwellings front directly onto Kennel Hill Road. This area also includes a plaza and pocket park adjacent to the creche and duplex units and a more centralised area of open space overlooked by the houses. The planning authority raised concerns regarding the location of the creche at the sites southern boundary and consider that it should be relocated to a more central area within the scheme to form a community / neighbourhood node or focal point, proximate to a play area / playground as this could afford an opportunity to include community infrastructure to act as heart of new neighbourhood and the relocation could have been beneficial from a 'community building' perspective. In my view the location of the creche at the sites southern boundary provides an appropriate urban edge to the scheme with Annabella Park Road. The layout of the scheme includes a public plaza to the west of the creche and rear (north) of the duplex units. I am satisfied that the location of the creche in combination with the proposed plaza / public open space would provide an appropriate focal point for this outer suburban location.

- 10.3.7. Phase 3 is situated in the north-western portion of the site. This phase incorporates Character Area 2 which comprises 63 no. houses and 4 no. duplex units and a portion of Character Area 4 comprising 34 no. duplex units. This phase is characterised by a medium to high density approach. Phase 3 also includes a linear portion of open space in the centre of the phase which incorporates the existing hedgerow and a small pocket park which is directly overlooked by the proposed houses.
- 10.3.8. Overall, it is my opinion that the phases proposed as part of the subject scheme have been well considered and provide a clear transition from the existing and proposed lower density developments to the proposed higher density area at the northern portion of the subject site. It is also noted that the planning authority consider the design and layout of the scheme responds well to the adjoining permitted developments.
- 10.3.9. The colour of the brick and the architectural form of the dwellings change slightly between the different character areas. The predominate external materials of the units are brick and render. The use of brick is welcomed. However, I have some concerns regarding the use of render as an external material for the duplex and apartment units. This is not considered to a durable and high-quality finish, especially for the highly visible duplex units fronting onto Kennel Hill Road. While I have no objection in principle to the provision of character areas I agree with the planning authority's assessment that a greater variety in material and external treatment could have been included to provide a greater distinction between the proposed character areas, to create a more distinctive neighbourhood and to aid with placemaking. However, having regard to the established pattern development in the existing and proposed schemes, it is my view that the proposed scheme is generally acceptable. If permission is granted it is recommended that a condition be attached that the final details of the external materials be agreed with the planning authority.
- 10.3.10. The scheme comprises 185 no. houses (62%), 64 no. apartments (21%) and 50 no. duplex units (17%). The scheme has an overall housing mix of 53 no. 1-beds (18%), 103 no. 2-beds (34%), 101 no. 3-beds (34%) and 42 no. 4-beds (14%). A variety of residential units are proposed ranging in size from a 56.4sqm 1-bed apartments to a 142 sqm semi-detached house. The apartments and duplexes are set out in a variety

of 1, 2 and 3 bed configurations and vary in size and arrangement depending on their location. There are 12 no. variations of house type in a range of semi-detached and terrace houses. All typologies have contemporary approach to a traditional design. It is noted that 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. All of the proposed houses and duplex units are dual aspect. The majority of the apartments (88%) are dual aspect. The 1-bed single aspect units are west-facing or east-facing. The apartment blocks and duplex units proposed in the northern portion of the site have been designed to incorporate the natural topography of the site. To accommodate the 3m level difference the apartment blocks have a communal undercroft car parking area which is accessed from the northern portion of the site and the duplex units are split-level to reflect with a lower ground floor level courtyard provided on the northern elevation on these units..

10.3.11. Third parties raised concerns regarding the requirement to 1-bed units. The scheme comprises 53 no. (18%) 1-bed units. Due to changing demographics and a reduction in household sizes, it is my opinion that there is a need for a different mix and unit typology in new developments with a higher percentage requirement for smaller unit sizes. In my opinion the proposed scheme would contribute to the variety of accommodation types and sizes in the area which are predominately characterised by larger family size houses. Therefore, I have no objection to the unit mix and consider it appropriate at this location. It is noted that the planning authority raised no objection to the housing mix and considered it to be consistent with the Joint Housing Strategy.

10.3.12. The third parties have also raised concerns that the proposed large-scale blocks are not in keeping with the area and that the proposed apartments are more suitable in town centres. The scheme is predominantly 2-storeys in height with a maximum of 4-storeys. The majority of the 3-storey duplex units and the 2 no. 4-storey apartment blocks are located in the northern portion of the site, which is lowest lying section of the land. It is noted that the building heights of the surrounding housing estates range are predominantly traditional 2 storey houses. It is my opinion that the site is of a sufficiently large scale to accommodate the proposed height, which is relatively limited with a maximum height of 4-storeys. I have no objection to the height and consider that the higher elements are appropriately located at the main entrance and to the rear

of the site, in the lower lying section. In my opinion, the variation in height and design creates a visual interest and allows for passive overlooking of open spaces, which is welcomed.

10.3.13. A Landscape and Visual Amenity Assessment was submitted with the application. It includes 10 no. verified views of the scheme which are contained in the booklet of photomontages. The submitted views / photomontages provide a comparison of the existing site and the proposed development. I am satisfied that the applicants submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear to allow for a full assessment of the potential impact. The LVIA provides an assessment of the visual impact of the development from these 10 no. viewpoints. There are 3 no. categories used to classify the 'sensitivity' of the landscape, in this regard High, Medium and Low. The subject site is considered to be of Medium Sensitivity. In addition, there are 4 no. categories used to classify the 'Magnitude of Change', in this regard High, Medium, Low and Negligible. Details of these categories are provided within Section 1 of the LVIA. Of the 10 no. views assessed the applicant considers that the predicted visual effect of the proposed development would be Moderate and Neutral for 3 no. views, Low and Neutral for 1 no. views and No Change for the remaining 6 no. views. The LVIA notes that the proposed development is most prominent in views 1 and 2 located on Annabella Park Road, however, the visual effects are not considered very intrusive. 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. In my opinion the visual impact from short range views, would be generally positive due to the current vacant nature of the site, the high-quality contemporary design of the scheme and the significant separation distances proposed.

10.3.14. In conclusion, having regard to the proximity of this zoned site to Mallow town centre and the train station, it is my opinion that the proposed density, design, layout and height of the scheme is appropriate in this context and would result in the creation of a new distinct residential development which complements the established pattern of development with wider benefits, such as the delivery of a significant quantum of

housing, the opening up of the site via connectivity to adjacent sites and would support the consolidation of the urban area.

#### 10.4. **Open Space**

- 10.4.1. As noted above the scheme includes 1.21 ha of public open space. The applicants Planning and Design Statement notes that 1.11ha of this space is usable, which equates to 13% of the site area. The Cork County Council Recreation and Amenity Policy document (2019) notes that in accordance with Objective SC 5-2 of the development plan that at least 12% - 18% of the site should be provided as public open space. Open space provision should also be of high quality, accessible and suitably proportioned including linkages to other open spaces. In addition, open spaces within residential areas should in general be suitably overlooked/ passively supervised by surrounding residential areas and provide opportunities for informal children's play and passive amenity. With regard to schemes of over 100 units there is also a requirement for on-site recreational facilities to cater for the needs of the development. Third parties have also raised concerns that the open space at the northern portion of the site would be unusable due to the steep slope. The Proposed Site Layout Plan (Drawing No. 21078/P/003) indicates that the area along the sites northern boundary is excluded from the developable area of the site and the calculation of public open space. It is noted that the planning authority raised no concerns regarding the quantum of public open space.
- 10.4.2. Third parties also raised concerns that there is no substantial recreation area for children to play within this large-scale development and that open spaces provided are small and close to traffic. A breakdown of the size of the areas of public open space has not been provided by the applicant, however, it is noted that the scheme incorporates a significant amenity walk along the site's northern boundary which links to adjacent sites to the east and west. The amenity walkway links to an area of open space (c. 2,200sqm) between the apartment blocks and the duplex units and incorporates a MUGA. A linear area of public open space, which incorporates the existing hedgerow, runs in an east – west direction through the centre of the scheme with a potential connection to the previously approved scheme to the east of the site. This linear route is directly overlooked by proposed dwellings on both sides of the hedgerow. It is my opinion that this linear route provides high quality public open space



for future residents. The development also includes 3 no. pocket parks which are directly overlooked by houses and duplex units. The scheme also includes a public plaza at the site's southern boundary adjacent to the duplex units and the creche. It is my view that this area would provide a focal point within the scheme and is welcomed. The public open space incorporates 5 no. public play areas through the scheme in area with an additional play area located within the communal open space associated with the apartment units. The proposed layout also provides linkages to a larger area of public open space approved under 15/6119 and 20/6130 located to the east of the site. It is my opinion that the proposed areas of open space are significantly large to provide for active and passive requirements of future residents. It is also my view that due to the size, design and layout of the areas of open space that they would not be dominated by vehicular traffic as they are in general located away from the main north-south vehicular route through the site

- 10.4.3. It is noted that to provide the proposed amenity route there is a requirement to amend a pathway and play space approved under 15/6970. I have no objection to the slight alteration to the layout of the path and play area previously approved on an adjoining site and it is noted that a letter of consent has been submitted from the landowner.
- 10.4.4. The planning authority and third parties raised concerns that there would be a considerable section of the proposed amenity walkway to the north of Woodview Drive which will be poorly overlooked / supervised. It is acknowledged that there is a section (c. 90m) of the amenity route located to the north of the rear boundary walls of 15 -29 Woodview Drive. It is noted that public lighting would be placed along this route and that the area would be taken in charge by Cork County Council. However, to ensure a high quality of residential amenity is maintained it is recommended that a condition be attached to any grant of permission that details of appropriate screening be provided between the southern boundary of the walkway to the rear of dwellings in Woodview Drive be agreed with the planning authority.
- 10.4.5. Having regard to the above I have no concerns regarding the quantity or quality of the public open space. It is my opinion that the public open spaces are well connect with a clear hierarchy of open space which contributes to creating a distinctive character for the scheme and results in a high-quality public realm. The planning authority notes

that the proposed development is broadly consistent with the Cork County Council Recreation and Amenity Policy and is, therefore, deemed acceptable.

- 10.4.6. Policy HE 6-1 (c) states that consideration should also be given to the commissioning of new works of art for the public realm in association with new development proposals, where appropriate. In my opinion having regard to the size of the site and the proposed number of residential units that this scheme is an appropriate location to incorporate a piece of public art and that it would add to the visual interest of the scheme. Therefore, it is recommended that a condition be attached to any grant of permission that a piece of public art be provided within an area of public open space.
- 10.4.7. In addition to the public open space requirements Objective SC 5-8 of the development requires states that private open space should be provided in accordance with the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate Development. The Sustainable Residential Development Guidelines do not set out quantitative standards for private open space, however, they note that all houses should have an area of private open space behind the building line. The Cork County Council's Design Guidelines for Residential Estate Development states that all houses should have a rear private garden area. For 3-bedroom houses and larger, the minimum size is 60sqm, which is sufficient to accommodate most household activities and at the same time adequate to offer visual delight, receive some sunshine and encourage plant growth. For one and two-bedroom houses this minimum size may reduce to 48sqm. It is noted that private open space for the houses and duplex units reach and exceed these standards and is in accordance with
- 10.4.8. Objective SC 5-8 further states that with regard to apartment developments, the guidelines on Sustainable Urban Housing: Design Standards for New Apartments will apply. The Apartment Guidelines set out a private open space standards of 5sqm per 1-bed and 7 sqm per 2-bed (4 person). Each apartment and duplex unit have been provided with a balcony / terrace / courtyard which reaches or exceeds these standards. The Apartment Guidelines also set out communal open space standards of 5sqm per 1-bed and 7 sqm per 2-bed (4 person). The proposed scheme comprises 32 no. 1-beds and 32no. 2-bed (4-person) apartments. Therefore, there is a

requirement for 384sqm of communal open space to serve the apartment units. The proposed scheme incorporates 458sqm of communal open space which is in excess the Apartment Guidelines standards. I have no objection to the proposed quantity or quality of the private and communal open space proposed to serve the apartment and duplex units.

10.4.9. In conclusion, I have no objection to the quantity or quality of the open space proposed and consider that it is reflected of a suburban development, that would provide high quality active and passive spaces for future residents and that existing residents in the wider environs of the site would benefit from the proposed amenity route along the site's northern boundary. It is noted that the planning authority raised no concerns to the provision of open space.

#### 10.5. ***Residential Amenity***

##### *Overlooking / Overbearing Impact*

10.5.1. The subject site is a greenfield site. At present it is generally bound to the north, east and west by greenfields and to the south by Annabella Park Road, with agricultural fields on the opposite side of the road. The south-east corner of the site is adjacent to the north western corner of the existing housing estate Annabella Park. The Paddocks and Woodview Drive residential estates are located further east of the subject site. In addition, to the existing residential estates, permission was previously granted (Reg. Ref. 15/6119 and extended under Reg. Ref. 20/6130) for the removal of disused farm buildings and the construction of 61 no. dwellings on lands south and east of the subject site and permission was granted (ABP PL 04.247607, Reg. Ref. 15/6970 extended under Reg. Ref. 21/6970) for the construction of 88 no. houses on lands east of the subject site.

10.5.2. There is a minimum separation distance of c. 27m between the proposed 2-storey dwellings (no. 158) and the existing dwellings at Annabella Park. With regard to the previously approved schemes there would be a separation distance of c. 18m between rear elevation of proposed dwellings no. 137 – 144 and the gable end of 2 no. dwellings previously approved (Reg. Ref. 15/6119 and extended under Reg. Ref. 20/6130) to the south and east of the subject site and a separation distance of c.30m between the

proposed 4 storey apartment Block 2 and the gable end of a dwelling previously approved (ABP PL04.247607, Reg. Ref. 15/6970) to the east of the site.

10.5.3. The planning authority note that the relationship and approach to levels between proposed development and scheme granted to the south under Reg. Ref. 15/6119 may need further consideration in the interests of residential amenity. The Site Layout (Drawing no. 21078/P/003) details the proposed levels for the subject site and the adjacent sites. Level Layouts are also provided on the engineering drawings (no. 0401, 0402 and 0403). The site to the south and east of the subject site has a similar topography to the subject site, as it also slopes in a south north direction with the highest part of the site fronting onto Annabella Park Road. The submitted drawings indicate that the dwellings previously approved (Reg. Ref.15/6119 and extended under Reg. Ref. 20/6130) have differing finished floor levels which are reflective of the topography of the site. The houses located on the western portion of the adjacent site have a similar finished floor level to the proposed internal access road and the proposed houses on the subject site's eastern boundary.

10.5.4. Site Section BB (Part A) (Drawing no. 21078/P/009) and Section EE (Part A) (Drawing No. 21078/P/012) indicate that the dwellings at the adjacent site's northern boundary, would have finished floor level of between c. 1m and c. 2m higher than those proposed on the subject site's southern boundary. This level difference is due to the natural topography of the site and in my opinion the proposed separation distances, which are in excess of 22m at first floor level, between the proposed houses and those previously approved would ensure that there is no undue overlooking or overbearing impact between the dwellings. It is also noted that it is proposed to retain the existing hedgerow between the 2 no. sites which provide for additional screening. Having regard to the above, I do not agree with the planning authority that the relationship and approach to levels between proposed development and scheme granted under Reg. Ref. 15/6119 requires further consideration.

10.5.5. With regard to the previously approved development (ABP PL04.247607 / Reg. Ref 15/6970) to the east of the site it would appear from and Section DD (Part C) (Drawing No. 21078/P/011) that the houses in both the approved and proposed schemes have a similar finished floor level. However, the Apartment Blocks located at the sites northern boundary it would have a finished floor level c. 3m higher than the dwellings

proposed in the adjacent scheme (approved under ABP PL04.247607 / Reg. Ref 15/6970). This level difference is due to the natural topography of the site and in my opinion the proposed separation distances, which are in excess of 30m between the buildings, would ensure that there is no undue overlooking or overbearing impact on the previously approved scheme. Again, it is noted that it is proposed to retain the existing hedgerow between the 2 no. sites which provide for additional screening.

10.5.6. I have reviewed the proposals and carried out a site inspection in respect of all potential impacts on the residential amenity of neighbouring properties and I am satisfied that having regard to the natural topography of the site, the orientation of the existing and proposed properties relative to the development site, the height of proposed development and the separation distances proposed that the proposed development would not have an undue negative impact on the existing or future residential amenities in terms of overlooking or overbearing impact. It is also noted that third parties raised no concerns regarding undue overlooking or overbearing impact.

*Daylight, Sunlight and Overshadowing*

10.5.7. It is noted that no particular concerns have been raised by third parties or the planning authority regarding overshadowing. The applicant submitted a Daylight, Sunlight and Overshadowing Assessment.

10.5.8. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of

that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

10.5.9. The applicant submitted a Daylight, Sunlight and Overshadowing Assessment.

10.5.10. assessments rely on the standards in the following documents:

- BRE Report "Site Layout Planning for Daylight and Sunlight";
- British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting; and
- CIBSE Lighting guide (LG10): daylighting and window design.

10.5.11. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

#### *Internal Daylight, Sunlight and Overshadowing*

10.5.12. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined

kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. The proposed apartment and duplex layouts include a combined kitchen/living/dining room. As these rooms serve more than one function the 2% ADF value was applied to the kitchen / living /dining rooms.

- 10.5.13. The applicant's assessment focused on the higher density accommodation within the apartment blocks and duplex units and their surrounding amenity areas, in this regard Apartment Block 1 located at the site's northern boundary, Duplex Units Block 1 (Type G -H) located at the sites southern boundary and Duplex Units Block 4 (Type J, K, L and M) located at the site northern boundary. The report also notes that Apartment Block 2 is the mirror of Apartment Block 1 and, therefore, the results for Block 1 would be indicative of Block 2. The information submitted in Section 5 of the report indicates that all of the rooms assessed exceed the minimum recommended ADF targets (1% for bedrooms and 2% for LKD). The assessment did not include an analysis of ADF for the proposed houses. However, it is my view that the submitted sample of units represents the worst-case scenario which indicates that all units within the proposed development would achieve an ADF in excess of the BRE Guidelines.
- 10.5.14. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The analysis assessed all open spaces associated with the higher density units (apartments and duplexes) and the open space area associated with the creche. The assessment indicates that all areas of open space would receive in excess of the BRE Guidelines and, therefore, indicates that these spaces would be well lit throughout the year. Full details of the assessment are provided in Section 5 of the report.
- 10.5.15. Having regard to the information submitted I am satisfied that all of the rooms and amenity spaces within the scheme would receive excellent levels of daylight and sunlight. It is also noted that the planning authority and third parties raised no concerns in this regard.

### *External Daylight, Sunlight and Overshadowing*

- 10.5.16. The applicants report notes that there are no neighbouring properties in close enough proximity to the proposed development to be adversely impacted by it with respect to their access to daylight. Therefore, no analysis has been performed for any existing neighbouring properties.
- 10.5.17. The south-east corner of the site is adjacent to the north west corner of the existing housing estate Annabella Park. The side elevation of the proposed 2-storey dwelling no. 158 would be located c. 27m from the rear elevation of no. 38 Annabella Park. Having regard to the separation distance, the limited height and the orientation of the dwellings I agree with the applicant that the proposed development would not overshadow any existing properties.
- 10.5.18. To the south and east of the subject site permission was previously granted (15/6119 and 20/6130) for a residential scheme. It is noted that there would be a minimum separation distance of c. 18m between rear elevation of proposed dwellings no. 137 – 144 and the gable end of 2 no. dwellings previously approved in the adjacent scheme. Having regard to the separation distance, the limited height and the orientation of the dwellings it is my opinion that the proposed scheme would not result in any undue overshadowing of these proposed properties.
- 10.5.19. To the east of the subject site permission was previously granted (ABP PL04.247607, Reg. Ref.15/6970) for a residential scheme. It is noted that there would be a minimum separation distance of c.30m between the proposed 4 storey apartment Block 2 and the gable end of a dwelling previously approved in the adjacent scheme. It is noted that there is a level difference of c. 3m between the sites, therefore, the proposed apartment block would appear higher from within the adjacent scheme. Notwithstanding the level difference it is my opinion that due to the separation distance, the limited height and the orientation of the buildings that the proposed scheme would not result in any undue overshadowing of these proposed properties.
- 10.5.20. The Development Plan does not provide any specific guidance with regard to daylight / sunlight assessments. However, the Building Height Guidelines seeks compliance with the requirements of the BRE standards and associated British Standard (although I note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and



that where compliance with requirements is not met that this would be clearly articulated and justified.

- 10.5.21. 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 (para.1.6). The BRE guidelines also state in paragraph 1.6 that *“Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.”*
- 10.5.22. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. 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. The BRE guidelines state that in relation to daylight to existing building *“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small...”* (para. 2.2.4)
- 10.5.23. Having regard to the proposed separation distances, to the limited height of the proposed scheme and the location of the development to the north and west of the existing and proposed dwellings, I am satisfied that the proposed development is unlikely to have any significant impact on the sunlight or daylight enjoyed by residents of the existing or proposed dwellings (including their associated amenity spaces). In addition, the proposed 3 and 4 storey duplexes and apartments are not situated close enough to existing or proposed dwellings to the south or east to perceptibly impact daylight or sunlight levels. Therefore, no analysis of the impact of these proposed units on any existing properties is required, as the potential is negligible and can be ruled out without further testing as per paragraph 2.2.4 of the BRE guidelines.
- 10.5.24. Overall, I am satisfied that daylight, sunlight and overshadowing impact from the proposed development upon existing or previously approved dwellings would be within an acceptable range for the area and not significantly harmful. I have applied the

guidance within the BRE guidelines and associated BS 17037:2018 in my assessment of this issue, and particularly in light of the guidelines own assertions that numerical targets should be applied flexibly, and that natural light is only one of many factors in site layout design (paragraph 1.6).

10.5.25. 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, and potential daylight/sunlight impacts upon existing and future residents in accordance with the criteria described in the BRE guidelines can be determined as negligible and reasonable for the location of the site. Specifically, that as a result of the separation distance to existing dwellings, the limited height of the proposed development at those points closest to existing and proposed dwellings and the orientation of these buildings, impacts upon daylight and sunlight would not be significantly harmful. Therefore, while a specific assessment has not been submitted with quantification of this impact, in my opinion the proposed development has been designed in consideration of potential daylight and sunlight impact upon existing residents and this is reflected in the scale and layout of the proposal.

10.5.26. I am satisfied that that proposal has a layout that reflects a standard suburban residential estate, as well as in scale and form, which will limit potential for reduced daylight and sunlight to surrounding properties. As such, I consider that the proposed development makes adequate provision for daylight and sunlight to surrounding properties in accordance with BRE considerations that I have applied.

10.5.27. As noted above, the BRE guidelines are discretionary and not mandatory policy/criteria. However, I also note that the Building Height Guidelines ask that reasonable regard is had to the BRE standards.

10.5.28. Similar to my assessment above, I do not consider the omission of a specific daylight, sunlight and overshadowing assessment for units external to the site to be a critical deficit of the application proposal given the characteristics of the proposed development. The absence of this information has had no material bearing on my assessment, given the traditional nature and design of the proposal, and guidance in the BRE document. The proposed development is at an appropriate scale for the site location, with properties between 2 and 4 storeys in height, limiting the extent of

overshadowing that may result. Separation between blocks and dwellings is also acceptable and will limit the degree of obstruction that could result between blocks in the proposed development. All of the proposed dwellings are dual aspect, maximising available light and ventilation to both the self-contained housing and duplex units proposed. Buildings proximate to the subject site are not of a scale or height that would generate significant obstruction to light or overshadowing of areas.

10.5.29. 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 County Council's administrative area for schemes of a traditional character, and medium 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.

## 10.6. ***Transportation***

### *Traffic Assessment*

10.6.1. The site is located c. 1.3km to the west of the town centre in Mallow. Access to the site is proposed from Annabella Park Road which is c. 6m wide road with no footpath. c. 330m east of the subject site Annabella Road becomes Kennel Hill Road. There is a continuous footpath along the northern side of Kennel Hill Road which provides connectivity to the town. There are no designated cycle lanes on the surrounding road network. The applicants TTA states that proposed improvement works agreed under Reg. Ref. 15/6119 which include a new footpath along Annabella Park Road and an upgraded footpath on Kennel Hill Road to the junction with The Paddocks residential estate, resurfacing of the carriageway, tactile paving and raised tables are currently being finalised with Cork County Council. The proposes improvements works are indicated on a drawing in Appendix A of the TTA.

10.6.2. Mallow is strategically located in north County Cork with the N72 and N73 national secondary routes and the N20 national primary route forming a transport corridor around Mallow town centre. The site is well served by public transport in the form of heavy rail as it is located c. 1km west of the Mallow Train Station. Services between Mallow and Cobh via Cork City operate at a frequency of 15 min in the AM and PM peak. There are also hourly services from Cork to Dublin via Mallow and less frequent

services throughout the day (7 days a week) to Galway and Limerick. Full details of timetables are available at [www.irishrail.ie](http://www.irishrail.ie). Mallow is also served by 2 no. bus routes. The 51 which provides connectivity between Galway, Limerick and Cork via Mallow Town Centre and Mallow General Hospital with routes operating every hour. The 243 provides connectivity between Cork, Kanturk and Charleville via Mallow town centre with 7 no. buses per day. Further details on bus services in Mallow are available at [www.buseireann.ie](http://www.buseireann.ie). It should be noted that there are no public transport services within the Mallow area that operate at a greater frequency than 15 min.

10.6.3. Concerns are raised by third parties that the surrounding road network does not have the capacity to accommodate the proposed development. The applicants TTA assessed the impact of the proposed development and the previously approved developments on the surrounding road network. Due to the impact of covid restrictions the applicant utilised existing relevant historical traffic survey data publicly available.

- The survey at the Kennel Hill Junction was undertaken on the 8<sup>th</sup> March 2016. This survey indicates that the AM and PM peak periods are 08:00-09:00 and 17:00-18:00.
- The survey at Annabella Roundabout was undertaken on 21<sup>st</sup> November 2019. This survey indicates that the AM and PM peak periods are 08:15-09:15 and 16:45-17:45.

Further details of the traffic counts are provided in Appendix B of the TTA.

10.6.4. Concerns were raised by third parties and the planning authority that the traffic counts are outdated and underestimate the traffic volumes on the road network. Section 7 of the TTA notes that in the absence of any specific local traffic growth information, it was assumed that baseline traffic would continue to grow at the levels recommended by the TII in the Project Appraisal Guidelines. In my opinion due to the impact of covid restrictions the approach undertaken by the applicant is acceptable and the proposed baseline traffic provides a reasonable representation of baseline traffic on the surrounding road network.

10.6.5. The TTA notes the proposed Mallow Relief Road scheme would free up the town centre road network for access and local traffic, and to enable national road traffic (N20, N72 and N73) to travel more efficiently to other surrounding destinations. The

project is currently in Phase 2 Option Selection. Figure 3-13 of the TTA indicates the emerging preferred option, as of June 2021. The 2027 predicted flows for the Annabella Roundabout were provided to the applicant. These were reviewed against the predicted 2027 flows based off the 2019 surveyed flows and TII growth factors applied. The figures indicate that the current proposals for the Mallow Relief Road would result in overall higher traffic flows on the Annabella Roundabout. The report states that as the final option for the relief road has not been confirmed they have not been utilised in the traffic analysis undertaken and presented. The planning authority state that the proposed Mallow Relief Road will not increase the future capacity of the N72 Annabella junction and there is a concern that the 2027 timeline cannot be met.

- 10.6.6. The TTA also notes the N/M20 Cork to Limerick Project to provide better connectivity between Cork and Limerick. The project's impact on the development will depend on the option chosen. Some options take the road to the east of Mallow and take traffic offline of the Annabella roundabout. The exact reduction in traffic in these options is only being modelled now and are not currently available. The applicant notes that further details of this will not be released until a preferred option is chosen.
- 10.6.7. To address concerns regarding the capacity of the Kennel Hill Road / N72 junction an upgrade was proposed as part of Reg. Ref. 15/6119. The proposed upgrade would not improve the RFC at the junction. However, the proposed roundabout design would allow for free flow conditions on all arms thereby reducing vehicle queuing backing up on to the Annabella Roundabout. The applicants TTA notes that a review of the dimensions proposed for the roundabout were undertaken as part of this application which found that the proposed roundabout was not standard size and did not physically fit within the existing road extents without land take from third parties, therefore, preliminary designs will need to be re-assessed. The applicant states that they have liaised with Cork County Council in this regard.
- 10.6.8. Concerns were raised by third parties that the proposed development is premature pending upgrades to the road network in the area. The TTA notes that the Mallow Relief Road due for completion in 2027, and the proposed M20 are likely to significantly alter the existing traffic conditions in Mallow and will likely lead to increased capacity at both junctions as traffic diverts from the town centre. Therefore, the proposed development is not reliant on these works.

10.6.9. In order to estimate the likely volumes of traffic that would be generated by the residential units within the proposed development the estimated trip rates from neighbouring residential developments (Reg. Ref. 15/6970 and Reg. Ref. 15/6119) were used and applied pro-rata to the relevant number of houses within the development. The TRICS database has also been used to estimate the number of trips potentially generated by the proposed development. The rates in TRICS were found to be lower when compared to the trip rates approved for the adjacent schemes. The TTA notes that the higher values for residential units trip rates were used in the assessment. Table 5-2 estimates AM and PM peak hour traffic for 3 no. phases of development. In the final phase (2029) it is estimated that the development would generate 253 no trips in the AM peak (85 no. arriving and 168 no. departing) and 287 no. trips in the PM peak (198 no. arriving and 89 no. departing). The planning authority raised concerns that the trip rates generated by the development would be high given the distribution of employment throughout the County and known rates of commuting out of Mallow. The concerns of the planning authority are noted, however, as the applicant has applied the trip rates that were agreed and approved for the adjacent developments, which were higher than though in the TRICS database, it is my opinion that the trips represent a reasonable estimate. In addition, as the creche is likely to serve the proposed residential units, it is my view, that the proposed trip generation represents a worst-case scenario.

10.6.10. The TTA assessed 5 no. junctions (Proposed Development Priority Junction with Kennel Hill Road; Existing Kennel Hill Priority Junction with N72 Upgraded for pedestrian safety reasons; Upgraded Kennel Hill Junction with N72 to a roundabout as per condition of Planning Reference: 156119; Upgraded Kennel Hill Junction with N72 to a signalised junction; and the Annabella Roundabout in the AM and PM peak for the baseline (existing surveys 2016 and 2019), Opening Year (2024), Design Year +5 (2029) and Design Year +10 (2039).

10.6.11. 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. The TTA notes that 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.

10.6.12. *Junction 1: Proposed Development Priority Junction with Kennel Hill Road:* The analysis indicates that by the Design Year 2039 the proposed junction would operate within capacity both the AM and PM peak hours with a maximum RFC of 59%.

10.6.13. *Junction 2: Existing Kennel Hill Priority Junction with N72 Upgraded for pedestrian safety reasons:* This scenario assumes that the existing junction geometry is upgraded as agreed with Cork County Council. The analysis indicates that with the development in place, the junction would operate above capacity in both the AM and PM peak in 2024, 2029 and 2039 with a maximum RFC of 124% in the AM peak and 122% in the PM peak in 2039. It is noted that without the development and including the previously approved schemes the junction would operate within capacity with a maximum RFC of 81% in the AM peak and 79% in the PM peak in 2039.

10.6.14. It is acknowledged that the junction would reach capacity with the development in place, however, I agree with the applicant that within an urban area a certain level of congestion is to be expected during peak times and in my opinion the proposed traffic volumes are within the norms of a busy urban environment. Notwithstanding this, in an effort to alleviate the impact on Kennel Hill Junction the applicant has proposed potential design solutions. These are outlined below as Junction 3 and Junction 4.

10.6.15. *Junction 3: Upgraded Kennel Hill Junction with N72 to a roundabout as per condition of 15/6119:* The analysis indicates that with the proposed amendments the junction performs significantly worse in the PM peak. With the development the junction would operate above capacity in both the AM and PM peak in 2024, 2029 and 2019 with a maximum RFC of 139% in the AM peak and 167% in the PM peak in 2039. Without the development and including the previously approved schemes the junction would reach capacity by 2024 with a maximum RFC of 116% in the PM peak.

10.6.16. *Junction 4: Upgraded Kennel Hill Junction with N72 to a signalised junction:* The planning authority raise no objection to the proposed signalisation of the junction and recommend that a condition that a special contribution is charged towards the construction of this junction upgrade to attached to any grant of permission. The

analysis indicates that with the provision of a signalised junction the operating capacity of the junction would improve when compared to the existing priority-controlled junction (junction 2) and the previously approved roundabout (junction 3). With the development the junction would operate within capacity in the AM peak in 2024 and 2029 and in the PM peak in 2024. However, it would exceed capacity in both the AM and PM peak in 2039 with a maximum RFC of 99% in the AM peak and 105% in the PM peak. It is noted that without the development and including the previously approved schemes the junction would operate within capacity with a maximum RFC of 74% in the AM peak and 80% in the PM peak in 2039. Therefore, it is acknowledged that the proposed development would negatively impact on the capacity of this junction, however, as noted above I agree with the applicant that within an urban area a certain level of congestion is to be expected during peak times and in my opinion the proposed traffic volumes at this signalised junction are within the norms of a busy urban environment.

10.6.17. *Junction 5: Annabella Roundabout:* The analysis indicates that with the Annabella Roundabout is already operating above capacity in the AM and PM peak. Without the development and including the previously approved schemes the junction would have a maximum RFC of 193% in the AM peak and 128% in the PM peak. With the development the junction would have a RFC of 228% in the AM peak and 140 in the PM peak. Having regard to the information submitted it would appear that there are significant capacity issues at the Annabella Roundabout. This junction is already operating above design capacity in the and due to the limitations of the modelling software it is noted that that once the RFC is above 100% it produces results for queue lengths and delays that are unrepresentative of the actual or likely effects. Having regard to the information submitted it is my opinion that the proposed development would have an insignificant impact on the operation of this junction.

10.6.18. As noted above, the submitted TTA indicates that the Annabella Roundabout currently operates above design capacity with or without the development in both the AM and PM peaks. The TTA also notes that the Kennel Hill Road junction with the N72 would reach capacity with the development by 2024. The capacity of this junction would be increased if it was upgraded to a signalised junction to accommodate potential trips generated by the subject site. The upgrading this junction to a signalised junction



would increase capacity, however, it is my view that the proposed development is not reliant on these improvement works as within any urban area a certain level of congestion is to be expected during peak times and the proposed traffic volumes at this signalised junction are considered within the norms of a busy urban environment.

10.6.19. While it is acknowledged that improvements to the surrounding road network may be required to alleviate traffic congestion within the town, including the construction of the Mallow Relief Road and the N/M20 Project, 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 having regard to the sites zoning objective, its proximity to the town centre and train station, 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 no comments have been received by TII who were consulted as part of the application.

#### *Road Safety*

10.6.20. As required under the MW-R-09 zoning objective Road Safety Audit (RSA) and Quality Audit have been undertaken. The recommendations of the RSA have been incorporated into the current site layout design. The recommendations of the Quality Audit have been supplied to Cork County Council for their information. The RSA notes that there has been at least one minor traffic collision on Kennel Hill Road, south of the site in 2007. There have been at least three collisions at the Annabella Roundabout, 2 no. minor collisions in 2010 and 2016 and 1 no. serious collisions in 2014.

#### *Car Parking*

10.6.21. Concerns have been raised by third parties regarding an under provision of spaces. Table 1a of Appendix D of the Development Plan sets out the following minimum car parking standards for Residential – ‘Rest of Cork County’:

- Dwelling House: 2 spaces per dwelling
- Apartments: 1.25 spaces per apartment
- Creches/Playschool/Nurseries: 1 space per 3 staff + 1 space per 10 children

Therefore, a total of 523 no. spaces are required, in this regard 370 no. to serve the houses, 143 no. to serve the apartments and 14 no. to serve the creche. It is proposed to provide 487 no. car parking spaces which is below the development plan standard. This is broken down into 276 no. spaces to serve the 3 and 4 bed houses. This equates to 2 no. spaces per house which is in accordance with the development plan. It is proposed to provide 71 no. car parking spaces or 1.5 no. space per mid terrace 2-bed houses, which is below the development plan standard of 2 no. spaces per house. It is also proposed to provide 114 no. car parking spaces to serve the apartments which equates to 1 no. space per apartment, which is below the development plan standard. It is also proposed to provide 16 no. visitor spaces. There is no standard for visitor spaces set out in the plan. The creche would accommodate c. 60 children and 15 – 18 no. staff. It is proposed to provide 10 no. spaces. This is below the development plan standard which requires 5-6 no. spaces for staff and 6 no. spaces per child. All car parking spaces are proposed at surface level.

10.6.22. Note 4 of Appendix D includes a caveat that a reduction in the car parking requirement may be acceptable where the planning authority are satisfied that good public transport links are already available and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development. The Apartments Guidelines (2020) state that in intermediate urban locations, close to public transport or close to town centres or employment centres a reduction of overall car parking standards must be considered, and an appropriate standard applied.

10.6.23. The subject site is located c. 1km west of Mallow Town Centre which provides a wide range of shopping facilities, restaurants, a library, banks, hotels and other services and leisure facilities, which combined result in a vibrant area. The site is also located c. 800m south of Mallow General Hospital, c. 1km west of Dairygold Co-Op, c. 1.5km northwest of Mallow Racecourse. and c. 1.6km north of Mallow Business and Technology Park. The site is also located c. 1km west of the Mallow Train Station. The site is well served by public transport in the form of heavy rail as it is located c. 1km west of the Mallow Train Station. Services between Mallow and Cobh via Cork City operate at a frequency of 15 min in the AM and PM peak. There are also hourly services from Cork to Dublin via Mallow and less frequent services throughout the day (7 days a week) to Galway and Limerick. Full details of timetables are available at

[www.irishrail.ie](http://www.irishrail.ie) and in the submitted Mobility Management Plan. Rail is a high-capacity form of public transport. It should be noted that there are no public transport services within the Mallow area that operate at a greater frequency than 15 min. Mallow is also served by 2 no. bus routes. The 51 which provides connectivity between Galway, Limerick and Cork via Mallow Town Centre and Mallow General Hospital with routes operating every hour. The 243 provides connectivity between Cork, Kanturk and Charleville via Mallow town centre with 7 no. buses per day. Further details on bus services in Mallow are available at [www.buseireann.ie](http://www.buseireann.ie) and in the submitted Mobility Management Plan. A Mobility Management Plan has been submitted with the application which notes that a plan coordinator would be appointed to ensure the implementation of the measures outlined in the plan.

- 10.6.24. The planning authority note that the proposed number of car parking spaces falls short of the development plan requirements and state that while there may be scope to consider a reduced number of car parking spaces at this location it is important that demand is catered for, and that adequate provision is made for parking for residents and visitors in a safe and managed manner. It is acknowledged that the proposed level of car parking is below the development plan standard and the concerns of the third parties are noted. However, having regard to the above I am satisfied that the proposed level of car parking is appropriate at this location to serve the proposed development and would not result in overspill onto the surrounding road network.
- 10.6.25. The applicant addressed the issue of car parking in the Material Contravention Statement. Having regard to the caveat provided in Note 4 of Appendix D it is my opinion that the proposed development is in accordance with the provisions of the development plan and is not a material contravention. It is also noted that car parking standards do not relate to a policy of the development plan.
- 10.6.26. The material contravention statement also addressed a potential contravention of the Car Parking Standards of the Mallow Town Development Plan 2010-2016. The vast majority of the site is located outside of the boundary of the Mallow Town Plan. The area of the site located within the jurisdiction of the plan relates to a minor section of the eastern portion of the overall site area (red line boundary), which is outside of the applicant's ownership and its inclusion within the redline boundary relates to improvement works on the public road / third party lands. As no car parking or

residential development would be provided within the boundary of the Mallow Town Plan it is my opinion that there is no material contravention of the plan.

### *Cycle Parking*

- 10.6.27. Table 2 of Appendix D of the development plan sets out cycle parking standards of 0.5 no. spaces per 1 and 2 bed apartments; 1 no. space per 3-bed + apartments; and 1 space per 4 no. staff in a creche. There is no standard for a house. The scheme comprises 111 no. 1 and 2 bed duplex / apartment units and 3 no. 3-bed duplex / apartment units. Therefore, there is a requirement to provide 59 no. cycle parking spaces to serve the duplex and apartment units. It is envisioned that the creche would accommodate 15 – 18 no. staff members. Therefore, there is a maximum requirement of 5 no. spaces to serve the creche.
- 10.6.28. The documentation submitted states that it is proposed to provide 470 no. cycle parking spaces. However, the drawings submitted indicate that 58 no. cycle parking areas would be provided in 4 no. locations on the site, in general the bicycle parking spaces are located adjacent to the duplex / apartment units and the creche. Therefore, it is assumed that the remaining spaces would be provided within the curtilage of each house. I have no objection to the provision of cycle parking within the curtilage of each private house. However, in the interest of clarity it is recommended that a condition be attached to any grant of permission that details of the location and number of cycle parking spaces be agreed with the planning authority to ensure a sufficient number of cycle parking spaces are provided to serve both the apartment / duplex units, the creche and visitors to the scheme.

## 10.7. ***Water Services and Flood Risk***

- 10.7.1. The applicants Engineering Planning Report notes that there is no existing dedicated surface water infrastructure in the vicinity of the site. 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. This would connect to a previously approved (Reg. Ref.15/6119) stormwater network on an adjacent site as part of a development for the construction of 61 no. dwellings. A letter of consent from the adjacent landowner has been attached in an Appendix to the report. It is noted that a significant proportion of the amenity walkway

and Kennel Hill Road will not be drained to the storm system and instead will drain to ground via filter drains.

- 10.7.2. The proposed storm water network is reliant on the completion of the adjacent site to allow for connection to the public network. This land is in the ownership of a third party and, therefore, outside of the applicant's control. Notwithstanding this, it is noted that a letter of consent has been submitted by the third party and, therefore, a connection to the public network is feasible. Therefore, 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.
- 10.7.3. The applicants Engineering Planning Report notes that there is an existing 225mm gravity foul sewer network located to the northeast of the subject site. It is proposed that wastewater from the site would discharge by gravity to the adjacent scheme approved under Reg. Ref.15/6119 and then connect to the existing foul water network east of the site. The proposed storm water network is, therefore, also reliant on the completion of the adjacent site to allow for connection to the public network. Again, this land is in the ownership of a third party and, therefore, outside of the applicant's control. Notwithstanding this it is noted that a letter of consent has been submitted by the third party and, therefore a connection to the public network is feasible. Therefore, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts.
- 10.7.4. The submission from Irish Water notes that there is a project underway to upgrade the Mallow WWTP to increase capacity. This upgrade project is scheduled to be completed by 2022 (subject to change). The upgrade works are required to service a waste connection for this development proposal. Therefore, the applicant may be required to provide a contribution towards the costs for the required. If permission is being contemplated it is recommended that a condition be attached in this regard.
- 10.7.5. The applicants Engineering Planning Report notes that there are several existing watermains in the vicinity of the site, in this regard a 180mm diameter HDPE watermain located on Kennel Hill running in an easterly direction (constructed 2019), a 101.6mm diameter Asbestos watermain located on Annabella Park Road running in

a westerly direction and a 100mm diameter uPVC watermain east of the site. It is proposed that the development would connect to the watermain to be constructed as part of a permission granted under Reg. Ref. 15/6119, thereby removing any requirement to make an additional connection to the Irish Water infrastructure on Kennel Hill to the south of the site. A letter of consent has been submitted by the third party and, therefore, a connection to the public network is feasible

- 10.7.6. The submission from Irish Water notes that upgrades to the local network are required, however, the exact nature of these upgrades are not confirmed. For any upgrades which will not be on the Irish Water Capital Investment Plan the applicant may be required to provide a contribution towards the costs for any required upgrades in conjunction with other developments in the area, as part of a future connection agreement for this site. In addition, it is noted that any upgrades not within the public domain a wayleave in favour of Irish Water will be required to be agreed at connection application stage. If permission is being contemplated it is recommended that a condition be attached in this regard.

#### *Flood Risk*

- 10.7.7. The OPW maps indicate that the subject site is located within Flood Zone C. There is no record of historic flooding on the site. Section 5 of the applicants Engineering Planning Report considers that the site is not at risk from coastal, fluvial or pluvial or flooding. Having regard to the sites location in Flood Zone C I am satisfied that the proposed development 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 or third parties regarding flood risk.

### 10.8. **Ecology**

- 10.8.1. The majority of third-party submissions raised concerns regarding the impact of the proposed development on ecology and in particular concerns were raised regarding Invasive Species. The concerns raised regarding the risk of contamination to the River Blackwater SAC during the construction phase are addressed in detail in the Appropriate Assessment Section below.

- 10.8.2. **Flora and Fauna:** A field survey was carried out on the 30<sup>th</sup> September 2021. There are no records of rare or protected flora within the subject site. The predominant habitat on the site is Arable Crops (BC1) habitat. The applicants Ecological Impact Assessment (EclA) states that Himalayan Balsam (*Impatiens glandulifera*), was recorded along both banks of the Leaselands Stream to the north-east of the site. The visible infestation was c. 22m in length and up to 5m in width. The report notes that most north-eastern area of the site was inaccessible to surveyors, and Himalayan Balsam may also be present within this area.
- 10.8.3. The project design includes a 10m riparian buffer zone that lies between the proposed riparian pedestrian walkway and the watercourse, and as such, the majority of the Himalayan Balsam would not be disturbed by the proposed works. However, the distribution of this highly spreadable invasive species may change between time of survey and the commencement of works. The EclA recommends that prior to commencement of development an Invasive Alien Plant Species (IAPS) specialist carry out a full assessment of the up-to-date distribution and status of HB and an Invasive Species Management Plan be prepared. It is recommended that if permission is being considered that a condition be attached in this regard.
- 10.8.4. **Bats:** A bat survey was carried out on the 5<sup>th</sup> September 2021. A Bat Survey Report is attached as Appendix III to the EclA. 5 no. species of bat were detected (Common Pipistrelle, Soprano Pipistrelle, Leister's bat, Brown Long Eared Bat and Natterer's Bat). The majority of bat activity was along the existing mature hedgerows and treelines with extra activity along the stream and woodland fringe to the north and northeast. The EclA set out mitigation measures including that trees and site clearance follow NRA guidelines for the treatment of bats. Tree-felling works will take place between late August to late October / early November. High Roosting Potential trees should be retained. However, if not a series of bat boxes should be provided within the site. Any additional lighting will be minimised following guidelines regarding light spill. Additional planting or landscaping should use native species and night-scented plants which may facilitate insect production and prey availability for bats in the local area. It is noted that no submission was received from the Department of Housing, Local Government and Heritage who were consulted as part of the application. If permission

is granted it is recommended that an appropriate condition regarding bat mitigation measures be attached.

- 10.8.5. **Mammals:** A field survey was carried out on the 30<sup>th</sup> September 2021. The EclA notes that signs of fox were recorded within the southwest and northwest of the site, along the treeline. Fox and rabbit burrows were also observed at several locations along the west facing side of the west boundary of the site. Due to the characteristics of the site and the nature of the species it is my opinion that foxes and rabbits are not likely to be at risk and no further assessment is required.
- 10.8.6. Badger may also inhabit the west side of this treeline habitat, as a possible sett with spoil and possible bedding was observed, however, it is considered unlikely as a main sett was very small in size and had a singular entrance. A potentially disused sett entrance was also recorded within the southwest area of this treeline, again with a singular overgrown entrance with small spoil heap. Due the presence of potential setts within lands along the site's western boundary, the EclA recommends that a pre-construction badger survey be carried out by a suitably qualified Ecologist prior to the commencement of works onsite.
- 10.8.7. The Leaselands Stream also has potential for Otter habitat, and flows into the River Blackwater, in which Otter is widespread. Due to the characteristics of the site and the nature of the species it is my opinion that otters are not likely to be at risk and no further assessment is required.
- 10.8.8. **Birds:** A bird survey was carried out on the 30<sup>th</sup> September 2021. The results of this survey are provided in Table 5 of the EclA which indicates that birds observed on the site are common and widespread. It is noted that the bird survey was carried out outside of the breeding bird season and, therefore, does not represent a 'breeding bird survey'. The proposed development would result in the loss of some habitat for birds. If clearance of vegetation of the site is carried out during the bird breeding season it could result in the direct destruction of bird nest eggs and nestlings. Therefore, the EclA recommends that if permission is being contemplated that a condition be attached to ensure that the clearance of vegetation should only be carried out outside of the bird breeding season.



10.8.9. **Amphibians:** Site surveys were carried out on the 30<sup>th</sup> September 2021. The common frog, lizard or smoot newt were not observed on site. However, having regard to the proximity of the site to the Leaselands Stream it is my opinion that amphibians may be present on site. However, any potential impacts on amphibian and reptilian species will not be of significance and it is my opinion that no further assessment is required.

10.8.10. The concerns of the third parties are noted, however, having regard to the contents of the Ecological Impact Assessment, which is evidence based and robust, it is my view that sufficient information has been submitted to fully assess the impact of the development and it is considered that, subject to the conditions outlined above, the proposed development would not have a significant negative impact on the biodiversity of the site.

#### 10.9. **Part V**

10.9.1. The applicant submitted a Part V Proposal Report which notes that it proposes to provide 29 units or 10% of the development for Part V use. Policy HOUS 5-1 of the development plan states that 14% of all new residential developments to be made available for social housing in accordance with the principles, policies and programmes for action set out in the Joint Housing Strategy. The applicants Statement of Consistency notes that this requirement is superseded by the requirements of the Planning and Development Regulations which require the provision of 10% of a residential development be made available for social housing. The applicant has not addressed the issue of social housing the submitted Material Contravention Statement. It is noted that no concerns were raised by the planning authority or third parties in this regard. However, the planning authority note the 20% Part V requirement introduced in the Affordable Housing Act. The Affordable Housing Act, 2021 requires that land purchased on or after the 1<sup>st</sup> of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. I agree with the planning authority that it is unclear if this increased provision applies in this instance, however, it is my view that the details of the Part V provision could be addressed by way of condition.

## 10.10. **Archaeology**

- 10.10.1. An Archaeological Impact Assessment was submitted with the application. It notes that there are no archaeological sites with preservation orders or National Monuments recorded with the site. There are 6 no. recorded archaeological sites within 500m of the subject site. These sites are identified in Figure 3 of the report.
- 10.10.2. A desktop study was completed, and a site inspection was carried out on the 20<sup>th</sup> August 2021. The report notes that the subject site has retained its undeveloped greenfield character from at least the early 19<sup>th</sup> century and is considered to possess a moderate archaeological potential. As such, potential exists for the survival of unrecorded archaeological features within its internal boundaries. The report recommends that a programme of geophysical survey be undertaken across the portions of the subject lands. If archaeological features are revealed during the testing programme, these features should be recorded in written, drawn and photographic formats and left remain in-situ until consultations are undertaken with the National Monuments Service on the appropriate mitigation strategy. As a result, there shall be no direct residual effects on the archaeological resource following construction of any future development.
- 10.10.3. In accordance with the recommendation of the Archaeological Impact Assessment, it is my view that having regard to the size and undisturbed nature of this site a condition should be attached to any grant of permission to require archaeological monitoring be undertaken during the construction phase. It is noted that the application was to The Minister for Housing, Local Government and Heritage and there was no response.

## 10.11. **Other Issues**

- 10.11.1. Concerns were raised in the third-party submissions that extensive groundworks were already under way on the subject site. During my site visit on the 26<sup>th</sup> April 2022 it was noted that there were some works underway. The exact nature of these works is unclear. It is noted that no concerns were raised in the submission from the planning authority. It should be noted any concerns regarding potential unauthorised works should be directed to the Enforcement Section of Cork County Council.

10.11.2. Third parties raised concerns that there are some discrepancies within the submitted documentation. While these inconsistencies are noted, they are considered to be minor and do not affect the outcome of my recommendation. I am satisfied that there is adequate information on file to allow for a comprehensive assess the proposed development.

#### 10.12. **Material Contravention**

10.12.1. The applicant's Material Contravention Statement submitted considered that the proposed development would materially contravene the following

- Car Parking Standards of the Cork County Development Plan 2014
- Car Parking Standards of the Mallow Town Development Plan 2010-2016
- Objective MW-R-09 of the Kanturk-Mallow Municipal District Local Area Plan 2017

#### 10.12.2. **Car Parking Standards of the Cork County Development Plan 2014**

Table 1a of Appendix D of the Development Plan sets out the following minimum car parking standards for Residential – 'Rest of Cork County':

- Dwelling House: 2 spaces per dwelling
- Apartments: 1.25 spaces per apartment
- Creches/Playschool/Nurseries: 1 space per 3 staff + 1 space per 10 children

Therefore, a total of 523 no. spaces are required, in this regard 370 no. to serve the houses, 143 no. to serve the apartments and 14 no. to serve the creche. It is proposed to provide 487 no. car parking spaces which is below the development plan standard. This is broken down into 276 no. spaces to serve the 3 and 4 bed houses. This equates to 2 no. spaces per house which is in accordance with the development plan. It is proposed to provide 71 no. car parking spaces or 1.5 no. space per mid terrace 2-bed houses, which is below the development plan standard of 2 no. spaces per house. It is also proposed to provide 114 no. car parking spaces to serve the apartments which equates to 1 no. space per apartment, which is below the development plan standard. It is also proposed to provide 16 no. visitor spaces. There is no standard for visitor spaces set out in the plan. The creche would accommodate c. 60 children and 15 – 18 no. staff. It is proposed to provide 10 no. spaces. This is below the development

plan standard which requires 5-6 no. spaces for staff and 6 no. spaces per child. All car parking spaces are proposed at surface level.

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

The site is located c. 1km west of the Mallow Train Station. The site is well served by public transport in the form of heavy rail as it is located c. 1km west of the Mallow Train Station. Services between Mallow and Cobh via Cork City operate at a frequency of 15 min in the AM and PM peak. There are also hourly services from Cork to Dublin via Mallow and less frequent services throughout the day (7 days a week) to Galway and Limerick. Full details of timetables are available at [www.irishrail.ie](http://www.irishrail.ie) and in the submitted [Mobility Management Plan](#). Rail is a high-capacity form of public transport. It should be noted that there are no public transport services within the Mallow area that operate at a greater frequency than 15 min. Mallow is also served by 2 no. bus routes. The 51 which provides connectivity between Galway, Limerick and Cork via Mallow Town Centre and Mallow General Hospital with routes operating every hour. The 243 provides connectivity between Cork, Kanturk and Charleville via Mallow town centre with 7 no. buses per day. Further details on bus services in Mallow are available at [www.buseireann.ie](http://www.buseireann.ie) and in the submitted Mobility Management Plan. A Mobility Management Plan has been submitted with the application which notes that a plan coordinator would be appointed to ensure the implementation of the measures outlined in the plan.

The subject site is also located c. 1.3km west of Mallow Town Centre which provides a wide range of shopping facilities, restaurants, a library, banks, hotels and other services and leisure facilities, which combined result in a vibrant area. The site is also located c. 800m south of Mallow General Hospital, c. 1km west of Dairygold Co-Op, c. 1.5km northwest of Mallow Racecourse. and c. 1.6km north of Mallow Business and Technology Park. The sites proximity to a range of services and amenities also supports sustainable modes of transport via walking and cycling.

Having regard to the above it is my view that the proposed scheme is located in an area that is suitable for a reduction in car parking as outlined in Note 4 of Appendix D of the development plan and, therefore, would not be a material contravention. It is also noted that car parking standards do not relate to a policy of the development plan.

#### **10.12.3. Car Parking Standards of the Mallow Town Development Plan 2010-2016**

The applicants material contravention statement addressed a potential contravention of the Car Parking Standards of the Mallow Town Development Plan 2010-2016. Table 15.3.1 of the Mallow Town Development Plan 2010 provides minimum standards in relation to car parking for the following categories of development:

- Dwelling House: 2 spaces for 3 bed/4 bed
- Flat/Apartments: 1 space per bedroom
- Creches/Playschool/Nurseries: 1 per employee and 0.25 per child

The vast majority of the site is located outside of the boundary of the Mallow Town Plan. The area of the site located within the jurisdiction of the Mallow Town Plan relates to spurs to the east of the main development site which is outside of the applicant's ownership and inclusion within the redline boundary relate to public realm improvement works on the public road / third party lands. As no car parking or residential development would be provided on lands within the boundary of the Mallow Town Plan it is my opinion that there is no material contravention of the plan. It is also noted that car parking standards do not relate to a policy of the plan.

#### **10.12.4. Objective MW-R-09 of the Kanturk-Mallow Municipal District Local Area Plan 2017**

The site is zoned for residential development with the specific objective: MW-R-09: Medium A Density Residential Development which states that proposals should give consideration and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. The proposed scheme includes a creche, however, a school and/or other community infrastructure having not been provided within the scheme.

The applicants Material Contravention Statement notes that a school has been considered and deemed unnecessary, therefore, it is submitted that this satisfies the requirements of the MW-R-09 objective.

To address this objective MW-R-09 the applicant submitted a School Demand Report. The report details the number and location of 8 no. primary schools and 3 no. post primary schools with a 4.2km radius of the subject site, the demographics of the area and the potential future demand generated by the development. Having regard to the information submitted I am satisfied that there is sufficient capacity within the existing school network to accommodate the demand generated by the proposed development.

The subject site comprises a portion of the overall lands located to the west of the town which are subject to the MW-R-09 objective (c. 22 ha.). It is noted that the subject site, or any adjacent sites which are also subject to the MW-R-09 objective, have not been identified by the planning authority or the Department of Education and Skills as lands for a future school. It is my view that the subject site is unlikely to be required as school site in the short to medium term and that in the long-term other sites with this zoning objective may be considered suitable for a school site.

Objective MW-R-09 also states that consideration should be given to other desirable community infrastructure. It is noted that the scheme includes a creche which fronts onto Annabella Hill Road at the site's southern boundary.

The wording of the objective is flexible in that it states that applications should *give consideration* and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. I agree with the applicant that as due consideration has been given to the provision of a school and / or other desirable community infrastructure on the site, the proposed development is not a material contravention.

#### 10.12.5. **Conclusion**

As outlined above, I am satisfied that the proposed development does not materially contravene the following: -

- Car Parking Standards of the Cork County Development Plan 2014

- Car Parking Standards of the Mallow Town Development Plan 2010-2016
- Objective MW-R-09 of the Kanturk-Mallow Municipal District Local Area Plan 2017

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

- 11.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA Screening Report and Statement in Accordance with Article 299(B)(1)(b)(ii)(II)(c), and I have had regard to same in this screening assessment. The EIA screening Assessment identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.
- 11.2. Class 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.
- 11.3. It is proposed to construct 299 no. residential units and a creche on a site with a stated area of 9.65ha (including an area of c. 1.11 ha for public realm works outside of the ownership of the applicant). The site is located to the west of Mallow town centre on the edge of the urban area (other parts of a built-up area). The site is, therefore, below the applicable threshold of 10ha. There are limited excavation works with no basement level proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Cork County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which noted that the proposed development individually or in combination with other plans and projects would not

adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

11.4. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. EIA Screening Assessment and the Section 299B (1)(b)(ii)(II)(C) Statement address the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the EIA Screening Report to determine whether the development would or would not be likely to have a significant effect on the environment.

11.5. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Planning and Design Statement
- Ecological Impact Assessment Report
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Environmental Impact Assessment Screening Report
- Statement in accordance with Article 299B(1)(b)(ii)(II)(C)
- Engineering Planning Report
- Outline Construction Traffic Management Plan



- Outline Construction and Demolition Waste Management Plan
- Outline Construction Environmental Management Plan
- Building Lifecycle Report
- MEP Utilities Report

11.6. Section 299B (1)(b)(ii)(II)(C) notes that the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. Section 3 of the submitted statement provides a table of relevant legislation. I would add a note the following: -

- The Appropriate Assessment Screening Report, Natura Impact Assessment, Ecological Impact Assessment, Landscape and Visual Impact Assessment and Tree Survey which had regard to the Habitats Directive (92/43/EEC),
- The Appropriate Assessment Screening Report, Natura Impact Assessment, Ecological Impact Assessment, the Engineering Planning Report, the Outline Construction Environmental Management Plan and the Outline Construction and Demolition Waste Management Plan had regard to the Water Framework Directive (WFD) (Directive 2000/60/EC).
- The Environmental Impact Assessment Screening Report had regard to the SEA Directive 2001/42/EC.
- The Outline Construction Environmental Management Plan had regard to the Environmental Noise Directive 2002/49/EC.
- The Traffic Impact Assessment, Mobility Management Plan and the Outline Construction Environmental Management Plan had regard to Directive 2008/50/EC on ambient air quality and cleaner air for Europe.
- The Engineering Planning Report had regard to Directive 2007/60/EC on the assessment and management of flood risks.
- The Outline Construction Environmental Management Plan and the Outline Construction and Demolition Waste Management Plan had regard to Directive 2018/850 on the landfill of waste and Directive 2008/98/EC on waste and repealing certain Directives.

- The Outline Construction Environmental Management Plan had regard to Directive 2000/14/EC on noise emissions in the environment by equipment for use outdoors.
- The Building Lifecycle Report and the Statement of Consistency had regard to Directive 2012/27/EU on energy efficiency and Directive 2018/2001 on the promotion of the use of energy from renewable sources.

11.7. The applicants EIA Screening Report, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

11.8. I have completed an EIA screening determination as set out in Appendix A of this report. I consider that the proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.

11.9. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 12.0 **Appropriate Assessment**

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

12.1.1. The applicant has prepared an AA Screening Report and a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that potential impacts on The Blackwater River (Cork/ Waterford) SAC (00914) 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 Screening Report for Appropriate Assessment and a Natura Impact Assessment. The Screening Report was prepared by Enviroguide Consulting. The Report provides a description of 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 in applying the precautionary principle the possibility cannot be excluded that the proposed development will have a significant effect on the Blackwater River (Cork / Waterford SAC (002170) as such, 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.

#### 12.4. ***Brief Description of the Development***

12.4.1. The applicant provides a description of the project in Section 3 of the Screening Report. The development is also summarised in Section 3 of my report. In summary, the proposed development comprises the construction 299 no. residential units comprising 185 no. houses and 114 no. apartments / duplexes, a 450 sqm. Creche. The works to be carried out include bulk excavation works and removal of excavation arisings from the site; construction of new storm and foul drainage systems including a series of attenuation tanks; construction of water supply infrastructure and other utilities; construction of roads, footpaths and parking areas; construction of an amenity walkway including a pedestrian footbridge over the Leaslands Stream in north-east of the site.

12.4.2. The site is located on the edge of the urban area. It is currently in use as agricultural fields. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. During my site visit on the 26<sup>th</sup> April 2022 it was noted that some works are on-going on the southern portion of the site, which appear to be include the removal of topsoil. The proposed development would utilise foul and storm water networks constructed as part of an adjacent development previously approved under Re. ref. 15/6199 which would connect the site to the public networks.

#### 12.5. ***Submissions and Observations***

12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. Concerns were raised by third parties that there is a risk of contamination to the River Blackwater SAC during the construction phase and it is also stated that Japanese Knotweed infected two sites at the lower end of Springwood Residential Estate last year.

#### 12.6. ***Zone of Influence***

12.6.1. The proposed development is not located within or immediately adjacent to any European Site.

12.6.2. 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.

12.6.3. The applicant considers that European sites located within the potential Zone of Influence (15km) of the following: -

- Blackwater River (Cork / Waterford) SAC (002170) located c. 400m from the subject site
- Kilcolman Bog SPA (004095) located c 11.4km from the subject site.

12.6.4. These sites along with their qualifying interests are listed in Table 1 of the applicants AA Screening Report. In terms of Conservation Objectives for each site, it is noted that the most sites have generic conservation objectives, which seek to maintain or restore the favourable consideration condition of the habitat / species for which the site has been selected. Detailed conservation objectives are available on [www.npws.ie](http://www.npws.ie) and I refer the Board to same which seek to maintain and/or restore favourable conservation condition. The proposed development has no potential source pathway receptor connections to any other European Sites.

12.6.5. The Leaseland stream is located immediately north of a small section of the proposed amenity walkway. The proposed works include the construction of a bridge over a portion of the stream. In general, the stream is separated from the site by an area of woodland. The stream flows in an eastward direction and is culverted under the railway line and associated car park before flowing to the East Baltydaniel watercourse c. 200m east of the site. This watercourse flows under commercial lands before outflowing to the Blackwater River. Therefore, there is an indirect hydrological link between the subject site and the Blackwater River (Cork / Waterford) SAC. In addition, the Mallow Wastewater Treatment Plant discharges to the River Blackwater, therefore, it could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis this site is subject to a more detailed Screening Assessment.

12.6.6. I am satisfied that the potential for impacts on the Kilcoman Bog SPA can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works, the absence of ecological and hydrological pathways and to the conservation objectives of the designated sites.

12.7. **Screening Assessment**

12.7.1. The Conservation Objectives and Qualifying Interests of the Blackwater River (Cork / Waterford) SAC are as follows:

<b>South Dublin Bay SAC</b> (002170) - c. 400m from the subject site.
<b>Conservation Objective</b> - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<b>Qualifying Interests/Species of Conservation Interest:</b> <ul style="list-style-type: none"> <li>• Estuaries [1130]</li> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Perennial vegetation of stony banks [1220]</li> </ul>

- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Austropotamobius pallipes* (White-clawed Crayfish) [1092]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twait Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Trichomanes speciosum* (Killarney Fern) [1421]

## 12.8. ***Consideration of Impacts***

12.8.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.

12.8.2. It is proposed that attenuated surface water would run off to the Leaslands Stream to the north of the site via storm sewers to be constructed as part of a development approved under reg. ref. 15/6199 to the northeast of the site. In general, the stream is separated from the site by an area of woodland. The stream flows in an eastward direction and is culverted under the railway line and associated car park before flowing to the East Baltydaniel watercourse c. 200m east of the site. This watercourse flows under commercial lands before outflowing to the Blackwater River. The habitats and

species of Natura 2000 sites in the Blackwater River are c. 400m downstream of the site and water quality is not a target for the maintenance of any of the QI's / SCI within the Blackwater River (Cork / Waterford) SAC. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites via the Leaslands Stream.

- 12.8.3. The proposed works include the construction of the bridge over the Leasland Stream. The proposed bridge has a clear span of 17.5m (over the small stream) and is, therefore, several meters away from the stream. This reduces the risk of silt or construction debris entering the watercourse during excavation and construction. 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 the Blackwater River (Cork / Waterford) SAC 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 the Blackwater River (dilution factor).
- 12.8.4. 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 site. The inclusion of SUDS is not considered mitigation measures in the context of Appropriate Assessment.
- 12.8.5. The foul discharge from the proposed development would drain, via the public sewer, to the Mallow WWTP for treatment and ultimately discharge to the Blackwater River. There is potential for an interrupted and distant hydrological connection between the subject site and the Blackwater River (Cork / Waterford) SAC due to the wastewater pathway.
- 12.8.6. It is noted that the Mallow WWTP was identified by the EPA as being compliant with the Emission Limit Values (ELVs) as set out in the Wastewater Discharge Licence for



2020. The WWTP is currently undergoing improvement works to upgrade its waste management and processing infrastructure. The proposed upgrade works are expected to be completed by late 2023. The proposed development is expected to take 3-4 years to complete, therefore, it would be expected to become operational after the completion of the upgrade to Mallow WWTP. The upgraded WWTP would have capacity to treat all foul discharges generated by the proposed development. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Mallow WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

12.8.7. It is also noted that the subject site is identified for development through the land use policies of the Cork County Development Plan 2014. This statutory plan was adopted in 2014 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 299 no. units, on serviced lands on the edge of the urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.

12.8.8. The site is a greenfield on the western boundary of Mallow town centre. The site is largely comprised of arable fields. There would be no direct habitat loss as a result of the proposed development. The site has not been identified as an ex-situ site for qualifying interests of a designated site. Bird surveys undertaken as part of the AA process which determined that the site is of relatively low value to the Wintering birds and given the distance of removal, being over 27km, there will be no loss of foraging habitat to Annexed species. 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, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

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

12.9.1. Section 3.6 of the AA Screening Report indicates that there have been 5 no. grants of planning permission in the vicinity of the proposed development in the last 6 years. 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.

## 12.10. **AA Screening Conclusion**

12.10.1. 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 at the edge of 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 the Blackwater River (Cork / Waterford) SAC (002170) or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

12.10.2. I note the applicant submitted a Natura Impact Statement (NIS). In deciding to prepare and submit a NIS the applicant states that the precautionary principle was being applied. 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 that Section 9(4)(a) of the Act of 2016 be applied, and that permission is granted for the reasons and considerations and subject to the conditions set out below.

## 14.0 **Reasons and Considerations**

Having regard to

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Cork County Development Plan 2014
- 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; and
- o. Submissions and observations received.

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

## 15.0 **Recommended 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 31<sup>st</sup> January 2022 by McCutcheon Halley Planning Consultants, on behalf of Reside Capital Limited.

**Proposed Development:** The proposed development comprises the construction of 299 no. residential units comprising 185 no. houses, 50 no. apartments/duplex units and 64 no. apartments in 2 no. 4 storey blocks over lower ground floor level car parking and a 450sqm childcare facility. The scheme includes the provision of landscaping and amenity areas, public realm upgrades along Annabella Park Road and Kennel Hill Road and all associated ancillary development including vehicular access. It is proposed to provide a new amenity walkway along the northern boundary of the site including a cycle/pedestrian bridge over Leaselands Stream, lighting, drainage, boundary treatments, ESB Substation, bicycle & car parking and bin storage.

**Decision:**

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

**Matters Considered**

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

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Cork County Development Plan 2014
- 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 a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect Class 10(b)(i) and Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- The location of the site on lands zoned MW-R-09: Medium A Density Residential Development in the Cork County Development Plan 2014. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site adjacent to the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment Report, Appropriate Assessment Screening Report, Natura Impact Statement, Environmental Impact Assessment Screening Report, Statement in accordance with Article 299B(1)(b)(ii)(II)(C), Engineering Planning Report, Outline Construction Traffic Management Plan, Outline Construction and Demolition Waste Management Plan and Outline Construction Environmental Management Plan.

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development and that the preparation and submission of an environmental impact assessment report would not therefore be required.

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

The Board considered that the proposed development is compliant with the provisions of the Cork County Development Plan 2014 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 **Conditions**

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

2. The proposed footpath, road and public realm improvements to Kennel Hill Road and Annabella Park Road as identified on drawing no. 214136-PUNCH-P2-XX-DR-DR-C-0404 shall be completed to the satisfaction of the planning authority prior to the sale or occupation of any residential unit.

**Reason:** In the interest of safety

3. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority the proposed boundary treatment between the proposed amenity walk and the rear gardens of existing houses in Woodview Drive.

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

4. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of the number and location of bicycle parking spaces to be provided within the scheme.

**Reason:** In the interest of residential amenity and to promote sustainable travel.

5. The proposed render finish shall be omitted from the external materials of the apartment blocks. 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, 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.

6. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.



**Reason:** In the interest of place making and visual amenity.

7. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment submitted with this application, 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.

8. The boundary planting and areas 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.

9. 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.

10. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be

submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

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.
- d) 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 a 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 unit 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. The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

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

18. 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

19. 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.

20. 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.

21. 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.

22. 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.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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

24. 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.

25. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works proposed to be carried out, for the upgrade of the Kennel Hill Road / N72 junction to a signalised junction. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

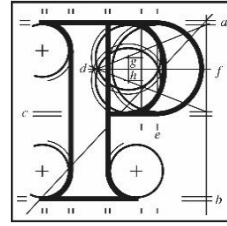
**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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Elaine Power

Senior Planning Inspector

13<sup>th</sup> May 2022



**An  
Bord  
Pleanála**

**Appendix 1:**

**EIA - Screening Determination for Strategic Housing Development Applications**



A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		<b>ABP-312640-22</b>
<b>Development Summary</b>		Construction of 299 no. residential units and all associated siteworks.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	A Stage 1 AA Screening Report and NIS were submitted with the application
<b>2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	No
<b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	<ul style="list-style-type: none"> <li>• The Appropriate Assessment Screening Report, Natura Impact Assessment, Ecological Impact Assessment, Landscape and Visual Impact Assessment and Tree Survey which had regard to the Habitats Directive (92/43/EEC),</li> <li>• The Appropriate Assessment Screening Report, Natura Impact Assessment, Ecological Impact Assessment, the Engineering Planning Report, the Outline Construction Environmental Management Plan and the Outline Construction and Demolition Waste Management Plan had regard to the Water Framework Directive (WFD) (Directive 2000/60/EC).</li> <li>• The Environmental Impact Assessment Screening Report had regard to the SEA Directive 2001/42/EC.</li> <li>• The Outline Construction Environmental Management Plan had regard to the Environmental Noise Directive 2002/49/EC.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Traffic Impact Assessment, Mobility Management Plan and the Outline Construction Environmental Management Plan had regard to Directive 2008/50/EC on ambient air quality and cleaner air for Europe.</li> <li>• The Engineering Planning Report had regard to Directive 2007/60/EC on the assessment and management of flood risks.</li> <li>• The Outline Construction Environmental Management Plan and the Outline Construction and Demolition Waste Management Plan had regard to Directive 2018/850 on the landfill of waste and Directive 2008/98/EC on waste and repealing certain Directives.</li> <li>• The Outline Construction Environmental Management Plan had regard to Directive 2000/14/EC on noise emissions in the environment by equipment for use outdoors.</li> <li>• The Building Lifecycle Report and the Statement of Consistency had regard to Directive 2012/27/EU on energy efficiency and Directive 2018/2001 on the promotion of the use of energy from renewable sources</li> </ul>
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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		Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b>	<b>No</b>	The development comprises the construction of residential units and a creche on lands zoned for residential development. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No
<b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b>	<b>Yes</b>	No. The proposed development is located within the urban area.	No
<b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b>	<b>Yes</b>	Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.	No

<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Operational Waste and Recycling Management Plan, significant operational impacts are not anticipated.</p>	<p>No</p>

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p><b>No</b></p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>

<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>This is a stand-alone development, comprising development of an urban site and is not part of a wider large scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p><b>No</b></p>
<p>2. Location of proposed development</p>			

<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> <li><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></li> </ol>	<p><b>No</b></p>	<p>No European sites located on the site. An AA Screening Assessment and an NIS accompanied the application both of which concluded the development would not be likely to give rise to significant effects on any European Sites.</p> <p>This site does not host any species of conservation interest.</p>	<p><b>No</b></p>
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p><b>No</b></p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>No such features arise in this location</p>	<p><b>No</b></p>

<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>No. The development will implement SUDS measures including attenuation of surface water, to control run-off. The site is not at risk of flooding.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents in terms of</p>	<p>No</p>



		<p>heavy rail and bus. 487 no. car parking spaces are proposed as part of the development.</p> <p>The submitted TTA indicates that the Annabella Roundabout currently operates above design capacity (with or without the development) in both the AM and PM peaks. TTA also notes that the Kennel Hill Junction with N72 would reach capacity with the development by 2024.</p> <p>While it is acknowledged that improvements to the surrounding road network may be required to alleviate traffic congestion within the town, including the construction of the Mallow Relief Road and the N/M20 Project, this is outside of the remit of this application. The estimated traffic volumes are within the norm for a busy urban area and is acceptable in this instance.</p>	
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>No. The development would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.  Some cumulative traffic impacts may arise, however, the estimated traffic volumes are within the norm for a busy urban area and are acceptable in this instance.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>	No	<b>No</b>

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

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- The nature and scale of the proposed development, which is below the threshold in respect Class10(b)(i) and Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- The location of the site on lands zoned MW-R-09: Medium A Density Residential Development in the Cork County Development Plan 2014. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site adjacent to the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment Report, Appropriate Assessment Screening Report, Natura Impact Statement, Environmental Impact Assessment Screening Report, Statement in accordance with Article

299B(1)(b)(ii)(II)(C), Engineering Planning Report, Outline Construction Traffic Management Plan, Outline Construction and Demolition Waste Management Plan and Outline Construction Environmental Management Plan.

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

**Inspector:** Elaine Power

**Date:** 13<sup>th</sup> May 2022