



An
Bord
Pleanála

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

Inspector's Report ABP-312651-22

Strategic Housing Development	Construct 145 houses, 26 apartments, a crèche/childcare facility and associated development
Location	Lackaroe and Monkstown townlands, Passage West, County Cork
Planning Authority	Cork County Council
Applicant	O'Brien and O'Flynn
Prescribed Bodies	Irish Water
Observers	Martin & Bridie Flannery; Paula & Michael Flannery; Local Residents; Watkin Treharne; Kevin and Mary O'Hanlon; Aidan Punch;

Elizabeth O'Neill;
Martin Stuart;
Bob McLaughlin;
Daniel and Mary Dineen;
Gerry & Carol Stuart;
Ronan Kenneally;
John Ellis;
Jack Counihan;
Edward G Ellis;
Nevil and Susan Coakley;
Jack White;
Deirdre Ryan;
Sara McDevitt;
Timothy and Aine O'Leary;
Marcia D'Alton;
Brendan O'Connell.

Date of Site Inspection

23rd May 2022

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Situated 10km to the southeast of Cork city centre between Passage West and Monkstown, the application site measures a stated 6.77 hectares and primarily comprises undeveloped agricultural fields lined by mature hedgerows overlooking the River Lee estuary approximately 200m to the east. The site is situated to the west of a local road (L2480) known as Carrigmahon Hill and to the south of a local road (L2481) known as Laurel Hill in the townland of Lackaroe. Carrigmahon Hill connects with the Strand Road (R610 regional road) along the harbour approximately 450m to the northeast of the site and Laurel Hill connects with the L2474 local road approximately 600m to the west of the site at Rathanker townland. There are electrical powerlines running along sections of the western and southern boundaries of the site. Based on survey datum, the land levels on site drop steeply and consistently by 30m from the western boundary towards Carrigmahon Hill.
- 2.2. The immediate area to the north and west of the site is generally characterised by undeveloped agricultural fields, with a small number of houses along Laurel Hill. A housing area, including Lee View Place and Urban Villas predominantly featuring two-storey terraced housing, is positioned adjoining to the south of the site. To the east of the site within a densely wooded area overlooking the harbour, there are residences situated on expansive grounds. The site features an area of land within the grounds of Carrigmahon House on the east side of Carrigmahon Hill and a stretch of road along Carrigmahon Hill leading northeast to the Strand Road and harbour wall.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

- construction of 171 residential units, comprising a mixture of 47 four-bedroom two-storey houses, 82 three-bedroom two-storey houses, 16 two-bedroom two-storey townhouses and 23 one and two-bedroom apartments in a three to four-storey block and three two-bedroom apartments in a three-storey block;
- construction of a two-storey crèche/childcare facility measuring a stated gross floor area of 387sq.m;
- provision of landscaping and amenity areas and all associated infrastructure and services, including vehicular and pedestrian accesses off Carrigmahon Hill (L-2480) to the east and pedestrian/cycle access off Laurel Hill (L-2481), improvements to the existing roadway along Carrigmahon Hill, including new sections of footpaths, with provision for the removal of boundary walls and gate piers as part of the revised vehicular access layout serving Carrigmahon Lodge;
- all associated ancillary development, including parking, lighting, drainage with an on-site wastewater pumping station and a stormwater outfall off the harbour wall on Strand Road (R610 - regional road), bicycle and bin storage facilities, and plant area, including two electricity substations.

3.2. The following tables set out the key features of the proposed strategic housing development:

Table 1. Development Standards

Site Area – gross / net	6.77ha / 5.46ha
No. of units	171
Part V units (%)	34 (20%)
Residential Gross Floor Area (GFA)	18,461sq.m
Non-residential GFA (% total GFA)	387sq.m (2.1%)
Total GFA	18,848sq.m
Residential Density (net)	31 units per ha
Public Open Space (% of net site area)	7,545sq.m (14%)

Plot Ratio (net)	0.35
Site Coverage (net)	17%

Table 2. Unit Mix

	1-bedroom	2-bedroom	3-bedroom	4-bedroom	Total
Apartments (%)	12 (7%)	14 (8.1%)	0 (0%)	0 (0%)	26 (15.1%)
Houses (%)	0 (0%)	16 (9.4%)	82 (48%)	47 (27.5%)	145 (84.9%)
Total Units	12 (7%)	30 (17.5%)	82 (48%)	47 (27.5%)	171 (100%)
Bed spaces	12	60	246	188	506

Table 3. Parking Spaces

Car parking – off-street	204
Car parking – on-street	111
Car parking – crèche	9
Total car parking	324
Cycle parking	238

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Planning and Design Statement;
- Statement of Consistency;
- Material Contravention Statement;
- Housing Quality Assessment and Schedule of Areas;
- Landscape Plans, Green Infrastructure Plan and Landscape Report;
- Landscape and Visual Impact Assessment;
- Architectural Design Statement;
- Photomontages;
- Civil Engineering Report;
- Road Safety Audit;
- Quality Audit;
- Traffic and Transport Assessment;

- Mobility Management Plan;
- Detailed Design Statement on Site Connectivity;
- Tree Survey Plan, Tree Constraints Plan and Tree Protection Plan;
- Arboricultural Tree Survey Report and Arboricultural Impact Assessment;
- Public Lighting Report and Drawings;
- Building Lifecycle Report;
- Universal Design Statement;
- Ecological Impact Assessment;
- Natura Impact Statement, including Screening for Appropriate Assessment (AA);
- Construction, Traffic and Waste Management Plan;
- Daylight and SunCast Assessment;
- Archaeological Impact Assessment;
- Part V Report;
- School Demand Report;
- Childcare Demand Report;
- Environmental Impact Assessment (EIA) Screening Report;
- Statement on EIA Screening Process Pursuant to Article Section 299B of the Planning and Development Regulations 2001 (as amended).

4.0 Planning History

4.1. Application Site

4.1.1. The Planning Authority, the applicant and the observers refer to the following planning applications as relating to this site:

- Cork County Council (CCC) reference (ref.) 07/11646 – permission was refused by the Planning Authority in 2007 for 121 houses, a new vehicular

access, reservation of part of the site for a crèche, three attenuation tanks, car parking, open space, landscaping and all ancillary site development works on the northern portion of the application site in Lackaroe townland, due to the design and layout of the development and its visually obtrusive appearance;

- CCC ref. 10/5180 / An Bord Pleanála (ABP) ref. PL04.238720 – following a grant of permission by the Planning Authority and a grant of leave to appeal (ABP ref. LV3102), permission was refused by the Board in September 2011 for 131 houses, a crèche and a new vehicular access on the application site, due to the development being premature pending the provision of the Lower Harbour Main Drainage Scheme and deficiencies in the local road network;
- CCC ref. 13/6168 / ABP ref. PL04.243365 – following a grant of permission by the Planning Authority, permission was refused by the Board in October 2014 for 18 serviced residential sites and all associated development on the southern portion of the application site in the Monkstown townland, due to the low density of the development and the poor provision of connectivity with Lee View Place and the zoned lands to the north.

4.2. Surrounding Area

4.2.1. The following selection of applications relate to strategic housing development proposals on lands proximate to the application site:

- ABP ref. 307041-20 - in August 2020 the Board granted permission for a strategic housing development comprising 449 residential units, including 315 houses and 134 apartments, alongside a crèche facility, near Douglas approximately 5km to the west of the application site on the outskirts of Cork city;
- ABP ref. 306131-19 - in April 2020 the Board granted permission for a strategic housing development comprising 237 residential units, including 183 houses and 54 apartments, alongside a childcare facility, on the opposite side of the harbour in Cobh approximately 1.7km to the east of the application site;
- ABP ref. 301961-18 - in October 2018 the Board refused to grant permission for a strategic housing development comprising 311 residential units,

including 146 houses and 165 duplex / apartment units, alongside a crèche facility, approximately 1.3km to the east of the application site on the opposite side of the harbour north of Cobh, due to the lack of strategic transport and service infrastructure, traffic hazard, inappropriately low density and the substandard urban form.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 11th day of January, 2022, in respect of a proposed development comprising 171 residential units, a crèche and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- compliance with Ballincollig-Carrigaline Municipal District Local Area Plan, 2017 and the Cork County Development Plan 2014 – 2020;
- connectivity and permeability, including pedestrian and cycle access, connection to the public road network and the internal roads layout;
- topography, visual impact, functionality of open space areas and rear gardens, the separation distances between proposed houses and existing houses;
- landscaping, boundary treatments, trees and hedgerows;
- ecological issues;
- surface water, stormwater, water supply and wastewater disposal.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 311841-21) dated the 31st day of January, 2022, An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application under section 4 of the Act of 2016. In the opinion of An Bord Pleanála, the following specific

information, in addition to the standard strategic housing development application requirements, should be submitted with any application for permission arising:

- a detailed statement of justification for the density proposed;
- a detailed statement demonstrating development connectivity;
- traffic and transport impact assessment;
- site cross-section drawings;
- landscape proposals, including justification for tree loss, layout, location, hierarchy and quantum of open space provision and clarity with regard to compliance with the Development Plan standards;
- an ecological impact assessment, inclusive of bat survey;
- hard and soft landscaping drawings, including play area details;
- green infrastructure, landscape, arboricultural and engineering plans that tie in with each other;
- a housing quality assessment;
- a daylight and shadow impact assessment;
- a report addressing residential amenities;
- reports considering impacts on European sites;
- an engineering services and flood risk report;
- information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2021;
- a response to matters raised by the Planning Authority regarding transportation planning and drainage;
- details of areas to be taken in charge;
- a construction and demolition waste management plan;
- public lighting details.

5.2.2. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- the Department of Culture, Heritage and the Gaeltacht (Development Applications Unit);
- Irish Water;
- The Heritage Council;
- An Taisce;
- Fáilte Ireland;
- Cork County Childcare Committee.

5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a report containing a Response to ABP Opinion. Section 2 of the report outlines the specific information that has been submitted with the application to address the opinion of An Bord Pleanála, while also detailing how the development is considered to comply with the respective requirements listed in the opinion of An Bord Pleanála. Section 3 of the report refers to the prescribed bodies who were consulted in relation to the making of the application, while section 4 contains responses to the pre-application opinion of the Planning Authority.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040, and within this framework Cork is identified as one of five cities to support significant population and employment growth. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)' in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 3(a) (provide 40% of homes in existing settlement footprints), 3(c) (provide 30% of new homes in settlements other than the five largest cities), 4 (build attractive, liveable, well-designed urban places), 13 (development standards) and 27 (transport alternatives) all relating to densification and compact urban growth.

Ministerial Guidelines

6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Housing for All – A New Housing Plan for Ireland (2021);

- Climate Action Plan (2021);
- Draft Water Services – Guidelines for Planning Authorities 2018;
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003).

6.2. Regional Planning Policy

- 6.2.1. The ‘Southern Region - Regional Spatial and Economic Strategy (RSES) 2020’ supports the implementation of Project Ireland 2040, as well as the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. Regional policy objective (RPO) 10 supports compact growth in metropolitan areas, such as the subject site area. Volume 2 of the RSES comprises a metropolitan area strategic plan (MASP) for Cork and other

city regions, including the requirement to integrate land use and transport planning with an objective to prepare the Cork Metropolitan Area Transport Strategy (CMATS). Passage West is recognised as an important residential area in the Metropolitan area, based around excellent recreational facilities, a harbour setting and a greenway, with potential to yield 890 residential units. The residential yield for other settlements in the metropolitan area is to be determined in Planning Authority core strategies and the distribution of growth is to adhere to integrated land use and transport planning, as well as CMATS.

- 6.2.2. Published in 2020, the CMATS supports the delivery of 2040 population growth targets for the Cork metropolitan area, providing an opportunity to integrate new development at appropriate densities with high-capacity public transport infrastructure, in conjunction with more attractive walking and cycling networks and associated public realm improvements. A BusConnects route is proposed as part of the future developments in the vicinity of the application site.

6.3. Local Planning Policy

Cork County Development Plan 2014-2022

- 6.3.1. Passage West / Monkstown / Glenbrook are identified collectively as a main settlement in the Ballincollig-Carrigaline municipal district and Passage West is identified as a metropolitan town in the Cork gateway. Objective CS 3-1 of the Development Plan sets out that there will be critical population growth in this gateway. The number of residential units required in the Passage West area of the gateway is estimated at 925 units up to 2022 and following variation 1 of the Development Plan, a housing yield of 889 units was estimated to be available from the net residential area zoned in Passage West.
- 6.3.2. Deficits in drinking water and wastewater strategic infrastructure are referenced in the Development Plan for the Passage West area. Provision of the Lower Harbour Sewerage Scheme is expected to enhance the status of Passage West in the short to medium term.
- 6.3.3. The Development Plan notes that areas such as Monkstown and Passage West only feature public bus services every 50 minutes during morning peak hours and, as a result, for many residents there will be no effective alternative to the private car in

these and other less well-served locations. Table 10.1 of the Development Plan identifies the intention for bus services to operate throughout the day every 30 minutes serving Passage West.

Ballincollig-Carrigaline Municipal District Local Area Plan 2017

- 6.3.4. The Local Area Plan designates Monkstown / Passage West as a satellite town in the metropolitan area of Cork and the vision for Passage West is stated as being to 'facilitate continued population and housing growth within this attractive harbour side setting in tandem with an urban design strategy to help address issues of commercial vacancy, poor town centre environment and promoting the development of key town centre sites'. Housing yield figures for Passage West, as referenced above from the Development Plan, are replicated in the Local Area Plan. Water supply and wastewater services for Passage West are identified as having capacity for the estimated additional housing requirement.
- 6.3.5. Section 3.6 of the Local Area Plan addresses the key considerations with respect to population, infrastructure and services, and the environment in the Passage West / Monkstown area. The application site has been assigned specific objectives 'PW-R-06' and 'PW-R-07' within the Local Area Plan with a specific objective for medium 'B' residential density (12 to 25 units per hectare), as well as an appropriate access and a road linking through the site from Maulbaun to the north and Lackaroe. Local access road objective PW-U-01 also relates to the site, and this is intended to provide a connection between the boundary of the application site with Lee View Place and Maulbaun, including the campuses of St. Peter's community school and Star of the Sea primary school.

Draft Cork County Development Plan 2022-2028

- 6.3.6. Cork County Council has decided to adopt a new Cork County Development Plan for the period 2022 to 2028, which will replace the current County Development Plan and Local Area Plan. It is understood that this new Plan will come into effect on the 6th day of June, 2022. The online maps accompanying the draft Plan identifies the subject site as being within the 'metropolitan green belt' outside of the development boundaries to Passage West / Monkstown / Glenbrook. Specific local objectives relating to the provision of a local access road or other road infrastructure are not identified for the site or the adjoining area.

7.0 Statement of Consistency

7.1. The applicant has submitted a Statement of Consistency, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 2 of the statement refers to the provisions of 'Project Ireland 2040' and 'Rebuilding Ireland – Action Plan for Housing and Homelessness' (2016). The statement subsequently addresses Ministerial guidelines, including those referenced in section 6.1 above, and regional planning policy contained in the Southern Regional Assembly RSES. Section 3 of the statement addresses local planning policy comprising the CMATS, the current Development Plan, the Local Area Plan, and the policies and south Cork sections of the Draft County Development Plan. The statement asserts that the proposed development would generally be consistent with national, regional and local planning policy and that it would provide a positive and significant contribution to housing supply in the Passage West / Monkstown area, as well as the greater metropolitan area.

8.0 Material Contravention Statement

8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this statement is submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene the Local Area Plan solely with respect to the proposed residential density and car parking provision. Within this statement the applicant sets out their rationale to justify granting permission, including:

- densities of 30 units per hectare being allowed for on outer-suburban greenfield sites based on the terms of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (hereinafter the 'Sustainable Residential Development Guidelines') and the Department of Housing, Local Government and Heritage Circular Letter NRUP 02/2021 (April 2021) clarifying the application of the Sustainable Residential Development Guidelines;

- based on Development Plan standards, the shortfall of eight car parking spaces solely for the townhouse units would not be material, but justification for this provision is provided via national and regional planning policy and guidelines supporting use of sustainable modes of transport and the preferential application of maximum car parking standards, as opposed to minimum standards.

8.2. In conclusion, the applicant asserts that the Board may grant permission for the strategic housing development at the densities proposed and with the proposed provision of car parking having regard to the provisions under subsection 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended (hereinafter ‘the Act of 2000’).

9.0 Observers’ Submissions

9.1. A total of 22 submissions were received within the statutory period from local representative groups, local-elected representatives and residents of the neighbouring application site area. These submissions include extracts from planning documents, such as those relating to the Draft Cork County Development Plan 2022-2028, extracts from previous planning applications, extracts from social media, various correspondence, as well as video files and photographs relating to the area, and these submissions can be summarised as follows:

Principle of Development

- it is generally accepted that there is a need for increased housing;
- the subject lands have been rezoned as metropolitan green belt in the Draft Cork County Development Plan 2022-2028, where residential development of this scale would not be permissible;
- the rationale for the Planning Authority ‘dezoning’ this site relates to their peripheral setting, connectivity challenges and the inadequacy of neighbourhood services;
- the site is in a rural or semi-rural area and brownfield sites within the settlement should be development in advance of these lands based on the Draft County Development Plan provisions;

- there is a history of planning permissions refused for development on this site;
- proposals would result in the exceedance and material contravention of density parameters in both the Development Plan and the Local Area Plan;
- the area is more rural than urban based on the Census small area statistics;
- the implications of the proposals with respect to the Development Plan core strategy need to be considered with an excessive scale of population to be introduced to the area;
- sufficient consideration for contemporary planning matters has not been undertaken in the design of the proposed development;
- proposals are contrary to planning policy at national, regional and local level;

Urban Design and Visual Impact

- proposals would introduce a visually intrusive form of development on an elevated site, impacting on the visual amenities of the area;
- the site overlooks Cork harbour, a landscape of high value and sensitivity, and the development would be visible from scenic route 54 along the R610 regional road and scenic route 53 on the opposite side of the harbour;
- use of red brick and three to four-storey buildings would make the development more visually prominent, incongruous and out of character with surrounding development;
- poor choice of photomontage viewpoint locations, avoiding locations where the impact would be greatest along the R610 harbour road, Carrigmahon Hill (L2840) and Laurel Hill (L2841);
- justification for apartment blocks of three and four storeys at this site is misplaced;
- visual impacts would arise for the green wooded area along Carrigmahon Hill as a result of the proposed road upgrade and widening works;

Impacts on Neighbouring Amenities

- proposals would impact on lighting to neighbouring properties;

- excessive overshadowing and overbearing impacts would arise for neighbouring residences;
- failure to consider overlooking and loss of privacy for neighbouring residents;
- impacts would not be fully mitigated by screening, including landscaping;
- impacts arising from the provision of public lighting, the restriction of existing rights to light and the construction phase activities emitting noise and vibration;
- structural implications for neighbouring properties arising from the proposed works;
- impacts on neighbouring properties are not covered in the Daylight and Shadow Impact Assessment submitted with the application;
- boundary treatments should feature measures to address noise impacts and a post and timber fence tight to the boundary with residences should not be used;

Traffic, Access and Parking

- the local roads objective no longer forms part of the Draft County Development Plan objectives for this area, with implications for traffic arising;
- poor provision of cycle and pedestrian connectivity with no footpath leading to the nearest primary school, Scoil Barra Naofa in Monkstown;
- the local road network is not suitable to accommodate public bus services and the ferry service connecting with train services cannot be relied on for connectivity purposes;
- poor access, due to limited unsafe infrastructure, steep terrain and narrow roads and footpaths;
- would emergency vehicular access be achievable and do roads have sufficient structural strength to facilitate the anticipated additional traffic;
- reduced parking not appropriate and unrealistic aspirations are used in the mobility management plan, based on census data and local knowledge;

- the resultant increase in traffic would not be capable of being absorbed on the local road network, despite the proposed upgrade works, and this would lead to further congestion and traffic safety concerns;
- limited traffic details are provided and there has been selective use of statistics in the applicant's Traffic and Transport Assessment;
- an agricultural activity on Laurel Hill, involving dairy farming, would conflict with the proposed use;
- construction traffic impacts would arise over a three-year period;

Supporting Services

- there is a lack of local services to serve the development, including shops and social infrastructure;
- local schools do not have capacity to cater for the increased population and a number of schools referenced by the applicant are not in fact local;
- concerns regarding the approach taken in the school demand report submitted;

Environmental Services

- water supply and wastewater treatment services are incapable of serving the development with ongoing problems for the existing services;
- the draft County Development Plan requires upgrading and extension of water infrastructure to facilitate development in this area;
- wastewater treatment proposals overestimate the capacity of the existing system and the proposed pumping station to serve 15 units should be omitted;
- surface water drainage proposals do not account for springs on site and the use of on-site soakpits may lead to flooding of neighbouring properties, some of which have already experienced flooding from surface water runoff;
- significant surface water runoff currently occurs onto the roads bounding the site;

- the percolation tests informing the drainage proposals were undertaken at a time of below average rainfall;

Built and Natural Heritage

- the loss of trees, hedgerow and open areas would impact on local biodiversity;
- consideration is required of the visual impacts on neighbouring architectural conservation areas (ACAs) and buildings of historic and heritage value, including those included in the National Inventory of Architectural Heritage (NIAH);
- the removal of an entrance pier and the provision of a road would impact on the curtilage and setting of Carrigmahon House, which is included in the NIAH;

Other Matters

- anti-social behaviour and safety issues would be likely to arise along the stepped pedestrian access onto Carrigmahon Hill;
- Cork County Council own the area of the road at the 'pinch point';
- conditions should be attached to control the construction hours;
- there has been a lack of public consultation with regard to the proposals.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. The views of the Chief Executive of the Planning Authority can be summarised as follows:

Principle and Density

- the proposals represent a significant portion of the 925 houses envisaged for Passage West in the Development Plan;

- it is proposed to de-zone the application site to metropolitan greenbelt under the Draft Cork County Development Plan 2022-2028;
- the proposed residential scheme is broadly aligned with the policies and objectives of the Development Plan and the Local Area Plan;
- where an exceptional market requirement has been identified, there is provision in the Local Area Plan (objective HOU 4-1) for a higher net density of 25 to 35 units per hectare;
- the Board should consider whether exceptional market conditions exist, as well as suitable amenity and place-making qualitative standards, to justify the proposed density and/or the level of development, given the omission of the local roads objective from the draft County Development Plan and the resultant inability to connect the site with Maulbaun and the schools and sports facilities via the local access road objective, or whether it would be appropriate to limit the subject development;
- Part V proposals including the quantum and distribution of units are acceptable;
- general development contributions would only apply;

Urban Design and Layout

- the design and layout is broadly acceptable, including the manner in which the site topography is addressed;
- distinct character areas are proposed and this would aid in place-making;
- public lighting can be agreed as a condition in the event of a permission;
- phasing should ensure early delivery of the crèche and road improvement works as part of the development;
- the proposed internal pedestrian and cycle networks and open spaces would benefit from passive surveillance provided by the surrounding proposed houses;
- the public open space provision, including functionality and means of addressing topography, would be broadly consistent with the Development Plan recreation and amenity policy;

Residential Amenities

- the unit mix would be broadly consistent with the Joint Housing Strategy provisions;
- the massing and scale of house types 2 and 5 along the rear of bungalows on lower ground on Carrigmahon Hill is a concern, as this may result in overbearing and injurious impacts for existing residents;

Access, Traffic and Parking

- the potential for future connectivity to the adjoining residential estate to the south (Lee View Place) is noted, but the inability to provide a connection northwards to the schools at Maulbaun fails to meet the Local Area Plan objective (PW-U-01) and would add pressure to the existing road network;
- the future access onto Laurel Hill (L2481 local road) appears to form part of phase 3 of the construction phase to the development and may warrant being undertaken within an earlier phase of the development;
- bus stops located on the R610 harbour road at the bottom of the L2480 (Carrigmahon Hill) local road are approximately 460m from the site's pedestrian entrance, diminishing the value / ability of bus services to serve the development;
- the findings and recommendations of the Road Safety Audit submitted should be incorporated into any permitted scheme;
- improvements to pedestrian infrastructure should be completed prior to the commencement of construction of the proposed development;
- provision should be made for electric vehicles throughout the development;
- conditions relating to the provision of on-site and off-site infrastructure upgrades in tandem with phasing of the development should be attached to any grant of permission, based on the modelling of predicted traffic generated by the proposed development;

Trees and Biodiversity

- habitats of highest natural value on this site comprise the existing treelines and hedgerows that are largely confined to the peripheries of the site;

- subject to a condition, the proposed mitigation measures in relation to habitat loss are acceptable;
- risks to European sites within the harbour appear to be dealt with adequately and a condition can be attached to reaffirm same;

Surface Water Drainage

- serious concerns arise as to the robustness of the proposal to adequately deal with surface water runoff during storm events;
- the Board should consider whether the stormwater management proposals meet best practice and that they are robust enough to deal with climate change, to contain and manage outflows during the increasing intensity and occurrences of storm events, and to protect the water quality and the ecological conditions within the harbour.

Conclusion, Recommendation and Statement

10.1.1. The Planning Authority recommend a grant of planning permission for the strategic housing development, subject to 52 conditions, including the following of note:

Condition 7 – revised surface water management plan;

Condition 19 – surface water management;

Condition 24 – pre-construction survey for otter on the harbour shoreline;

Condition 26 – agreement of works to Carrigmahon Hill and Laurel Hill;

Condition 27 – stages 2 - 4 road safety audit;

Condition 29 – invasive species management plan;

Condition 32 – environmental protection measures in the NIS;

Condition 36 – construction traffic management plan;

Condition 48 – bond;

Condition 50 – archaeological monitoring;

Condition 51 – townland boundary to be maintained.

10.2. Inter-Department Reports

- Area Engineer – no objection to the design, the Traffic and Transportation Impact Assessment and the Construction, Traffic and Waste Management Plan. Inappropriate surface water drainage proposals and the provision of one parking space per apartment would be inadequate;
- Traffic and Transportation – conditions recommended relating to the proposed provision of footpaths and responsibility for same, detailed design of works along Carrigmahon Hill and Laurel Hill, road safety audits, provision of a construction traffic management plan and public lighting to Carrigmahon Hill and Laurel Hill;
- Ecology Office – no objection, subject to conditions, including ecological monitoring of works and landscaping, pre-construction survey for otters, lighting details, Construction Environmental Management Plan, surface water drainage management measures, NIS environmental protection measures and a construction method statement;
- Housing – no objection;
- Archaeology Office – conditions recommended, including archaeological investigation and monitoring, alongside preservation in situ, should features be identified, and retaining of the townland boundary;
- Architects' Office – no further comments.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the Ballincollig – Carrigaline Municipal District of the Local Authority on the 21st day of March, 2022. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these can be summarised as follows:

- serious concern in relation to the scale of this development and the resulting increased pressure on the carrying capacity of Laurel Hill and the wider local road network;

- the inability to provide the local road subject of a specific mapped objective of the Local Area Plan and without this the proposed development would result in an unacceptable level of development;
- the proposed density will be contravening the provisions of the Local Area Plan and the Development Plan;
- lack of safe road infrastructure and concerns regarding connectivity in the area;
- improvements to Carrigmahon Hill would not be sufficient;
- there is an absence of footpath connections to Monkstown schools;
- the Preliminary Road Safety Audit identified safety issues with crossings, inadequate lighting and inadequate drainage;
- works need to be conditioned to be done in advance of any construction;
- car usage would be very high due to the topography in the area and the limited provision of public transport services;
- loss of residential amenity, including via overshadowing and overlooking of existing residences.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Irish Water

- water – a new connection on Carrigmahon Hill can be facilitated without upgrade;
- wastewater – a new connection on Carrigmahon Hill is feasible without infrastructure upgrade;
- conditions are recommended, including those relating to connections and agreements, and compliance with Irish Water’s standards, codes and practices.

11.2. The applicant states that they notified the Department of Culture, Heritage and the Gaeltacht, An Taisce, The Heritage Council, Fáilte Ireland and the Cork County

Childcare Committee regarding the application. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Oral Hearing

12.1. The submission received from Mike Flannery on behalf of a group of local residents has requested that an oral hearing be held in respect of this application, as it is asserted that the application involves significant national or local issues. I note that Section 18 of the Act of 2016 provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board shall:

- (i) have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan for Housing and Homelessness, and;
- (ii) only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

12.2. Having regard to the circumstances of this case, to the issues raised in the submissions received by the Board, and the assessments set out in sections 13, 14 and 15 below, I consider that there is sufficient information available on the file to reach reasonable conclusions on all matters arising. Accordingly, I do not consider that there is a compelling case for the holding of an oral hearing in this instance.

13.0 Assessment

13.1. Introduction

13.1.1. This assessment considers the proposed development in the context of the statutory plans for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density;
- Urban Design;
- Visual Impact Assessment;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Built and Natural Heritage;
- Material Contravention.

13.2. Development Principles

Strategic Housing

- 13.2.1. Based on the Ballincollig – Carrigaline Municipal District Local Area Plan 2017, the site is located on lands with a ‘residential’ zoning and with two specific objectives for residential development relating to the site (‘PW-R-06’ and ‘PW-R-07’). Therefore, the principle of residential use on the site is acceptable. The proposed buildings would comprise a stated 18,461sq.m of residential floor space. A total of 387sq.m of non-residential floor space is proposed in the form of a crèche / childcare facility and this would amount to 2.1% of the overall development gross floor area. Accordingly, this would not exceed the 4,500sq.m or 15% statutory area limitations, and I am satisfied that the proposed development would come within the statutory definition of a ‘strategic housing development’, as set out in section 3 of the Act of 2016.

Land-Use Zoning and Specific Objectives

- 13.2.2. The application site is currently primarily in agricultural use and is located on the western edge of the development boundary of the contiguous settlements of Passage West, Monkstown and Glenbrook, in the metropolitan area of Cork and hugging Cork harbour. It is generally adjoining the built-up area to Glenbrook along Carrigmahon Hill with open agricultural fields adjoining to the west. Passage West to

the north is the largest settlement in this agglomeration, with only a very limited commercial core in Monkstown to the south. The Southern Region Assembly RSES identifies the Cork metropolitan area for significant growth, including increased provision of housing. Section 3.6.1 of the Local Area Plan provides guidance for the expansion of this area, identifying a need to provide support for 925 new dwellings between 2011 and 2022. The Southern Region RSES recognise Passage West as an important residential area in the Metropolitan area with potential for an indicative yield of 890 residential units. The Planning Authority consider the proposals to represent a significant portion of the houses envisaged for Passage West and observers assert that the subject proposals would result in excessive additional housing being introduced into the area.

13.2.3. The application site and the three urban settlements referred to above, are located within the Monkstown electoral division (ED ref.18099). Census records identify that there were 1,890 households in the Monkstown ED in 2016 compared to 1,863 in 2011, representing an increase of just 27 households over this period. Review of the planning register for this area does not suggest extensive residential development in the interim period and, besides from reference to a number of permissions for housing of a medium-scale, no parties to the application have provided substantive evidence to suggest that, alongside the subject proposals, in the region of 925 new dwellings were constructed in this area between 2011 and 2022. Furthermore, based on standard construction timelines it would be very unlikely for the subject development to be completed by the end of 2022. Based on the information available, I am satisfied that it cannot be ascertained that the planned housing growth for the Passage West area, as allowed for in the Local Area Plan, would be exceeded by virtue of the subject proposals and the information available would suggest substantial remaining scope for housing relative to the planned level of growth provided for in the Local Area Plan.

13.2.4. The application site has been assigned specific objectives ('PW-R-06' and 'PW-R-07') within the Local Area Plan for medium 'B' residential density with an appropriate access and with provision for a road linking through the site from Maulbaun to the north with Lackaroe. I assess the issue of residential density further below in section 13.3. Local access road objective PW-U-01 also relates to the site, and this appears to provide a road connecting between Lee View Place and the schools' campus

comprising St. Peter's community school and the Star of the Sea primary school located in Maulbaun approximately 0.6km to the north of the application site. To assert compliance with these roads objectives, the applicant refers to the road extending between Lee View Place and Laurel Hill (L2481) in Lackaroe. Further discussion on access and connectivity is undertaken in section 13.8 below.

- 13.2.5. The objectives of the Cork County Development Plan 2014 have not been repeated in the Local Area Plan, and the Local Area Plan stipulates that these two documents must be read together when planning a development. As stated above, the site is within a residential area, and I note that the Development Plan states that residential areas are intended primarily for housing development, but may also include a range of other uses, particularly those that have the potential to foster the development of new residential communities, including crèches.
- 13.2.6. I recognise that the Draft Cork County Development Plan 2022-2028 will replace the current County Development Plan and the subject Local Area Plan on the 6th day of June, 2022, and I note the reference by various parties, including within the report of the Chief Executive of the Planning Authority, as well as various observers' submissions, to the application lands being 'dezoned' from residential use to metropolitan green belt. Notwithstanding this, the Planning Authority assert that the proposed residential scheme is broadly aligned with the policies and objectives of the Development Plan and the Local Area Plan. In conclusion, having regard to the scale and nature of the development proposed and the current statutory plans for this area, the residential and crèche uses proposed on this site are currently acceptable, and I am satisfied that the proposed development would not materially contravene the Local Area Plan in relation to land-use zoning objectives for the site.

Housing Tenure

- 13.2.7. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department should be notified of the application.

- 13.2.8. Housing policy HOU 4-1 of the Cork County Development Plan requires 14% of new residential developments to be made available for social housing. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, amending provisions with respect to the Part V percentage allocation, dependent on the date of purchase of a site. Based on the planning history of the site, it would appear that the applicant was in control of the site prior to the 1st day of September, 2015, and the applicant's Part V Proposal report sets out that the 20% Part V requirement under the amendment to the Act of 2000 would, therefore, be complied with. The applicant's Part V Proposal report, including correspondence from the Property Section of Cork County Council on this matter stating that an agreement in principal has been reached regarding development at Lackaroe and Monkstown, sets out the intention to transfer 34 units (20%) in the development to the Planning Authority. The Part V provision would consist of five apartments and 29 houses, distributed throughout the development as per the details contained in the Part V drawing (no. 20056-OMP-00-SP-DR-A-1050). The Planning Authority have no objection to this aspect of the proposals.
- 13.2.9. Notwithstanding this, I am satisfied that Part V requirements, including the final percentage allocation and the means of compliance, are matters that can be finalised with the Planning Authority by way of a condition, should the Board decide to grant permission for the proposed development. The details provided accord with the requirements set out within the relevant Guidelines and the proposed Part V provision can be finalised at compliance stage. The overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.
- 13.2.10. Based on the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021), there is only a requirement to regulate investment in the proposed houses, as apartments are exempt from a restrictive ownership condition. In the event of permission being granted, a condition should be attached to this effect to ensure an adequate choice and supply of housing within the development, including affordable housing.

13.3. Density

- 13.3.1. Observations assert that the proposed density of the scheme would exceed and materially contravene the density parameters set out in the Development Plan and the Local Area Plan for this site. The Planning Authority refer to provisions within the Local Area Plan that allow for residential densities to exceed the standards stated in the objectives for a site. The applicant considers the proposed density to be consistent with the provisions of the Sustainable Residential Development Guidelines.
- 13.3.2. Comprising 171 units on a net site area of 5.46ha when excluding the areas overlaying existing roadways, the proposed development would feature a density of 31 units per hectare. When compared with residential densities in the immediate urban environment, such densities would be likely to be marginally higher than the density of the adjoining housing area to the south (Lee View Place / Carrigmahon Hill / Congress Place / Carrigmahon Terrace), featuring approximately 23 units per hectare and substantially higher than the low density one-off housing along Carrigmahon Hill and Laurel Hill.

Local Policy

- 13.3.3. The Local Area Plan refers to section 3.4 of the Development Plan, including Objective HOU 4-1, as providing the Planning Authority's approach with respect to residential densities, including sites with a specific objective for medium 'B' residential densities. The Development Plan refers to the various location categories listed in the Sustainable Residential Development Guidelines for the purposes of identifying appropriate residential densities.
- 13.3.4. The upper limit for medium density 'B' lands in this part of Passage West is 25 units per hectare and there is not a lower limit, although the Local Area Plan suggests a density of not less than 12 units per hectare would need to be supported by a justification of the market demand for such units. Under the terms of objective HOU 4-1 of the Development Plan, it is stated that densities of between 25 and 35 units per hectare will be considered where an exceptional market requirement has been identified.
- 13.3.5. The Planning Authority state that the Board should consider whether exceptional market conditions, as well as whether amenity and place-making qualitative

standards pertain, to justify the proposed density. The applicant has not specifically attempted to demonstrate an exceptional market requirement to justify a density within the 25 to 35 units per hectare range and I do not consider that it has been demonstrated that exceptional market requirements exist to justify the subject proposed densities.

- 13.3.6. The proposed density of the development would contravene the density provisions contained within the Development Plan and the Local Area Plan. The applicant addresses non-compliance of the proposals with residential density parameters of the Development Plan and the Local Area Plan in their Material Contravention Statement. In such a situation it is open to the Board to consider the proposal in terms of material contravention procedures, a matter that I address in section 13.11 below.

National and Regional Policy

- 13.3.7. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. The RSES for the region requires sustainable, higher densities in the Cork metropolitan area.
- 13.3.8. In relation to Section 28 guidance addressing housing density, the Sustainable Residential Development Guidelines, the Building Heights Guidelines and the New Apartment Guidelines all provide further guidance in relation to appropriate densities and support increases in densities at appropriate locations in order to ensure the efficient use of zoned and serviced land, such as the subject site. All national planning policy indicates that increased densities and a more compact urban form is required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 13.3.9. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought

forward by planning processes and in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.

13.3.10. The New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards a smaller average household size, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable to achieve housing objectives, with a focus on the accessibility of a site by public transport and its proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include 'central and/or accessible urban locations', 'intermediate urban locations' and 'peripheral and/or less accessible urban locations'. The Guidelines also state that the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

13.3.11. The Sustainable Residential Development Guidelines identify appropriate locations for increased densities in cities and towns, including city and town centres, brownfield sites, public transport corridors, inner suburban / infill sites, institutional lands and outer-suburban greenfield sites. Larger towns feature a population of 5,000 based on the definition provided in the Sustainable Residential Development Guidelines. The most recent published census results (2016) recorded a population of 5,843 persons for the Passage West / Glenbrook / Monkstown urban settlement.

13.3.12. The site is not within a town centre, it is not brownfield and no parties to the application have referred to the site as comprising institutional lands. These Guidelines refer to walking distances from public transport services as best guiding densities along public transport corridors, with scope for increased densities in locations within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station. Inner suburban areas of towns are defined in the Guidelines as being located proximate to existing or due to be improved public transport corridors, and outer suburban / greenfield sites are defined as open lands on the periphery of cities or larger towns whose development will require the provision of new

infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities.

Access to Public Transport

13.3.13. In considering the general provision of public transport available in this area, I would note that the nearest public bus stops to the application site are located on Strand Road (R610 regional road), approximately a 460m walk from the proposed pedestrian access on Carrigmahon Hill, providing access to Bus Éireann routes 216 and 223. The nearest proposed residences on the application site would be an additional 70m from the pedestrian entrance on Carrigmahon Hill using the stepped access route and the remainder of the houses would potentially be up 300m walk from the pedestrian entrance. The nearest bus stops would therefore be 540m to 770m over steep ground from the proposed houses and apartments. Services on the east side of the harbour would not be an easy or reasonable walking distance from the application site. Passage West ferry services approximately 700m from the proposed pedestrian entrance on site provide frequent access to other transport services on the opposite side of the harbour, including Cobh Connects bus services at the terminus and rail services at Rushbrooke station. Rail services would be over 1.2km walk from the ferry terminus on the Cobh side.

13.3.14. The Guidelines refer to the capacity of public transport services as requiring consideration with respect to appropriate densities. The capacity of services is intrinsically linked to frequency, as inferred in section 5.8 of the Sustainable Residential Development Guidelines. A review of current timetables for Bus Éireann routes 216 and 223 indicates that a service every half hour and a service every hour Monday to Friday are available respectively for routes 216 and 223. Cobh Connect services generally run every half hour during peak time and every hour outside of this. I am satisfied that based on bus timetables and guidance within the New Apartment Guidelines defining 'high-frequency' bus services as those operating at a minimum of every ten-minutes during peak hours, the bus stops closest to the application site do not feature 'high-frequency' bus services. This assessment suggests that the area features only limited public transport capacity.

13.3.15. The applicant highlights the future intention to operate BusConnects RI-CC route between Carrigaline and Cork city centre by 2027, running along the R610 regional

road at Glenbrook, 460m walk from the proposed pedestrian entrance to the site. It is asserted by the applicant that this would result in revised services in this area, with a bus service every 20-minute and improved reliability and shorter journey times. Observations assert that future transport services would not substantially increase public transport services in the area. The applicant also refers to upgrades to the local road network.

Location Category

13.3.16. The applicant refers to the site as being an outer suburban greenfield site based on the Sustainable Residential Development Guidelines. The Planning Authority refer to the site as being a greenfield site, whereas, the observers also refer to the site as being greenfield and portraying rural characteristics.

13.3.17. Based on the Sustainable Residential Development Guidelines and the site context, the site can be considered to be marginally within a public transport corridor, however, the Development Plan identifies public transport corridors suitable for higher densities as those parts of the Cork south environs where bus services achieve a 15-minute frequency in peak hours. According to the Development Plan, which is to be read in conjunction with the Local Area Plan, in many other locations, the frequency of services, particularly during peak hours, is currently below the level appropriate for the general application of higher densities. While the site can be considered to be within walking distance of public bus stops, based on the provisions of the Local Area Plan, the site would not appear to be within or proximate to a public transport corridor with sufficient capacity to justify increased densities.

Consequently, given the greenfield nature of the site, the separation distance of greater than 500m from the proposed residences across steep sections of ground to the nearest bus stops and the edge of town location, and as the development would require the provision of new infrastructure including roads and sewers, as well as a crèche / childcare facility, I am satisfied that the site most appropriately falls into the category of an outer suburban / greenfield site.

13.3.18. Furthermore, based on the above information and a review of the location categories in the New Apartment Guidelines relative to the provision of public transport services proximate to the site, this would suggest that the site would best fall into the category of a 'less accessible urban location'.

Density Conclusion

13.3.19. Outer suburban / greenfield site areas are stated in the Sustainable Residential Development Guidelines to generally be suitable for net residential densities in the range of 35 to 50 units per hectare, while densities of less than 30 units per hectare should be discouraged, and, as clarified in Circular Letter NRUP 02/2021, densities of 30 to 35 units per hectare would also be acceptable in this edge of larger town context. The proposed development is therefore within the minimum acceptable density allowed for in the Sustainable Residential Development Guidelines. It is also below the maximum density allowed for on these lands. While there is a certain level of ambiguity in terms of the minimum densities allow for in the Guidelines, it cannot be reasonably considered that the development proposed on this site would fail to comply with the density provisions in the Sustainable Residential Development Guidelines. Furthermore, the New Apartment Guidelines recommend densities of less than 45 dwellings per hectare in less accessible urban locations such as the application site and this is also complied with.

13.3.20. Having regard to national, regional and local planning policy, I am satisfied that the site, which is within the Cork metropolitan area, as defined in the RSES, is well placed to accommodate growth at the net density proposed of 31 units per hectare. In conclusion, the proposed density for the application site complies with Government policy seeking to increase densities in appropriate locations and thereby deliver compact urban growth. Notwithstanding this, certain criteria and safeguards must be met to ensure a high standard of design and I address these issues in my assessments below.

13.4. Urban Design

13.4.1. The layout, massing, design and building heights are considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on visual and residential amenities primarily considered separately below.

Design

13.4.2. As part of the site analysis in their Architectural Design Statement, the key opportunities and constraints in developing the site are indicated, while matters required to be addressed in the Development Plan are also directly and indirectly

referred to. In their Statement of Consistency, the applicant addresses the key principles of the Urban Design Manual, Cork County Council's 'Making Places – A Design Guide for Residential Estate Development' and housing policy objective HOU 3-2 of the Development Plan; asserting that all principles were considered as part of the proposals in response to sustainable place-making.

- 13.4.3. The scheme is to be split into a number of character areas, which would be constructed in a phased arrangement. Character area 1 features two apartment blocks and a crèche / childcare facility set out in a wooded landscape at the eastern main entrance to the site. Character area 2 to the southwest corner with Lee View Place and character area 4 on the northern end of the site with Laurel Hill / Lackaroe would both primarily feature terraced rows of housing clustered around courtyards. The central character area 3 would feature housing overlooking parkland areas. The Planning Authority are broadly supportive of the design and layout for the proposed development, including the manner in which the site topography is addressed. Based on the advice of their Architect, the Planning Authority consider that the distinct character areas that are proposed would aid in creating a sense of place.
- 13.4.4. In relation to the proposed buildings, I note that they would feature regular rhythm and proportions, with a consistent architectural language used throughout the scheme based on a limited palette of contemporary materials. Final materials can be addressed via condition in the event of a permission for the development according to the Planning Authority.

Layout

- 13.4.5. Housing along the eastern boundary would generally back onto and would largely maintain reasonable separation distances from the existing housing along Carrigmahon Hill situated on lower grounds levels. The proposed crèche / childcare facility would be positioned close to the main access off Carrigmahon Hill, in the most logical place on site based on internal and external connectivity, the substantive land take required for the curved access route and the proposed phasing arrangements. I address the issue of connectivity further below with respect to traffic and transportation (section 13.8). The roads hierarchy features secondary estate access roads to housing areas off the main curved access road and spine road. The

internal street layout is logical and connections between character areas are reinforced by pedestrian paths rather than the main streets.

- 13.4.6. The development provides for extensive passive surveillance of the public realm within the development with ample opportunity for a variety of street planting. Roads are stated to cater for cycle parking, as opposed to separate routes, owing to the steep topography of the site not lending itself to off-road routes, while stepped pedestrian routes traverse the open space areas. Housing to the south would follow the alignment and layout of housing within the adjoining housing area. Along the northern frontage with Laurel Hill / Lackaroe the proposed housing would be setback behind the existing banked boundary, featuring hedgerows and trees.

Public Open Space

- 13.4.7. Open spaces are distributed in a rationale manner throughout the scheme, including six play areas, with each space having satisfactory proportions so as to encourage use and help provide for passive supervision. The Development Plan generally requires 12% to 18% provision of public open space in residential developments and this is complied with as the proposed 7,500sq.m of public open space, exclusive of the main entrance wooded area, would amount to 13.8% of the site area. The Planning Authority note that the townland boundary between Lackaroe and Monkstown is marked by the field boundary running east to west centrally through the site. For heritage purposes the Planning Authority request that this feature be maintained in situ, as much as possible, as part of the public open space. The Sustainable Residential Development Guidelines recognise the importance of protecting the built and natural heritage of an area and I am satisfied that the boundary should be maintained where possible as part of the landscaping of the proposed public open space on site. A condition to this effect can be attached in the event of a grant of planning permission for the proposed development.

Public Lighting

- 13.4.8. Comprehensive lighting details have been provided as part of the application package, including a public lighting layout plan and an Outdoor Lighting Report identifying likely illumination levels relative to the proposed lighting stands to be used within the proposed development. A number of observations assert that the public lighting would impact on neighbouring residences, including along the proposed

stepped pedestrian access. The proposed lighting does not appear to conflict with tree planting and underground infrastructure locations and would appear to be of a contemporary standard that focusses light downwards, thereby reducing overspill lighting into proposed and existing residences.

- 13.4.9. Lighting is proposed along Carrigmahon Hill fronting the main entrance and the pedestrian entrance and it appears that a number of existing poles would need to be repositioned as part of this consequent to the proposed provision of road upgrade works. There is very limited lighting currently on Laurel Hill from the junction with Carrigmahon Hill to the northern boundaries of the application site, and the subject proposals do not propose any additional public lighting along this stretch of public road. The Planning Authority require the provision of public street lighting along Carrigmahon Hill and Laurel Hill and this would be a reasonable request in supporting sustainable travel patterns.
- 13.4.10. In their Ecological Impact Assessment the applicant refers to the use of sensitive lighting techniques on a precautionary basis as part of the protection of habitats and species. The Planning Authority are satisfied that finalised lighting, including lighting sensitive to bats and other species, can also be agreed as a condition in the event of a grant of permission.

Buildings Heights

- 13.4.11. The Local Area Plan and Development Plan do not place any specific height limitations on buildings in this location. The proposed development primarily features two-storey buildings that would be stepped to address the steep site topography, and would be similar in height and scale to the existing single and two-storey building heights characteristic of the immediate area. Observations assert that there would be no justification for the three to four-storey apartment blocks on this site. I note that these blocks are generally surrounding by open space, with block 1 centrally positioned on site away from the existing neighbouring residential properties, while block 2 would primarily overlook the main wooded entrance area to the development off Carrigmahon Hill. The heights of the proposed buildings would not appear excessive in principle in their open position and given the overall scale of the site within a suburban context. The height of the proposed apartment blocks provides some transition and variety in the buildings, as required in SPPR4 of the

Building Heights Guidelines. Excessively tall buildings are not proposed in the development relative to the scale of the site and its context. I have had regard to section 3.2 Development Management Criteria of the Building Heights Guidelines and I am satisfied that at the varying scale of the city, neighbourhood, street and site, the predominance of two-storey buildings and two buildings featuring three to four-storey elements would be acceptable and would be appropriate for the site. Further consideration with respect to the building height impacts on the visual and residential amenities of the area is undertaken further below.

Conclusion

13.4.12. Subject to conditions, I am satisfied that the overall layout, massing, building height and design of the scheme would provide a reasonable response in developing this site from an urban design perspective, particularly considering the residential zoning for the site, generally in accordance with the provisions set out in the Development Plan and the Local Area Plan.

13.5. Visual Impact Assessment

13.5.1. The observers assert that the proposed development would be out of character with surrounding area and would have a negative visual impact on the amenities of the area, including the designated scenic routes along the harbour. The Planning Authority recognise that the development would be on a visually prominent and elevated site.

13.5.2. Section 13.7 of the Development Plan addresses landscapes, views and prospects. The site and wider surrounding area, including Passage West and the adjoining urban areas, are within a high-value landscape, which the Development Plan states to be of high or very high landscape sensitivity, and of county or national importance. According to the Development Plan, within high-value landscapes considerable care will be needed to successfully locate large-scale developments without them becoming unduly obtrusive. The site and immediate coastal area are within the 'city harbour and estuary' landscape character area, which appendix E of the Development Plan refers to as of very high landscape value and sensitivity. The application site adjoins a 'Prominent and Strategic Metropolitan Greenbelt Area' to the west, which require special protection under Objective GI 8-1 of the Development

Plan. The regional roads skirting the harbour (R610 and R624) are the nearest assigned scenic routes (54 and 53) to the application site and the Development Plan includes objective GI 7-2 to protect the character of views and prospects obtainable from these scenic routes, while objective GI 7-3 requires developments to feature measures to prevent significant alterations to the appearance or character of an area.

13.5.3. A 'Landscape and Visual Impact Assessment' and a booklet of photomontages, as well as contextual elevations and sections, accompanied the application. Additional material to aid in visualising the development are provided as part of the applicant's Architectural Design Statement. A total of 12 short, medium and long-range viewpoints are assessed in the submitted 'Landscape and Visual Impact Assessment'.

13.5.4. Observations assert that the applicant's choice of photomontage viewpoint locations avoided the most sensitive locations where the visual impact of the development would be greatest, including along the R610 harbour road, Carrigmahon Hill (L2840) and Laurel Hill (L2841). I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles that provide a reasonably comprehensive representation of the likely visual impacts from key reference points, including the most sensitive visual receptors. The photomontages submitted with the application include visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in a summertime setting and considerate of Development Plan objectives. The following table 4 provides a summary assessment of the likely visual change from the applicant's 12 selected viewpoints with the completed proposed development in place.

Table 4. Viewpoint Changes

No.	Location	Description of Change
1	Marino Villas (R624), Carrigaloe – 1.5km northeast	Numerous proposed buildings would be visible looking down the harbour towards the application site. The development would generally follow the ridge line of the hillside and would read as part of the immediate suburban landscape with partial screening of elements offered by existing buildings and mature trees. I consider the

		magnitude of visual change from this long-range viewpoint to be slight in the context of the receiving environment.
2	Ferry port, Ballynoe (R624) – 750m northeast	Numerous proposed buildings would be visible looking across the harbour towards the application site. The development would generally follow the ridge line of the hillside to the rear and would read as part of the immediate suburban landscape on adjoining grounds with partial screening of elements offered by existing buildings and mature trees. I consider the magnitude of visual change from this long-range viewpoint to be slight in the context of the receiving environment.
3	Carrig View, Rushbrooke (R624) - 580m east	Numerous proposed buildings would be visible looking across the harbour towards the application site. The development would generally follow the ridge line of the hillside to the rear and would read as part of the immediate suburban landscape primarily on lower grounds with partial screening of elements offered by existing buildings and mature trees. I consider the magnitude of visual change from this long-range viewpoint to be slight in the context of the receiving environment.
4	R624, Rushbrooke – 550m east	The mature trees on steep topography fronting the application site to the east would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint location to be negligible.
5	Estuary Walk, Cobh – 1km southeast	The pitched roofs to the proposed houses and the upper levels to apartment block 1 would be the most prominent elements of the proposed development that would be visible from this long-range viewpoint. Existing houses and trees would provide some screening of the lower-levels to the development and the development would read as part of an extension to the built-up area of Monkstown, Passage West and Glenbrook. I consider the magnitude of visual change from this location to be slight in the context of the receiving environment.

6	Ringacoltig, Rushbrooke – 180m northwest	The mature trees on steep topography fronting the application site to the east, as well as a house, would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this medium-range viewpoint location to be negligible.
7	Strand Road (R610) – 200m east	The rising ground, mature trees and roadside boundaries would serve to visually screen the development from this viewpoint. I consider the magnitude of visual change from this medium-range viewpoint location to be negligible.
8	Glenbrook Terrace, Strand Road (R610) – 300m north	The mature trees and houses on steep topography fronting the application site to the east, would serve to visually screen the development from this viewpoint. I consider the magnitude of visual change from this medium-range viewpoint location to be negligible.
9	Lackaroe, Carrigmahon Hill – 50m north	The first-floor level side elevation to house type 4D would be visible, but would be substantially screened by the roadside boundary treatments. I consider the magnitude of visual change from this short-range viewpoint to be slight in the context of the receiving environment.
10	Laurel Hill, Rathanker – 170m west	The roadside boundary and drop in topography would serve to visually screen the development from this viewpoint. I consider the magnitude of visual change from this medium-range viewpoint location to be negligible.
11	Lee View Place, Carrigmahon – 100m south	A line of houses comprising house types 3B, 2A, 2C and 1A would be visible, with some screening of lower elements via field boundaries. I consider the magnitude of visual change from this medium-range viewpoint to be slight in the context of the receiving environment.
12	Carrigmahon Hill – 20m east	The rising ground, garden planting and roadside boundaries would serve to visually screen the proposed buildings from this viewpoint, although the road upgrade interventions would be visible, including vegetation removal, footpath and new boundary treatment. I consider the magnitude of visual change from this short-range viewpoint location to be slight.

- 13.5.5. In the immediate area the development would be most visible from the approach roads to the north and east and from the houses bordering the site, with only intermittent views of the building elements from local vantage points in many of the adjoining areas due to mature trees and steep topography. The applicant considers the development to have an imperceptible to moderate magnitude of impact on the landscape, with moderate views in locations closest to the development. Mitigation measures to address the visual impacts would generally comprise those embedded elements of the design that respond to its immediate setting in combination with various planting proposals and landscaping measures.
- 13.5.6. Observations assert that the use of red brick and three to four-storey buildings would make the development more visually prominent, incongruous and out of character with surrounding development. I recognise that building heights in the area are generally of single and two storeys, however, the positioning of the three to four-storey elements does not appear incongruous when viewed as part of the wider proposed development and the surrounding context, as these elements would be on central and not the highest part of the site, and where visible from long-range locations they would largely be viewed against the backdrop of the hill to the rear. Brick materials, as well as other external finishes are proposed for the buildings, and I do not believe this to result in the development forming an obtrusive addition into the landscape, particularly as the surrounding buildings along the hillslope feature a wide variety of finishes, including colours and textures.
- 13.5.7. The development would be viewed as a modest insertion into this suburban setting where it is most visible from the neighbouring approach roads and as a substantive new element where visible from the neighbouring properties, particularly from the house known as Aisling on higher ground approximately 170m to the west. While the immediate context of the area would appear to have undergone limited change in recent years, the subject site is earmarked for residential development in the Local Area Plan and the immediate area already features housing generally of a similar scale to that proposed, including Lee View Place.
- 13.5.8. The development would not be visible from the scenic route along the west side of the harbour and where it would be visible from the scenic route on the east side of the harbour, it would be viewed as part of the broader suburban landscape. Screening offered by existing buildings and mature tree planting would largely

negate the visual impact of the development from medium and long-range locations where the development would be discernible. A combination of intervening trees, steep topography and separation distances would ensure that the subject development would not interfere with the setting and character of the nearest buildings included in the NIAH.

- 13.5.9. I am satisfied that the broad visual changes that would arise from the proposed development, would largely have limited imperceptible to moderate effects on the landscape based on the information available, the existing site context, as well as the objectives and policies of the statutory plans for this area. I am therefore satisfied that the proposed development would have acceptable direct, indirect and cumulative effects on the landscape and acceptable direct, indirect and cumulative impacts on the visual amenities of the area. The impact on the outlook from neighbouring residences is considered separately in section 13.6 directly below.

13.6. Impacts on Neighbouring Amenities

- 13.6.1. The observations assert that the proposals would have undue impacts on the amenities of neighbouring properties as a result of overlooking, overshadowing and overbearing impacts, as well as the loss of light and privacy for neighbouring residents. According to the observers, these impacts have not been fully considered and they would not be fully mitigated by screening, such as landscaping. The Elected Members also assert that there would be a loss of amenity for neighbouring residents, including via overshadowing and overlooking. The Planning Authority assert that the massing and scale of proposed houses along the rear boundary of the existing houses on lower ground on Carrigmahon Hill is a concern, as this may result in overbearing and injurious impacts for residents of these houses.

Context

- 13.6.2. The nearest existing residential properties to the proposed development are those located adjoining to the south and east, comprising the single and two-storey detached houses on Carrigmahon Hill, two-storey terraced houses in Lee View Place and two-storey semi-detached houses in Urban Villas. There are also single and two-storey detached houses located proximate to the site on the opposite side of the local road to the north of the site in Lackaroe. Separation distances to these

neighbouring houses from the proposed houses and apartments are identified on the proposed site layout plan drawing (no. 20056-OMP-00-SP-DR-A-1000) and height differences are illustrated on the proposed site section and contextual elevation drawings. The closest house to the north, Rosan in Lackaroe, would be 24.8m from the nearest two-storey house and on a similar level. The proposed houses and apartments along the eastern boundary would be between 16.8m and 41.6m from existing houses on this boundary and, due to the substantive drop in ground levels eastwards, the proposed houses would feature finished ground-floor levels between approximately 3m and 5.5m above the ground-floor level of the existing houses.

- 13.6.3. The side elevation of the proposed house closest to the existing housing within Lee View Place would be separated by 11.4m and on a similar finished-floor level. The side elevation of the proposed crèche building would be 17.3m from the closest house in Urban Villas, although the finished-floor level of the proposed crèche would be almost 5m above that of the ground-floor level to housing in Urban Villas. The highest of the proposed buildings, apartment block 1, would be situated centrally within the site, and while this building would have a roof parapet 15.3m above the roof ridge level of the nearest house, which is Highland View to the east, it would be approximately 75m from the rear of this property.

Overlooking and Loss of Privacy

- 13.6.4. The Development Plan refers to the Sustainable Residential Development Guidelines as an effective guide for housing developments in urban areas. These Guidelines refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, reduced separation distances may be acceptable based on the Guidelines.
- 13.6.5. Excessive loss of privacy or direct overlooking would not arise as a result of the proposed development for properties to the north, given the achievement of separation distances well in excess of the minimum required and as the local road, including roadside planting, would serve as a visual buffer between the proposed housing in the subject development and the neighbouring housing in Lackaroe.
- 13.6.6. Section drawings forming appendix A to the applicant's Architectural Design Statement illustrate the potential relationship between the proposed and existing

housing along the eastern boundary. Along the eastern boundary the 22m separation distance between opposing buildings would not be achieved between the existing house known as Highland View and the proposed two-storey terraced house no.143, which would be 20.6m to the west. Section B-B and page 61 of the applicant's Architectural Design Statement provides an indication of the potential relationship between Highland View house and the nearest houses, although I recognise that this section picks up on an adjoining house (no.144) that would be on marginally higher ground (0.5m) and almost 6m further from Highland View when compared with proposed house no.143. The rear boundary along Highland View features planting, which is to be protected by a barrier during the construction phase and this boundary would be supplemented by a 2m-high timber fence as part of the development. This would restrict the potential for overlooking into Highland View from the ground level of the nearest proposed houses. The closest houses to Highland View, including no.143, would only feature hall and bathroom windows at first-floor level, and I am satisfied that the design of the development would not result in excessive direct overlooking or loss of privacy for residents of Highland View. While proposed apartment block 2 would be only 5.5m with the rear boundary to Highland View, it would not feature windows directly facing the house on site, and this proposed block and the existing house would be separated by 24m.

13.6.7. The potential relationship between the proposed development and the existing houses known as Sunny Bank, Horizon, Richmond, Carrig View and Denamona, is indicated in section format on pages 57 to 60 of the Architectural Design Statement submitted. With the exception of a 19.4m separation distance between proposed house no.093 and Sunny Bank house, the traditional 22m separation distance between opposing windows would be achieved. Where this traditional separation distance is not achieved, the boundary treatment and planting, both existing and proposed, would serve to restrict the potential for excessive direct overlooking to arise from the ground-floor level of the proposed houses. Provision of bathroom and hall windows at first-floor level to the proposed houses (types 5A, 5B and 5C) along the eastern boundary, would also negate the potential for excessive direct overlooking or loss of privacy to arise.

13.6.8. The first-floor to the proposed houses backing onto the existing houses known as Rosses Point and Cajila, would feature bedroom windows, however, these houses

would be a substantive minimum separation distance of 30.7m from the nearest of these houses and the screening provided by the existing and proposed boundary treatments would suitably address the potential for excessive direct overlooking and loss of privacy to arise. House 091 (type 5A) would be 16.7m from Cajila, however, it would only feature a bathroom window facing north towards this existing house, while the lower ground-floor windows would allow views onto a proposed 2m-high timber panel boundary and planting, thus restricting the potential for excessive direct overlooking and loss or privacy to arise.

13.6.9. The proposed crèche and the closest proposed housing to the southern boundary would not feature windows directly facing the southern boundary with properties in Lee View Place and Urban Villas. The proposed housing arrangement would largely follow the typical established housing layout in Lee View Place and Urban Villas and given the achievement of minimum separation distances between existing and proposed housing, the proposed housing would not lead to excessive direct overlooking or loss of privacy between properties, even where differences in ground levels arise.

13.6.10. Each of the neighbouring gardens feature substantive amenity areas and the proposed development would not reasonably result in excessive loss of privacy for these amenity areas. I consider that the separation distances that would be achieved from neighbouring residences would be typical for a suburban setting that is earmarked for residential development and the design measures, including the provision of windows, boundary treatments and landscaping, would sufficiently address the potential for excessive direct overlooking between neighbouring residences and the proposed development. Furthermore, the proposed development would not substantially inhibit the future development potential of neighbouring lands, given the setback provided for buildings from the site boundaries. I consider the impacts on the privacy for residents of the proposed apartments separately under section 13.7 below.

Outlook and Overbearing Impacts

13.6.11. The proposed development would be visible from the private amenity areas and internal areas of housing neighbouring the site. Consequently, it would change the outlook from these neighbouring properties. Having visited the area and reviewed

the application documentation, including the photomontages, which I believe to provide a reasonably accurate portrayal of the completed development, I consider that the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the separation distances to housing, as referred to above, and as a contemporary development of this nature would not be unexpected in this area owing to the residential development objectives for the site, as contained in the current statutory plan for this area.

- 13.6.12. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. The proposed development clearly features elements that exceed the prevailing lower building heights of the area. The most sensitive neighbouring properties, including existing and permitted building height differences and the minimum separation distances between these buildings, are detailed above.
- 13.6.13. Photomontages 9 and 11 of the applicant's Photomontage booklet best illustrate the appearance of the development closest to the existing housing areas to the north and south, while the various section drawings best serve to illustrate the scale and massing of the development relative to the housing along the eastern boundary. I am satisfied that for the most part the proposed development would not be overly prominent when viewed from the nearest houses, with an open outlook and sky view maintained for neighbouring residences. There would be sufficient intervening space between the existing houses and the proposed buildings to ensure that the proposed development would not be excessively overbearing when viewed from neighbouring houses. The stepping of the buildings to address the sloping ground and limited height of the proposed buildings, coupled with the separation distances from the existing housing, is such that where visible from neighbouring properties the majority of the proposed development would not be excessively overbearing.
- 13.6.14. Images included in an observation to the application are asserted to illustrate the excessive scale of proposed apartment block 2 relative to the house at Highland View. From the outset I do not consider the images submitted by the observers to accurately portray the positioning and scale of block 2 relative to Highland View. Notwithstanding this, as noted above, apartment block 2 would be 5.5m from the rear boundary of Highland View and 24m from the rear elevation of this house. The

difference in ground level between the lower-ground floor level of block 2 and Highland View would be 2.15m, and apartment block 2 would feature three-storeys with a roof ridge height almost 15m above ground floor in Highland View. This height differential would be akin to having a four-storey building with pitch roof within 24m of the rear elevation to the house and I am satisfied that the difference in ground levels coupled with the proximity and height of proposed apartment block 2, would result in proposed apartment block 2 having an excessively overbearing impact when viewed from Highland View. Furthermore, the design of block 2 is not one that would readily lend itself to the removal of an intermediate floor level to address this impact and given this context and uncertainty as to the likely impacts of a reduced scale for apartment block 2, I do not consider a condition requiring redesign of apartment block 2 to be reasonable or appropriate in these circumstances. Consequently, I am satisfied that apartment block 2 and its associated area should be omitted from the proposed development and the area should be suitably landscaped to form part of the public open space serving the development.

Impacts on Lighting - Daylight and Sunlight

- 13.6.15. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has not provided a report assessing the effect of the proposed development on lighting to neighbouring houses and observers raise concerns regarding the absence of same.
- 13.6.16. The Sustainable Residential Development Guidelines refer to the standards in BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The BRE 209 guidance outlines a series of tests to identify whether or not rooms where daylight is required in adjoining dwellings, would receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be

necessary. Based on section drawings and levels stated in the application, numerous proposed buildings along the eastern boundary of the application site, including house nos.091 to 100 inclusive, house nos.142 to 145 inclusive and apartment block 2, would be located a distance of less than three times the height of these buildings to the centre of the main window in existing neighbouring houses. For example, the rear of Highland View with finished-floor level of +50.1m would be a stated 24m northeast of proposed apartment block 2, which would sit into sloping ground and feature three storeys with a maximum roof eaves height of +61.3m. Consequently, the separation distance required in this case would initially need to extend to greater than 29.1m based on the levels and building heights.

13.6.17. Notwithstanding this, according to the BRE 209 guidance daylighting may not be an issue if development is less than 25° to the horizontal when measured from the centre of the lowest window to a main living room. When taking into account the differences in ground levels, the building heights and the separation distances, the proposed development would subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest windows to the main living rooms of properties to the east along Carrigmahon Hill, as per the section drawings included in the applicant's Architectural Design Statement. Accordingly, daylighting is unlikely to be significantly affected and no further tests are required to assess the potential for loss of daylight to neighbouring houses, as in this case the loss of light would at worst be negligible.

13.6.18. Section 3.2.2 of the BRE 209 guidance states that 'obstruction to sunlight' to existing dwellings may become an issue if –

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

13.6.19. To this end, as all of the houses potentially effected within Lee View Place and Urban Villas are south of the proposed new buildings, it can be confirmed that the development is situated outside of 90° of due south of these residences and obstruction of sunlight would not arise. The proposed development would not subtend below an angle of less than 25° to the horizontal when measured from the

centre of the lowest window to a main living room of properties to the east along Carrigmahon Hill or to the north along Laurel Hill in Lackaroe. The proposed development is therefore not considered to cause an obstruction to sunlight to these properties either, and as such no further tests in respect of access to lighting to these properties is necessary.

13.6.20. The tests above are a general guide only and the BRE 209 guidance states that they need to be applied flexibly and sensibly with figures and targets intended to aid designers in achieving maximum sunlight and daylight for residents and to mitigate the worst of the potential impacts for existing residents. It is clear that the guidance recognises that there may be situations where reasonable judgement and balance needs to be undertaken cognisant of circumstances. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues and impacts may arise and also to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Cork metropolitan area, the need for increased densities within zoned, serviced and accessible sites and the need to address impacts on existing residents, as much as is reasonable and practical. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to lighting to neighbouring properties would not be warranted.

13.6.21. Observers refer to the development potentially restricting existing rights to light. My assessment above has concluded that based on the relevant guidance, substantive restrictions on sunlight and daylight to neighbouring properties would not arise. In relation to determining rights to light, this is a matter for the Courts, I do not consider that the Board is in a position to draw any conclusions in relation to such matters.

Overshadowing

13.6.22. Observations assert that the proposed development would overshadow neighbouring properties. The BRE 209 guidance require greater than 50% of neighbouring gardens to receive at least two hours of sunlight on the 21st day of March (the spring equinox). Appendix B of the applicant's Architectural Design Statement illustrates the likely shadow effect of the proposed development on neighbouring properties at different times and dates throughout the year. This study considers those properties that would present the worst-case scenario from an overshadowing perspective and I

am satisfied that this would be a reasonable approach to take in assessing the likely impacts arising. The applicant's shadow study refers to the 20th day of March, however, I am satisfied that there would be minimal difference in the extent of sunlight when compared with the 21st day of March, as referred to in the guidance.

13.6.23. Having regard to the minimal extent of overshadowing on neighbouring gardens arising from the proposed buildings and development works at 09:00, 12:00 and 15:00 hours on the 20th day of March, as illustrated in the applicant's shadow study, it is clear that neighbouring gardens would not be unduly impacted by overshadowing from the proposed development, with well in excess of half the area of neighbouring gardens continuing to receive at least two hours of sunlight with the proposed development in place. In conclusion, based on the information provided showing compliance with the minimum requisite standards, I am satisfied that excessive overshadowing of neighbouring gardens would not arise as a result of the proposed development.

Boundary Treatments

13.6.24. Boundary treatments for gardens are generally intended to feature 2m-high concrete post and timber panel fences and 2m-high brick walls onto the public realm. Alternative foundations for brick walls are used in sensitive locations close to vegetation and a 2m-high black paladin fence would line the boundaries on the stepped pedestrian access and the northern boundary of the wooded entrance area with Highland View on Carrigmahon Hill. Observers refer to the need for boundary treatments to address potential noise impacts and for these not to be positioned tight to the boundary with residences. The precise alignment of the boundary treatments relative to adjoining lands is a legal matter and I am satisfied that the proposed residential and childcare facilities uses for the subject lands zoned for residential and associated purposes would not introduce uses that would require an alternative form of noise-reductive boundary treatment to those proposed in the application.

Construction Impacts

13.6.25. Observers assert that the proposed development would result in nuisance for neighbouring residents as a result of noise and vibration during the construction phase. The applicant's Traffic and Transport Assessment assumes a three-year construction period and their Architectural Design Statement sets out a phasing plan

for the development with development initially taking place along the eastern boundary with Carrigmahon Hill, before progressing in an anti-clockwise direction over the remainder of the site. A Construction, Traffic and Waste Management Plan sets out the intended measures to address traffic during the construction phase, as well as measures to control noise, dust and vibration emissions. Any construction phase impacts, would only be of a temporary nature and would also be subject of a project Construction and Environmental Management Plan, as required by the Planning Authority. Standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission.

13.6.26. Observers have raised concerns regarding the potential for structural impacts on neighbouring properties. The scale of works subsurface would not be substantial with limited excavation works throughout primarily for grading of land, provision of services and foundations, and these works would largely be at a remove from the nearest neighbouring residential properties. As per the request of the Planning Authority, a final Construction and Environmental Management Plan can be agreed in the event of permission, and I am satisfied that finalisation of and adherence to such a plan would ensure the management of construction activity is carried out in a planned, structured and considerate manner that minimises the impacts of the works on local residents and properties in the vicinity.

Anti-Social Behaviour

13.6.27. The observations assert that the completed development would lead to an increased potential for anti-social behaviour, particularly along the stepped pedestrian access onto Carrigmahon Hill. Matters relating to anti-social behaviour are dealt with under differing legal codes and I am satisfied that there is no reason to suggest that the layout and design of the proposed development could reasonably be considered to support anti-social behaviour in this area, particularly as the design of the scheme provides for extensive passive surveillance of the open spaces, new routes and existing roads. The stepped pedestrian route between the houses known as Highland View and Denamona, which is referred to by the observers as a concern in this regard, would be a straight route with public lighting and visibility from the new development through to the local road.

Conclusions

13.6.28. In conclusion, sufficient information has been provided with the application to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties. Excessive overbearing impacts would only arise for residents of Highland View due to the design and positioning of apartment block 2, and this should be omitted from the proposals, as per the details set out above. Accordingly, subject to conditions, the proposed development should not be refused permission for reasons relating to the likely resultant impacts on neighbouring amenities.

13.6.29. The observations assert that the proposed development would lead to a depreciation in the value of property in the vicinity. Arising from the assessment above, including the suggested condition requiring omission of apartment block 2, sufficient, substantive and objective evidence has not been provided to support claims that the proposed development would be likely to result in a depreciation of property values in the vicinity.

13.7. Residential Amenities and Development Standards

13.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the Quality Housing for Sustainable Communities Guidelines and the New Apartment Guidelines, as well as the Development Plan and the Building Heights Guidelines, which refer to documents providing guidance for daylight / sunlight assessments within new developments. The subject development would not come within a category of development that would be open to relaxed development standards. The applicant has submitted a Housing Quality Assessment comprising a schedule of accommodation, which provides details of apartment and house sizes, aspect, room sizes, storage space and private amenity space.

Houses – Mix and Standards

- 13.7.2. The Development Plan outlines that a broad housing mix would normally be required on 'Medium B' sites such as this, including detached homes. The Development Plan refers to neighbourhoods with a good mix of unit types comprising houses and apartments of different sizes and housing objective 3-3 refers to the Sustainable Residential Development Guidelines and the Joint Housing Strategy as providing guidance with respect to housing mix and sizes. The Planning Authority consider the proposed housing mix to be broadly consistent with the Joint Housing Strategy forming appendix C to the Development Plan. The mix of semi-detached and terraced houses, as well as apartments, would comply with the provision of SPPR 4 of the Building Heights Guidelines requiring the avoidance of mono-type building typologies in locations such as this and at the scale proposed.
- 13.7.3. The 16 two-bedroom houses feature floor areas measuring 88sq.m, the 82 three-bedroom houses feature floor areas ranging from 107sq.m to 113sq.m and the 47 four-bedroom houses feature floor areas ranging from 132sq.m to 154sq.m, in compliance with the minimum standards set out within the Quality Housing for Sustainable Communities Guidelines. The proposed houses also meet the relevant 'Quality Housing' guidance with respect to layouts, storage space, room sizes and widths, as well as aggregate living room and bedroom sizes. I am satisfied that the house sizes comply with the relevant assessment criteria referred to in the Development Plan.
- 13.7.4. The Development Plan sets out that not all housing developments can provide private open space, while some developments may provide significant private open space. The Sustainable Residential Development Guidelines require private open space for houses to be provided in the form of rear gardens. The proposed houses would feature rear gardens ranging in size from 50sq.m (unit type H1) to 260sq.m (unit type H5A) and I am satisfied that the areas provided would be of a reasonably sufficient standard for housing in this location.

Apartment Mix and Standards

- 13.7.5. SPPR1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. I am satisfied

that the proposed development featuring 12 one-bedroom and 14 two-bedroom apartments would be compliant with SPPR1 of the New Apartment Guidelines.

- 13.7.6. The applicant asserts that the proposed apartments have been designed to fully accord with the apartment sizes within the New Apartment Guidelines. The one-bedroom units measuring between 49.4sq.m and 60.9sq.m and the two-bedroom units measuring 81.8sq.m to 84.5sq.m would meet the minimum 45sq.m and 73sq.m unit size requirements respectively required for one and two-bedroom units in the New Apartment Guidelines. The internal design, layout, block configuration, room sizes and storage space for each of the apartments and blocks, as identified in the applicant's drawings and Housing Quality Assessment, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the appendix 1 standards. Floor to ceiling heights of 2.7m are illustrated on each level in the section plans for all of the apartments in blocks 1 and 2, in compliance with SPPR5 of the New Apartment Guidelines.
- 13.7.7. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines for the majority of apartments would also be achieved, with 15 proposed apartments, accounting for 57% of the proposed scheme, meeting or exceeding the additional floor space standard. Private amenity space for each of the apartments, including balcony or terrace sizes and depths, meeting or exceeding the minimum requirements of the Guidelines. Residents of apartment block 1 would have access to a roof level communal area with views east towards the harbour area.
- 13.7.8. SPPR 4 of the New Apartment Guidelines requires 50% dual aspect apartments in new schemes within suburban locations such as this. A total of 15 apartments are stated to form dual aspect units, which would equate to 57% of the apartments within the scheme and having reviewed the drawings submitted, I am satisfied that this would be the case. Accordingly, I am satisfied that the provision of dual aspect units would be in compliance with SPPR 4 of the New Apartment Guidelines. Single-aspect north-facing apartments are not proposed.
- 13.7.9. Section 6.6 of the New Apartments Guidelines also states that Planning Authority's should have regard to BRE 209 and BS 8206-2: 2008 standards. The Planning Authority do not raise concerns with respect to the provision of daylighting to the

proposed apartments. The applicant's Daylight and Sun Cast Assessment provides an assessment of daylight access within one apartment considered to present the worst-case scenario in the development, based on its location, layout, aspect and orientation.

13.7.10. The aforementioned BRE 209 and BS 8206-2: 2008 standards and guidelines recommend that for the main living spaces/living rooms of residences, a minimum average daylighting factor (ADF) of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has tested the ADF value for the shared living/dining/kitchen space and the bedroom in the one-bedroom ground-floor apartment no.153 in block 1 of the development. The results of testing calculated ADF values of 2.6% for the living/kitchen/dining rooms and 1.82% for the bedroom. This suggests that on the basis of a worst-case scenario, all bedrooms and living/kitchen/dining rooms in the proposed development would comply with the ADF target values in the BRE 209 guidance. In conclusion, I am satisfied that the lighting to the proposed development would adequately meet the residential amenity levels for future residents.

Privacy and Overlooking

13.7.11. As mentioned above the Sustainable Residential Development Guidelines generally require a minimum separation distance of approximately 22m between directly opposing first-floor windows to maintain privacy. This separation distance would be achieved throughout the development at ground and first-floor level between directly opposing habitable windows of the proposed houses. Where minimum separation distances below 22m arise between houses, the opposing elevation of at least one of the subject houses would not feature habitable room windows or the houses would face onto public space forming a visual buffer between the houses. For example, house nos.037 and 038 in the northeast corner do not feature opposing windows facing each other and house nos.027 and 090 in the central northern area feature opposing windows within 22m but overlooking an area of proposed public open space. I am satisfied that the design measures proposed would be appropriate and would address the potential for excessive direct overlooking between the proposed houses and apartments within the development. Sufficient area for defensible space fronting the proposed apartments and housing to suitably address the privacy of

ground-floor rooms is provided for in the proposed layout, including the area fronting house no.142 onto the stepped pedestrian access along Carrigmahon Hill.

Block 2 and House no.145

13.7.12. Apartment block 2 would be positioned to the south of the rear garden to house no.145 overlooking the main wooded entrance area to the development. In section 13.6 I have raised concerns regarding the impact of proposed apartment block 2 on the house at Highland View. This block would be three storeys in height and would extend almost 13m behind the rear building line to house no.145, which would have a ground-floor level 1.65m above the lower-ground floor level of block 2. Block 2 would be 5m from no.145 and would feature a pitched roof. Details have not been submitted to clarify the impact of block 2 on lighting to the internal and external areas of house no.145 and I would have concerns that this building would have an excessively overbearing impact for residents of house no.145 and would be likely to excessively restrict access to light along the rear of the house, including the garden area. It is unclear whether or not a redesign of block 2, possibly involving omission of a floor or a lower roof, would resolve these issues. Furthermore, house no.145 forms part of a terrace of houses creating a defined edge to the new street, whereas apartment block 2 is a standalone structure containing three apartments with a less coordinated relationship with the street space when compared with the immediate terrace. Accordingly, to ensure that the amenities of residents of house no.145 are not undermined, apartment block 2 should be omitted from the proposed development and the resulting area, including associated areas such as car parking spaces, should be landscaped to form part of the proposed public open space on site. This can be addressed as a condition in the event of a grant of planning permission.

Childcare Facility

13.7.13. The Planning Authority welcome the provision of the applicant's crèche / childcare facility amounting to 387sq.m in floor area as part of the first phase of the development. Section 5.3 of the Development Plan addresses the provision of childcare facilities with reference to the standards in the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), as well as population targets for an area. The applicant has submitted a Childcare Demand Report, which undertakes a review

of the demographic profile of the area, as well as a survey of the capacity of childcare facilities within 2.5km of the site, including facilities on the opposite side of the harbour. The majority of spaces available were identified as being in two facilities to the north of the site and to the west of Passage West town centre. Based on the provisions within the New Apartment Guidelines and the Childcare Facilities Guidelines, including an allowance to omit the 12 one-bedroom apartments from calculations, the applicant asserts that on the basis of demographic analysis, their childcare facilities survey and the overall unit mix, the development would generate a requirement for 34 childcare spaces. A total of 43 childcare spaces would be facilitated in the proposed childcare facility based on the floor area and layout of the development.

- 13.7.14. Cork County Childcare Committee has not responded to consultation regarding the application. I am satisfied that the level of childcare provision that would be provided as part of phase 1 of the development would be acceptable to serve the development based on the relevant standards, the site context and the proposed unit types. Accordingly, the proposed development would comply with the provisions of the Childcare Facilities Guidelines and objective SC 3-1 of the Development Plan requiring sustainable provision of childcare facilities.

Schools and Support Services

- 13.7.15. The observations assert that there would not be sufficient school spaces within reasonable commute of the site to accommodate the additional population arising from the proposed development and there are no plans to increase school places in the area. The applicant has addressed the provision of school places in a School Demand Report accompanying their application, within which they have listed and mapped schools within an asserted 30-minute travel time from the application site. This travel time area includes an area on the east side of the harbour encompassing Cobh ED. The observations assert that the assessment is inaccurate, as it is unrealistic to consider schools on the opposite side of the harbour as being within a 30-minute travel time of the site, as this would be dependent on the ferry service not being overly subscribed or delayed and not being impacted by environmental conditions. Having travelled the ferry crossing I noted the efficiency of this service and it is not unknown for school children and pupils to use the ferry service as part of their daily school trips, although the majority at present cross from the Cobh area to

attend schools in the Passage West area. Consequently, I do not have reservations in relying on the capacity within schools on the Cobh side of the harbour to facilitate the subject development.

13.7.16. Based on the unit mix of the development and local demographics, including reference to a Department of Education and Skills report investigating declining future demographic trends impacting primary and post-primary schools numbers, the applicant asserts that the proposed development would require 50 primary school places and 35 post-primary school places. The Department of Education and Skills report referring to a declining school-going population is not area specific and may not be directly applicable in an expanding residential area. Notwithstanding this, the proposed development would not feature an exorbitant number of school-going residents and an increase in population in this area would not be unexpected on the basis of increased housing targets for the area, as referred to above. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services, including schools and other social infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to become viable. In the immediate and wider environs of the site there are schools, shops, medical facilities, parks, and open spaces, all of which would benefit from the development. The Planning Authority did not raise concerns regarding the capacity of schools to accommodate the development, although they have raised issues with respect to connectivity from the site to local schools, which I address further below in section 13.8.

13.7.17. In conclusion, the development would not be likely to place significant demands on schools in the vicinity and permission for the development should not be refused for this reason.

Waste and Recycling Management

13.7.18. The applicant has submitted a drawing (no.20056-OMP-00-SP-DR-A-1030) setting out the locations of bin stores to serve the houses, apartments and crèche / childcare facility, including internal stores for apartment block 1 and stores fronting units where access to the rear is not available for wheelie bins. An autotrack drawing to show scope for waste and recycling collection vehicles to access and manoeuvre through the development is also included as part of the application (see

drawing no.20241-MMS-ZZ-ST-DR-C-10500). I am satisfied that sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and in line with the Sustainable Residential Development Guidelines. Further details relating to waste and recycling management can be provided as a condition in the event of a grant of planning permission.

Building Lifecycle and Management

13.7.19. As required within the New Apartment Guidelines, a Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the apartments, has been included with the planning application. Prior to the lease of individual apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Conclusion

13.7.20. In conclusion, subject to conditions, including the omission of apartment block 2, I am satisfied that the proposed development would provide a quality and attractive mix of housing and apartments, meeting the relevant design standards and providing a suitable level of amenity for future residents.

13.8. Traffic and Transportation

Context

13.8.1. In September 2011, planning permission for a development comprising 131 houses and a crèche on this site was refused by An Bord Pleanála for two reasons, one of which referred to the development endangering public safety by reason of traffic hazard, due to the generation of additional traffic onto a road network that was considered deficient in terms of capacity and seriously substandard in terms of width, surface treatment, construction and the provision of dedicated public footpaths, and as the development would obstruct road users (CCC ref. 10/5180 / ABP ref. PL04.238720). The decision highlighted that definitive proposals with regard to the upgrading of the road network serving the site would be necessary or the provision of an alternative satisfactory means of accessing the site.

- 13.8.2. Following this in October 2014, An Bord Pleanála refused to grant planning permission for 18 serviced residential sites on the southern portion of the application lands in the Monkstown townland for reasons relating to the low density of the development and poor connectivity, with reference to the proposed layout failing to provide a pedestrian connection to the south or pedestrian and vehicular connection to the zoned lands to the north, including the part of the application site in Lackaroe townland (CCC ref. 13/6168 / ABP ref. PL04.243365). This lack of provision of connectivity was considered by the Board to be contrary to the provisions of the Sustainable Residential Development Guidelines. The observations refer to these previous reasons for refusal of planning permission relating to the site, asserting that the proposed development has not sufficiently addressed accessibility matters.
- 13.8.3. The specific objectives (PW-R-06 and PW-R-07) in the Local Area Plan for this site identify the need for an appropriate access, with a road linking Maulbaun to the north of the site with Lackaroe. The Local Area Plan also includes objective PW-U-01 providing for a local access road and this is identified as running from Maulbaun to the north connecting through the application site from Laurel Hill local road to the boundary with Lee View Place. Observers assert that as a consequence of the revised provisions in the draft County Development Plan, this local access road connection to the schools' campuses and recreational facilities at Maulbaun would not be achievable, with implications for the capacity of roads in the wider area should the subject development proceed.

Access Arrangements

- 13.8.4. The site features frontage onto Lee View Place, Carrigmahon Hill and Laurel Hill. I have addressed the provision of public transport services in this area in section 13.3, which indicated limited provision within walking distance of the site. The observations submitted assert that the proposed local road network accessing the site is of limited capacity owing to the steep terrain it traverses, narrow carriageways, absence and narrowness of footpaths, lack of structural capacity and ongoing obstructive on-street parking. Based on an overview of existing services within the area, including social, commercial and transport infrastructure, the vast majority of movements associated with the proposed development would be in the direction of Strand Road, approximately 450m to the northeast of the proposed pedestrian entrance.

- 13.8.5. To comply with the specific objectives relating to this site, it is initially essential for an appropriate access to be provided to serve the development. To address the steepness of the site terrain, the applicant has proposed a corkscrew curved main vehicular access to be provided off Carrigmahon Hill, with a separate stepped pedestrian-only access also off Carrigmahon Hill. Various access upgrade works along Carrigmahon Hill are also proposed as part of this development to address the limited functionality and capacity of the road leading from the application site to Strand Road. These proposed works would primarily entail the widening of the road carriageway at a pinch point and the provision of sections of replacement and new footpath, as well as new uncontrolled pedestrian crossing points traversing Strand Road and Carrigmahon Hill.
- 13.8.6. The layout for the housing scheme would incorporate a main spine road leading northwards from the boundary with Lee View Place to the boundary with Laurel Hill (local road L2481) in Lackaroe. The applicant's proposed site layout plan includes an annotation at the northern end of this internal road on site stating that bollards would be situated on the boundary to prevent vehicular access onto Laurel Hill until future extension of the Local Area Plan road to the north of the site. The provision of bollards would allow pedestrians and cyclists to access the site at this location onto Laurel Hill. No works are proposed along the stretch of Laurel Hill connecting the application site in Lackaroe with Carrigmahon Hill. On the southern end with Lee View Place the road extends to the boundary where it is stated a potential connection to the existing estate access road and provision for a pedestrian connection would be provided. However, the boundary treatment detail (drawing no. BP-02-PP) identifies that a 1.2m-high brick wall would be constructed on this southern boundary, thereby restricting access from the development to Lee View Place.
- 13.8.7. It is unclear whether the appropriate access arrangements required under objectives PW-R-06 and PW-R-07 of the Local Area Plan are being proposed to serve the development without due consideration of broader connectivity issues, which I consider further below.

Local Access Road Objective (PW-U-01)

- 13.8.8. From the outset, I wish to highlight that I am not aware of any other application for permission for a section of the local access road subject of objective PW-U-01 of the Local Area Plan. Specific restrictions on the timing and delivery of the local access road objective are not stated in the Local Area Plan. The inference from the Local Area Plan zoning map is that the section of local access road on the application site would terminate at Lee View Place and that it would not necessarily connect into this adjoining estate. Consequently, there would not appear to be a necessity for vehicular access to be provided from the proposed development into Lee View Place and from my visit to the area, I note the limited capacity for vehicles to use the existing roads within Lee View Place and the adjoining streets, due to their narrow width and the prevalence of on-street parking.
- 13.8.9. The Local Area Plan zoning map also identifies that the local access road would run north to south through the application site before traversing Laurel Hill into residential zoned lands in Lackaroe that are assigned a residential development objective PW-R-05. Laurel Hill local road would present substantial difficulties for vehicles to pass, including areas fronting the application site, due to the limited width of the roadway and the Planning Authority has referred to these existing constraints, which I note would hinder its efficacy as a vehicular access to and from the application site. Consequently and as per the applicant's proposals, it would not appear necessary at this juncture for direct vehicular access to be provided from the proposed development onto Laurel Hill in advance of a local access route to Maulbaun on the lands to the north of the application site being undertaken.
- 13.8.10. The Local Area Plan does not detail the specifications for this local access road or the volume of traffic that it would be expected to serve. The proposed spine road that generally follows the route of the local access road running north to south through the site would feature a carriageway width of 5.5m, with perpendicular parking bays, uncontrolled pedestrian crossings, raised tables and homezones. Footpaths would also run parallel adjoining or adjacent to both sides of the road. The applicant's Civil Engineering Report asserts that the roads have been designed to accord with the parameters of the DMURS primarily on the basis of the number of units it is intended to serve. The Area Engineer in the Planning Authority refers to the design of the proposed spine road as being acceptable and I am satisfied that

the alignment and design of the spine road would comply with the requirements of the DMURS and the local access road objective PW-U-01 set out in the Local Area Plan.

Connectivity

13.8.11. Achieving permeability and connectivity is a key issue in designing new residential neighbourhoods, particularly when aiming to encourage pedestrian and cyclist-friendly environments, and this is a key facet of the DMURS, the Sustainable Residential Development Guidelines and the accompanying Urban Design Manual, as well as Cork County Council's 'Making Places – A Design Guide for Residential Estate Development', which is referred to in the Development Plan. The issue of connectivity was addressed as a failing in the previous reasons for refusal of planning permission for residential development on these lands. The proposed stepped pedestrian access onto Carrigmahon Hill would not be useable by cyclists and all pedestrians. The options for cyclists and pedestrians unable to use the steps, would be to use the curved main entrance to the site, which is a longer route, or to use the bollard access onto Laurel Hill. Pedestrians or cyclists residing or visiting the housing in the northern half of the site would be unlikely to travel southwards to the proposed main accesses before doubling back northwards along Carrigmahon Hill, when there would clearly be a more convenient and direct route towards Passage West along Laurel Hill. Given the scale of the site, including the distances from housing areas on the northern side of the site to the proposed entrances along Carrigmahon Hill, it would appear imperative that the development be served by alternative accesses that would provide the most viable direct routes to Passage West and other services for pedestrians and cyclists.

13.8.12. The upgrade works along Carrigmahon Hill are to be welcomed and these would be to the benefit of the wider community and not just future occupants of the proposed development. Laurel Hill does not feature cycle or pedestrian paths and the Traffic and Transportation section of the Planning Authority, as well as observers and Elected Members, highlighted substandard aspects of this section of road, including sightlines, footpaths and lighting. The applicant's Detailed Design Statement does not address the pedestrian and cycle connectivity for the development onto Laurel Hill. There is a sharp right-angle bend along this local road close to its junction with Carrigmahon Hill. The proposed development would not feature any substantive

improvements to Laurel Hill roads infrastructure. The applicant's Road Safety Audit and Quality Audit did not audit Laurel Hill as a route to the development site. I am not aware of any proposals for the section of Laurel Hill to Carrigmahon Hill to be upgraded. The applicant's Traffic and Transport Assessment refers to Laurel Hill (L2481) as having a width of 3.6m and forecasts that with the proposed development in place this local road would experience a 13% to 44% increase in peak hour traffic, albeit from relatively low traffic volumes. Given the absence of footpaths from the local road, including the area at the junction with Carrigmahon Hill, and the presence of a sharp bend with severely restricted forward visibility for motorists and other road users, Laurel Hill local road would not at present provide a safe means of accessing the site for pedestrians and cyclists, notwithstanding the fact that this route would provide a much shorter, more convenient and direct route for pedestrians and cyclists from the northern side of the proposed residential development to and from Passage West and other local destinations, such as the coastal cycle route identified in the CMATS. The necessary works to provide for the safe movement of pedestrians and cyclists along Laurel Hill between the application site and Carrigmahon Hill would not appear possible to be provided as a condition of a permission, as the applicant has not stated in their application that they are in control of the area needed to undertake the road improvements that I consider would be necessary to provide for safe pedestrian and cycle access along this route, including footpaths, widened carriageway and improved public lighting.

Parking Standards

13.8.13. The applicant is proposing a total of 324 car parking spaces all at surface level to serve the development, nine of which would serve the crèche / childcare facility. Table 1a in appendix D to the Development Plan sets out a minimum requirement for two car parking spaces per house, 1.25 spaces per apartment and for a crèche / childcare facility one space per three staff and one space per ten children is required. The 145 houses, 26 apartments and crèche / childcare facility serving 43 children would attract a requirement for 332 car parking spaces based on the Development Plan minimum standards, with the shortfall of eight spaces arising for the houses. Within the submitted Material Contravention Statement the applicant states that they do not consider non-compliance with the car parking standards of the Development Plan to represent a material contravention of the Development

Plan. Observers do not consider the reduced level of car parking to be suitable for this site. The Area Engineer in the Planning Authority refers to the proposals providing for a shortfall in parking for the apartments, but this would not be the case.

13.8.14. The Development Plan states that a reduction in the car parking requirement may be acceptable subject to good public transport links already being available and / or a Transport Mobility Plan for the development that demonstrates that a high percentage of modal shift in favour of sustainable modes of transport would be achieved in a development. National policy objective 13 of the NPF advocates car parking standards in urban areas based on performance criteria.

13.8.15. The applicant considers the provision of car parking to serve the residential units to be appropriate with reference to national and regional planning policy supporting alternative modes of transport to the private car, the excess proposed provision of cycle parking spaces in the development and as the Sustainable Residential Development Guidelines advocate use of maximum car parking standards in statutory plans, as opposed to minimum car parking standards. A Mobility Management Plan is provided with the application, and this outlines various measures to influence use of more sustainable modes of transport as part of the development, including the appointment of a travel coordinator to promote and support the provisions of the Mobility Management Plan serving the development. The area does have access, albeit of limited extent, to public transport services, while observers assert that this public transport access would not improve further under CMATS proposals. Observers also raise concerns regarding the asserted over-aspirational measures to address modal shift within the submitted Mobility Management Plan.

13.8.16. The provisions within table 1a of appendix D to the Development Plan are clearly standards and deviation from these standards would not be likely to be of a material nature, particularly where there is compliance with contemporary planning policy. I do not consider the minor shortfall in car parking for the houses to represent a material contravention of the provisions of the Development Plan, given that this only relates to non-compliance with a standard, given the need under the Sustainable Residential Development Guidelines to apply maximum, as opposed to minimum standards, and as ownership of two cars per house would be necessary for all houses in this location based on 2016 census data for the subject small area

(ref.047271009). I am satisfied that car parking standards below the Development Plan minimum standards for the housing element of the proposed development would be reasonable in this situation. Based on the information submitted with the application, I am satisfied that sufficient car parking would be provided to serve the proposed development.

Traffic

- 13.8.17. The observers refer to an array of concerns regarding the potential for the development to increase traffic congestion already experienced in the area, which would impact on road safety, particularly along Carrigmahon Hill. The applicant submitted a Traffic and Transport Assessment as part of their application and the observations assert that the applicant has been selective in use of data for this assessment, particularly the modal split applied. The applicant's modelling suggested the number of additional vehicular trips associated with the proposed development exiting onto the Strand Road from the Castle Terrace / Glen Road junction to the south of the site during the morning peak hour (08:00 – 09:00) would comprise 72 outward trips, with 56 additional returning trips at this junction during the evening peak hour (17:00 – 18:00). The number of additional vehicular trips associated with the proposed development exiting onto the Strand Road from Carrigmahon Hill during the morning peak hour (08:00 – 09:00) would comprise 89 outward trips, with 92 returning trips at this junction during the evening peak hour (17:00 – 18:00).
- 13.8.18. The submitted Traffic and Transport Assessment asserts that, if permitted, the proposed development would result in 70% to 287% increased traffic volumes during peak hours in the operational year (2040) along Carrigmahon Hill. Further substantive percentage increases in traffic are anticipated on the neighbouring roads during peak hours in the operational year, however, the applicant's assessment of the two critical junctions onto the Strand Road did not highlight extensive delays for traffic arising, particularly as the additional traffic that would be generated would be in addition to existing low base levels.
- 13.8.19. I am satisfied that based on the information provided in the Traffic and Transport Assessment, a reasonable approach to modelling future vehicular traffic scenarios on the local road network with the development in place has been set out and this

does not reveal substantive inconvenience for road users with adequate capacity for the additional traffic movements onto Strand Road. The assessment broadly follows the Transport Infrastructure Ireland guidance on this matter and an alternative technical assessment contradicting the approach or the findings of the applicant's assessment has not been provided. Furthermore, the Planning Authority has not objected to the findings of the applicant's Traffic and Transport Assessment, and I am satisfied that the applicant has provided adequate justification and rationale for the approach undertaken in their assessment, with sufficient information included for the purpose of this assessment.

13.8.20. The site is located on zoned lands with reasonable access to an array of services. The proposed development would provide for a reasonable scale of development. There would undoubtedly be some increase in traffic numbers as a result of the proposed development, which would invariably add to any existing congestion that is acknowledged in the application Mobility Management Plan to occur in the Cork metropolitan area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently and temporarily and various measures and design features have been set out within the application and as part of the proposed development to support the use of public transport, cycling and walking, as an alternative to the use of private vehicles.

13.8.21. All road networks feature limited capacity in terms of the accommodation of private cars and increased population in locations such as the application site area, which are served by public transport and have the capability for additional public transport services as demand requires, should be developed in the interest of providing for sustainable communities.

Conclusion

13.8.22. In conclusion, the proposed development would not reasonably result in significant additional traffic congestion in the area and it would feature an appropriate provision of car and cycle parking. However, I am not satisfied that an appropriate means of accessing the site has been presented in the proposed development, and potential amendments to improve connectivity and encourage pedestrian and cyclist movements over car journeys would be undermined by the substandard condition of

the stretch of local road (L2481) along Laurel Hill to safely cater for pedestrians and cyclist movements associated with the proposed development.

13.9. Services and Drainage

- 13.9.1. The observations assert that the proposed development would impact on ongoing problems with existing water supply and drainage services and that the proposed development would be incapable of being served by existing services. As referred to above, the application was accompanied by a Civil Engineering Report.

Water Supply and Wastewater Services

- 13.9.2. There is an existing 150mm-diameter watermain running along Carrigmahon Hill, which the applicant proposes to connect into in order to supply water to the proposed development. It is proposed to discharge foul wastewater from the development to an existing 225mm-diameter foul sewer also running along Carrigmahon Hill. The applicant has proposed use of a pumping station on site, which they state would be used to pump wastewater from 15 houses into the proposed internal wastewater drainage network. The proposed foul sewer drawing (no. 2 0241-MMS-ZZ-ST-DR-C-10001 Revision P03) suggests that only ten houses (nos.91 to 100) would be served by this pumphouse. Notwithstanding this, the reason for requiring this pumphouse is due to the positioning of these houses on ground below the proposed internal wastewater collection network. The pumphouse would be positioned fronting the houses it would serve in a green area and it would be approximately 2m in height according to the submitted pumphouse drawing (no. 20241-MMS-ZZ-ST-DR-C-10020). The majority of the plant and equipment associated with this would be positioned underground and planting would be used to screen the structure.
- 13.9.3. Observations assert that the applicant's water supply would not suitably serve the proposed development, as it would only serve a population equivalent of 469 persons based on the average household size. Furthermore, the observations assert that the foul water calculations fail to account for the 43 children attending the proposed crèche / childcare facility, thereby underestimating the demand that would be placed on wastewater treatment infrastructure by these services. In this regard I note the expectancy that the majority of the children intended to be catered for in the proposed crèche / childcare facility would be from the subject development, thereby

having only limited impact on overall water supply and wastewater services. The observations also refer to the condition of the existing wastewater infrastructure down gradient of the site, as being incapable of catering for the proposed development. Irish Water who maintain and manage this infrastructure has confirmed in their submission that a connection to their water supply and wastewater infrastructure can be made based on the details of the proposed development and subject to standard connection agreements. In conclusion, I consider the water supply and wastewater proposals to serve the subject development to be satisfactory, subject to appropriate conditions.

Surface Water Drainage and Flood Risk

- 13.9.4. Within their Civil Engineering Report the applicant highlights that at present there is no existing surface water network in the immediate vicinity of the proposed development. The site is not in an area of flood risk and there are no substantive watercourses on site. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed development is 'less vulnerable' and therefore appropriate for the site.
- 13.9.5. It is proposed to construct a local stormwater network on site to cater for the new road network and rainwater from the roofs of the proposed houses are proposed to be drained to individual soakaways. Stormwaters will discharge at two points along Carrigmahon Hill to a new 375mm-diameter pipe to be laid for a stated length of 500m along Carrigmahon Hill draining towards the harbour wall on Strand Road. Surface waters would be managed through SUDS measures, while stormwater from the site would be discharged to the estuary only after passing through silt traps and fuel interceptors. Stormwaters from the east side of the site along the lowest stretch of estate access road serving house nos.91 to 100 would drain to a percolation well / tank positioned in the public open space adjacent to the proposed pumphouse. This would not drain a substantive area, but further details would be necessary clarify how stormwaters to this well or tank would discharge or infiltrate.
- 13.9.6. Observers refer to significant runoff occurring at present along the local road network during and following heavy rainfall, and it is assert that the proposed calculations undertaken to address surface water drainage are flawed, as the applicant has failed

to account for springs on site and as the percolation tests were undertaken during a period of below average rainfall. It is also asserted that the use of on-site soakpits would lead to flooding of neighbouring properties, a number of which are stated by observers to have already experienced flooding due to surface water runoff. While not objecting to the development, the Area Engineer from the Planning Authority state that the robustness of the proposal to adequately deal with surface water in storm events needs to be considered. Cognisance of the topography of the site and the potential for consequential significant flows is referred to by the Area Engineer. The Area Engineer refers to stormwater calculations being based on a return of 30 years, which they do not consider to be adequate, as a 1 in 100-year return period should have been utilised in calculating the capacity of the stormwater network.

13.9.7. The Area Engineer also has problems regarding the proposals to discharge roof water from the development to individual soakaways within each garden, due to the ongoing maintenance of such soakaways and the potential for subsequent failures of these soakaways over time. The Area Engineer's preference is to attenuate all stormwater from the development site to the new stormwater pipe with discharge at greenfield runoff rates.

13.9.8. According to the Greater Dublin Regional Code of Practice for Drainage Works (Version Draft 6.0) soakaways and similar infiltration systems may be used for the disposal of surface water from buildings and paved areas, and they must comply with the relevant documents, including BRE Digest 365 and the SUDS Manual CIRIA C522. This SUDS Manual C522 has since been superseded by SUDS Manual CIRIA C697 and SUDS Manual CIRIA C753. Following a review of the site constraints, infiltration tests and SUDS Manual CIRIA C753, the applicant states that it was determined that the waters from the roofs in the development could be managed on site and not added to the local stormwater network. Each soakaway would allow water to soak into the ground within private gardens. According to SUDS Manual CIRIA C697, a 1 in 10 or 1 in 30-year design event is generally only required for soakaways serving individual properties and based on the calculations provided in appendix B to the submitted Civil Engineering Report, the soakaways appear to have been designed in line with this soakaway design requirement. According to SUDS Manual CIRIA C753 soakaways can operate without maintenance and householders can be made aware of surface water drainage

connected to soakaways and be given full details of maintenance obligations. While SUDS Manual CIRIA C753 does identify steep sloping sites as not being suitable for certain infiltration systems, this does not include soakaways. Accordingly, I am satisfied that there would be scope to utilise soakaways as part of the development drainage strategy and the applicant has complied with relevant guidance in calculating the design of same.

- 13.9.9. According to the applicant, based on the Greater Dublin Strategic Drainage Study – Regional Drainage Policies Technical Document - Volume 2 New Development (March, 2005) the stormwater management measures do not need to be concerned with respect to flooding, due to the gravity discharge being direct to the estuary, while they also state that the piped network has been designed to accommodate 1 in 30 and 1 in 100-year return periods.
- 13.9.10. Whilst I would acknowledge the matters raised regarding surface water management, the proposed development, through its introduction of a dedicated surface water collection system draining directly to the estuary and on-site infiltration designed to the appropriate standards, would intercept surface water runoff and divert much of the surface water away from surrounding properties and would be unlikely to exacerbate existing surface water drainage issues.
- 13.9.11. The Planning Authority require revised surface water drainage proposals to cater for 1 in 100-year flood event calculations and with an additional capacity to cater for climate change, however, I do not consider this to be warranted based on the considerations above, including reference to the Greater Dublin Strategic Drainage Study – Regional Drainage Policies Technical Document - Volume 2 New Development. Notwithstanding this, standard stormwater audits can be requested via condition to ensure the satisfactory undertaken and operation of the installed system. Accordingly, subject to conditions, I am satisfied that the drainage details submitted with the application reveal that the subject development can be satisfactorily served by drainage services and it would not increase the risk of flooding to other lands.

13.10. Built and Natural Heritage

Local Ecological Impacts

- 13.10.1. This site lies on the edge of an urban area and current land uses in the vicinity are detailed in section 2 above. Observers assert that consideration must be given to the impact of the development on biodiversity and wildlife. An Ecological Impact Assessment was submitted with this application following field surveys in August 2021, and January 2022, as well as additional otter and bat surveys. This Assessment outlines the habitats and species identified on site during surveys, as well as referring to designated sites for nature conservation in the vicinity, including Monkstown Creek proposed Natural Heritage Area (pNHA) (site code: 001979) located 1.1km to the south of the application site and other pNHAs that would be indirectly connected via the River Lee estuary to the site.
- 13.10.2. The site is stated by the applicant to be dominated by habitats categorised into improved agricultural grassland (GA1), hedgerows (WL1), treelines (WL2), scrub (WS1), mixed broadleaved woodland (WD1) and buildings and artificial surfaces (BL3). It features numerous trees and hedgerows, a number of which would be removed as part of the project and these are primarily located on the field boundaries along the periphery of the site, cutting east to west through the site and along Carrigmahon Hill in the area proposed to undergo road access upgrade works. A detailed list of tree species and their conditions is provided in the applicant's Arboricultural Assessment. The applicant has also surveyed the coastal habitats in the immediate vicinity of the stormwater outfall pipe in the harbour wall. These habitats comprise marine water (estuaries) (MW4), mixed sediment shore (LS5), and sea walls, piers and jetties (CC1). Only the marine water (estuaries) (MW4) habitat conforms to an Annex I habitat.
- 13.10.3. No species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the inland development site at Lackaroe and Monkstown townlands. Evidence of badger or red squirrel using the housing site was not identified and the site was not considered suitable for sika deer. Potential for hedgehog to use the site was not excluded. Potential impacts on bats are considered further below. Of the eight bird species recorded as using the inland part of the site, no Annex I or species of conservation concern were noted. Cherry Laurel

a high-impact invasive species was previously recorded in the woodland area on the east side of Carrigmahon Hill, but no invasive species were identified on site during surveys. Otters were not recorded to be using the estuarial area close to the site, but they are likely to forage and commute through this area. The Planning Authority require a pre-construction survey for otter along the shoreline, which would be reasonable in this case. Six bird species of special conservation interest for Cork Harbour Special Protection Area (SPA) were identified along the estuarial area, including Curlew, Black-headed Gull, Grey Heron, Oystercatcher, Common Redshank and Lesser Black-backed Gull.

13.10.4. The development part of the site comprising the housing area and approach roads are of negligible to low ecological value. To address potential impacts of the project on local ecology, the applicant sets out various measures to address the potential negative impacts, including ecological monitoring and the control of surface water runoff during the construction phase. Landscaping would be undertaken to address the loss of trees and hedgerows, in order to provide a net biodiversity gain. This would be improved further by maintaining additional sections of the townland boundary hedgerow for heritage purposes. Works along the harbour wall would be overseen by a qualified ecologist and measures to prevent pollution and avoid impacts on the estuarine environment are also outlined. Bird boxes would be provided in landscaped areas and lighting would be sensitive to certain species. After alleviation, the applicant asserts that no significant adverse effects are likely to arise for biodiversity from this project. With the implementation of the identified measures, I am satisfied that the residual impact on local ecology would be no more than moderate-negative.

Bats

13.10.5. All Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also). A bat survey was undertaken during peak season for bat activity in August and September, 2021, and this identified that no roosts for bats were recorded on site. Three species of bats were identified foraging or commuting through the site, but the level of activity was considered by the applicant to be low.

13.10.6. To avoid displacement of commuting or foraging bats, the applicant proposes to incorporate bat-sensitive lighting as part of their proposals, and I am satisfied that this can be requested as part of the finalised lighting proposals. Additional planting as part of the landscaping measures and the avoidance of lighting in the wooded main entrance area are referred to as providing suitable foraging and commuting areas for bats. The applicant's bat survey refers to the potential for roosting bats within three mature trees on site, including those intended to be felled and removed as part of the subject road access upgrade proposals. To address impacts on bats and other species, the Planning Authority has also requested that a project ecologist be engaged to review works involving the removal of ivy from trees and I would also suggest that this requirement should be extended to include review of works involving the felling of mature trees with potential for bat roosts, particularly as bat roosts are not fixed. Accordingly, I am satisfied that, subject to conditions and the stated measures being implemented in full, there would not be a significant adverse impact on bat populations, as a result of the proposed development.

Trees

13.10.7. The observations submitted object to the extent of tree and hedgerow removal proposed as part of the development. Following a tree survey, 49 of the 81 trees and hedgerows were identified for removal, including 18 grade C trees of low quality with an estimated remaining life expectancy of at least ten years and 31 grade U trees, which are stated to be trees in such a condition that any existing value would be lost within ten years. The trees identified include ash, sycamore, oak, elm, beech, holly, myrtle and laurel. The majority of the trees to be removed are in roadside locations on steep embankments along Laurel Hill and Carrigmahon Hill.

13.10.8. Proposals with respect to tree protection were submitted as part of the tree protection drawing (no.TMS.OBOF.09.21.03A), and trees to be removed are identified on a tree constraints drawing (no.TMS.OBOF.09.21.02A). Replacement tree planting would be undertaken throughout the site, as illustrated and listed on the applicant's planting plans (drawing no. PP-01-PP and PP-02-PP).

13.10.9. I am not aware of an objective to preserve trees and woodlands on these lands. The most visually impressive of the trees on site are situated along Carrigmahon Hill, which features extensive tree cover leading east down to the Strand Road. The

extent of tree removal would only have minor implications along the roadside areas and with the maturation of compensatory replacement planting this would allow for screening of the development and maintaining of the character of the area.

- 13.10.10. I am satisfied that given the extent of trees to be maintained on site and the trees to be protected, the stated condition of the trees on site and the proposed provision of replacement tree planting, a sustainable approach to redeveloping the site has been set out in this regard. In the event that permission is granted for the proposed development, I recommend the attachment of conditions with respect to the engagement of an arborist as part of the landscape works to best provide for protection of any trees to be maintained on site.

Architectural Heritage

- 13.10.11. The observations assert that the proposed development would impact on the character and setting of ACAs and neighbouring properties listed in the NIAH, including Carrigmahon House on the east side of Carrigmahon Hill. The proposed works would involve the removal of a section of boundary wall, trees and entrance piers along Carrigmahon Hill to provide a revised vehicular access to Carrigmahon Lodge and to facilitate road upgrades, including a footpath. The applicant's Archaeological Impact Assessment and Landscape and Visual Impact Assessment identify the locations of neighbouring properties that are listed in the NIAH. The ACA for Monkstown (upper and lower) is over 650m to the southeast of the site and the Passage West ACA is 250m to the northeast of the main development site at Lackaroe, albeit with part of the site at the junction of Carrigmahon Hill and Strand Road within this ACA. The ACAs appear to be of special interest for the various historical buildings and structures contained within them. The nearest neighbouring protected structures are located within each of these ACAs. Fáilte Ireland, An Taisce and The Heritage Council did not respond following consultation by the applicant regarding the application.

- 13.10.12. Given the separation distance of the proposed housing area of the subject site from these ACAs, as well as the nature and scale of the proposed works at the junction of Carrigmahon Hill and Strand Road, primarily comprising the undertaken of underground engineering services and the provision of a section of footpath and a pedestrian crossing, the proposed development would not reasonably have any

appreciable permanent impact on the character or setting of these ACAs and the protected structures within them.

13.10.13. Other than Carrigmahon House, the other NIAH buildings are at a sufficient remove from the site, not to have their character and setting impacted upon by the development. Carrigmahon House is recorded in the NIAH (under reference 20987020) as an impressive house of regional rating and dating from approximately 1830. The NIAH record describes various features of the house and associated outbuildings, but does not refer specifically to the gate piers proposed to be removed as part of the subject proposals. I am satisfied that the special interest and character of the NIAH property would not be substantively impacted by the subject proposals and the proposed development would not appear to contradict any guidance within the Architectural Heritage Protection – Guidelines for Planning Authorities (2011).

13.10.14. Archaeology

13.10.15. An Archaeological Impact Assessment was submitted as part of the application and this did not identify high potential for archaeological remains to be found on the application site. The Planning Authority has requested that a condition be attached in the event of a permission for the development requiring pre-development archaeological testing and assessment, as well as archaeological monitoring. I am satisfied that the results of the applicant's initial archaeological assessment would not give rise to a situation that would preclude the granting of permission or the construction of the proposed development. Notwithstanding this, given the potential for unknown archaeological features to survive on site, a condition similar to that required by the Planning Authority would appear reasonable and necessary to attach in the event of a grant of permission for the proposed development.

13.11. Material Contravention

13.11.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan or a Local Area Plan relating to the area concerned, albeit with exception to a

material contravention of zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below.

- 13.11.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Development Plan and the Local Area Plan with regard to specific statutory planning requirements, other than in relation to the zoning of the land.
- 13.11.3. The applicant addresses potential for a material contravention to arise with respect to the car parking provision, however, for reasons outlined above, I am satisfied that a material contravention would not arise regarding this matter. Observations assert that a material contravention would arise with respect to non-compliance of the proposals with the metropolitan greenbelt land-use zoning objective for the site based on the Draft Cork County Development 2022-2028, however, this draft Plan is not presently the statutory plan for this area and, as noted above, a material contravention with respect to current land-use zoning objectives would not arise in the case.
- 13.11.4. Section 37 of the Act of 2000 provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in circumstances where at least one of the following applies:
- (i) the proposed development is of strategic or national importance;
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned;
 - (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government;
 - (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Residential Density

- 13.11.5. As noted above, I am satisfied that a material contravention of the Development Plan and the Local Area Plan would arise with respect to the proposed residential density of 31 units per hectare, as this density would exceed the 25 units per hectare objective limitation for the subject medium 'B' density lands and an exceptional market requirement for the proposed density has not been demonstrated.
- 13.11.6. On the basis of my assessment above, I am satisfied that the proposed development is of strategic and national importance by reason of its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply within the Cork metropolitan area, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland – Action Plan for Housing and Homelessness' (2016). Accordingly, I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the residential density provisions of the Development Plan and the Local Area Plan.
- 13.11.7. In relation to the matter of conflicting objectives in the Development Plan or objectives that are not clearly stated, which is addressed in section 37(2)(b)(ii) of the Act of 2000, I am satisfied that this would not apply in this case as the objectives in the Local Area Plan and in the Development Plan with respect to density are reasonably well stated.
- 13.11.8. With regard to section 37(2)(b)(iii), as considered in detail above in section 13.3, I am satisfied that the residential densities for the proposed development in this location are in accordance with national policy, as set out in the NPF, specifically NPO 13 and NPO 35, and regional policy for the Cork metropolitan area, as set out in the Southern Regional Assembly RSES. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a material contravention with respect to residential densities is justified in this case.
- 13.11.9. In relation to section 37(2)(b)(iv) of the Act of 2000, I note that the current Development Plan was adopted in 2014, however, given the limited levels of development in this area in the interim and at the scale proposed, I am not aware that the proposed development is continuing on an emerging pattern of development with respect to residential density. Accordingly, I am satisfied that the provisions of

section 37(2)(b)(iv) of the Act of 2000 would not be applicable in these circumstances.

13.11.10. Should the Board be minded to invoke the material contravention procedure, as relates to the Development Plan and Local Area Plan provisions pertaining to residential density, I consider that the provisions of sections 37(2)(b)(i) and (iii) have been met with respect to the proposed development. In this regard I am satisfied that the Board would be in a position to grant permission for the proposed development.

14.0 Environmental Impact Assessment Screening

14.1.1. The applicant has addressed the issue of EIA within an EIA Screening Report, which contains information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001-2021 (hereinafter ‘the Regulations’). I have had regard to same in this screening assessment. The information provided by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

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

- (i) construction of more than 500 dwelling units,
- (iv) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

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

14.1.3. The development would provide for the construction of 171 dwelling units, a crèche / childcare facility and road improvement works, all on a site measuring 6.77 hectares in a non-business district on the edge of a built-up urban area. Having regard to

classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA.

14.1.4. The criteria within Schedule 7 to the Regulations are relevant in considering whether this proposed subthreshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area to the south and east. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The agricultural use of the site is noted, and significant constraints in developing the site at the scale proposed have not been identified in testing. The development would be served by municipal drainage and water supplies. The site is not subject to any architectural or nature conservation designation and does not support substantive habitats or species of conservation significance, as highlighted in the applicant's Ecological Impact Assessment and addressed in section 13.10 above.

14.1.5. The various reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the impact of the proposed development, in addition to the cumulative impacts with regard to other permitted and existing developments in proximity to the site. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application, including the following:

- Planning and Design Statement;
- Statement of Consistency;
- Landscape and Visual Impact Assessment;
- Architectural Design Statement;

- Photomontages;
- Civil Engineering Report;
- Traffic & Transport Assessment;
- Ecological Impact Assessment;
- AA Screening and Natura Impact Statement;
- Construction, Traffic and Waste Management Plan.

14.1.6. In addition, noting the requirements of Section 299B(1)(b)(ii)(II)(C) of the Regulations, the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive have been taken into account. In this regard I note the following EU directives are directly addressed by the applicant in their Statement on EIA Screening Process - Pursuant to Article Section 299B of the Planning and Development Regulations 2001 (as amended):

- Directive 2001/42/EC; SEA Directive;
- Directive 1992/43/EEC, Habitats Directive;
- Directive 2009/147/EC; Birds Directive;
- Directive 2000/60/EC; Water Framework Directive;
- Directive 2008/56/EC; Marine Strategy Framework Directive;
- Directive 2008/50/EC; Ambient Air Quality / Clean Air for Europe Directive;
- Directive 2002/49/EC; Environmental Noise Directive;
- Directive 2002/44/EC; Vibration Directive;
- Directive 2008/98/EC; Waste Framework Directive;
- Seveso III Directive 2012/18/EU; Risk of Major Accidents;
- Directives 2003/4/EC and 2003/35/EC; Aarhus and ESPOO Conventions;
- Directive 2007/60/EC, Floods Directive.

- 14.1.7. Under the relevant themed headings, the EIA screening information prepared by the applicant addresses the implications and interactions of the proposed development, and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan and the Local Area Plan.
- 14.1.8. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a grant of planning permission for the proposed development be arrived at. This conclusion is consistent with the EIA screening information submitted with the application. Overall I am satisfied that the information required under article 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination can be issued confirming that there is no requirement for an EIAR to be prepared for the project based on the above considerations.

15.0 Appropriate Assessment

- 15.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are considered in the following section.

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

15.2.1. 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 an AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. The proposed development in the townlands of Lackaroe and Monkstown, including the development area along Carrigmahon Hill and Strand Road extending to the harbour wall, 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).

15.3. Stage 1 AA Screening

15.3.1. The applicant has submitted a Natura Impact Statement (NIS) prepared by Greenleaf Ecology with a Screening Report for AA appended to the NIS. The Screening Report for AA provides a description of the proposed development and identifies European Sites within the possible zone of influence of the development.

Site Location

15.3.2. A description of the site is provided in section 1 above and throughout the assessments above. The site is of greenfield characteristics primarily on the edge of an urban settlement and the habitats identified on the site are outlined in section 13.10 above. The site does not feature any watercourses, but it does propose a stormwater outfall pipe extending from the site under the carriageway to the harbour wall along the estuary. No Annex I habitats were recorded within the application site and species of special conservation interest (SCI) were not recorded as using the housing development area of the application site. The applicant states that invasive species were not recorded on site, although Cherry Laurel has previously been recorded within mixed broadleaved woodland to the east of the site. This is considered a high impact species, although it is not included as a non-native species

in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011).

- 15.3.3. The applicant notes that 106 differing bird species have been recorded as using the coastal area along the harbour, including 19 species listed in Annex I of the Birds Directive. During the applicant's bird surveys between October 2021 and January 2022, six bird species of SCI for the neighbouring Cork Harbour SPA were recorded as using the estuarine area close to the surface water outfall for the proposed development, including Curlew, Black-headed Gull, Grey Heron, Oystercatcher, Common Redshank and Lesser Black-backed Gull.

Proposed Development

- 15.3.4. A detailed description of the proposed development is provided in section 2 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the application documentation, including the Construction, Traffic and Waste Management Plan. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Cork Lower Harbour Wastewater Treatment Plant (WWTP). Surface waters from the roofs of buildings would discharge to individual on-site soakaways, where these waters would infiltrate to ground. Following various standard practice construction site environmental management measures, stormwaters from hardstanding areas, including roads, would be drained into a network of piped drains that would discharge into a new stormwater drain to be laid along Carrigmahon Hill to the Strand Road, prior to final outfall from the harbour wall to the River Lee estuarial area. Standard measures to remove sediment and hydrocarbons would be installed along the stormwater drainage network.
- 15.3.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:
- Construction Phase – surface water runoff, disturbance and emissions, including dust, noise and vibration;
 - Operation Phase – disturbance, surface water runoff and emissions to water.

Submissions and Observations

15.3.6. The submissions and observations from the Planning Authority and prescribed bodies are summarised in sections 10 and 11 of this report. The ecologist for the Planning Authority acknowledges the habitats on site and notes that risks to European sites within the harbour appear to be dealt with adequately as part of the NIS submitted and with the measures proposed. The Planning Authority ecologist recommends additional conditions, including the preparation of a Construction Environmental Management Plan for the project.

European Sites

15.3.7. The nearest European sites to the application site, including Special Areas of Conservation (SACs) and SPAs, comprise the following:

Table 5. European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
004030	Cork Harbour SPA <ul style="list-style-type: none"> • Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] • Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Grey Heron (<i>Ardea cinerea</i>) [A028] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] 	2.2km – & 1.3km -	north & south

	<ul style="list-style-type: none"> • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Common Tern (<i>Sterna hirundo</i>) [A193] • Wetland and Waterbirds [A999] 		
001058	<p>Great Island Channel SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] 	2.2km	north

15.3.8. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site, aided in part by the EPA AA Tool (www.epa.ie). Table 2 of the applicant's screening report identifies the potential links to European sites from the application site. Distances and direction from the site to European sites are listed in table 5 above. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 6. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
Cork Harbour SPA 004030	<p>QIs – 24 bird species</p> <p>To maintain the favourable conservation condition of the 24 qualifying interest bird species</p> <p>To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly occurring migratory waterbirds that utilise it</p>	<p>Yes</p> <p>Weak hydrological connections exist through:</p> <p>Stormwater ultimately discharging to Cork harbour</p> <p>Wastewater from the site passes and would be treated in Cork Lower Harbour</p>	Yes

	<p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004030.pdf</p>	<p>WWTP, which also discharges to Cork harbour.</p> <p>Six qualifying bird species of scientific interest for Cork Harbour SPA, namely Curlew, Black-headed Gull, Grey Heron, Oystercatcher, Common Redshank and Lesser Black-backed Gull were recorded using the estuarine area close to the proposed stormwater outfall to serve the development.</p>	
<p>Great Island Channel SAC 001058</p>	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide</p> <p>To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p>	<p>Yes</p> <p>Weak hydrological connections exist through:</p> <p>Stormwater ultimately discharging to Cork harbour</p> <p>Wastewater from the site passes and would be treated in Cork Lower Harbour WWTP, which also discharges to Cork harbour.</p>	

15.4. Potential Effects

15.4.1. Habitat loss and fragmentation would not arise given the location and nature of the site. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- increased noise, dust and/or vibrations, as well as visual presence as a result of construction activity;
- surface water and stormwater drainage from the proposed development site;
- increased wastewater being sent to Cork Lower Harbour Wastewater Treatment Plant during the operational phase of the proposed development.

Construction Phase

- 15.4.2. Having regard to the information submitted with the application, including the Civil Engineering Report and the Construction, Traffic and Waste Management Plan, pollution sources would be controlled through the use of normal best practice site management. The proposed construction management measures outlined, including the asserted mitigation measures outlined in applicant's NIS, are typical and well-proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their implementation, including compliance with a project Construction Environmental Management Plan, would be necessary for a residential and crèche / childcare facility development on any site featuring a coastal stormwater outfall, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out would be standard requirements for a project of this scale and nature and in this context.
- 15.4.3. There are no surface watercourses on site based on the survey data for the site and the drainage proposals submitted. The nearest Environmental Protection Agency (EPA) waterbody comprises the River Lee Estuary, which is located approximately 170m to the east of the housing development area on the application site, and includes the Cork harbour coastal waters and Lough Mahon transitional waters. According to the EPA, the water quality of these waterbodies is classified as 'moderate' and 'at risk' based on categorisation for the purposes of the Water Framework Directive.
- 15.4.4. Survey details provided with the applicant's NIS highlight qualifying interest bird species associated with the conservation objectives of neighbouring European sites habituating an adjacent area to the site stormwater outfall. Low numbers of these bird species were identified foraging along the shoreline in the vicinity of the harbour wall. The applicant's NIS refers to the potential for noise and visual disturbance of these and other birds using this area during the construction and operational phases of the development, which would be likely to disturb and displace birds foraging along the shoreline. Given the separation distance from the housing development area to the harbour and the improvement works to an existing road with intervening urban and wooded areas featuring extensive ongoing human activity, the

construction works on the housing and road area of the application site would not reasonably increase disturbance effects for birds in Cork harbour.

- 15.4.5. The applicant refers to the construction activity featuring installation of an outfall pipe in the harbour wall, as presenting the greatest potential of the proposed development to disturb or displace birds along the shoreline. In this regard I note the extensive ongoing use of the shoreline for human activity, including boating, ferrying, transport and recreation. The applicant refers to the low number of bird species using this neighbouring shoreline area as not being significant relative to their Cork Harbour SPA respective populations and should birds be intermittently disturbed by the construction works, as would be normal occurrence for other active areas along the harbour, these birds would temporarily relocate to alternative extensive proximate areas for foraging purposes. Given the standard construction practices and limited area that would be required as part of the construction of the outfall element of the project, the low number of birds identified as foraging in this area, the ongoing extensive human activity along and within the harbour, and the scope for birds to utilise other extensive ex-situ habitats for foraging purposes, I am satisfied that the outfall element of the project would not significantly increase disturbance effects to birds in Cork harbour, including those identified as being qualifying interests for Cork Harbour SPA.
- 15.4.6. I am satisfied that the potential for likely significant effects on the conservation objectives of European sites in Cork harbour can be excluded given the absence of a likely pollution source on the site, the considerable intervening distances and the volume of waters separating the application site from European sites in Cork harbour (dilution factor). In the event that the pollution and sediment-control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the conservation objectives of European sites can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in the harbour area.
- 15.4.7. The construction phase will not result in significant environmental impacts that could affect European sites within the wider catchment area.

Operational Phase

- 15.4.8. During the operational stage stormwater from the site would be discharged after passing through sedimentation and fuel interceptor traps, while surface waters from roofs would infiltrate to ground within individual soakaways. In the event that the SUDS, pollution control and stormwater treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the conservation objectives of European sites in Cork harbour can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development featuring a piped stormwater network and the distance and volume of water separating the application site from European sites in Cork harbour. Therefore, surface waters and stormwaters arising from the proposed development would not be likely to give rise to significant indirect impacts on European sites connected with the site.
- 15.4.9. The discharge of wastewater to the municipal wastewater treatment plant at Shanbally provides a pathway for potential impacts to the European sites. Cork Lower Harbour WWTP is understood to currently serve a population equivalent of approximately 20,000 persons, it has a population equivalent capacity for approximately 65,000 persons and is subject to licensing from the EPA, a process that is itself subject to AA. I note that Irish Water have indicated that capacity for the proposed development to connect to mains services is available and the scale of the development serving approximately 500 persons is not considered to be significant in the context of the available capacity. It is considered that the additional loading to the Cork Lower Harbour WWTP arising from the proposed development is not likely to give rise to significant indirect impacts on European sites.
- 15.4.10. On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Cork harbour and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Cork harbour via surface water or stormwater runoff, and emissions to water.
- 15.4.11. The applicant also refers to the potential for increased noise and visual disturbance effects on birds habituating the shoreline area along the harbour, arising from the

increased human activity associated with the operation of the housing development, including increased numbers of walkers along the harbour. Considering the ongoing extensive levels of human activity evident in the area, the introduction of an additional resident population of approximately 500 persons in a location 150m from the harbour area would not reasonably have a significant impact on birds using the foreshore area.

In-combination Impacts

- 15.4.12. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Cork metropolitan area. This can act in a cumulative manner through surface water run-off and increased volumes to the municipal water treatment plants.
- 15.4.13. The expansion of the city is catered for through land-use planning by the Planning Authorities in the Cork area, including the Cork County Development Plan 2014 and the Ballincollig – Carrigaline Municipal District Local Area Plan 2017. Both the Development Plan and Local Area Plan have been subject to AA by the Planning Authority, who concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, the Cork Lower harbour WWTP has substantial operational capacity to serve the proposed development and this facility is currently operating under the EPA licencing regime that was subject to AA Screening.
- 15.4.14. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

AA Screening Conclusion

- 15.4.15. The distance between the proposed development site and any European sites, and the very weak ecological pathways are such that the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network in Cork harbour.

15.4.16. The proposed development was considered in light of the requirements of Section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 001058 (Great Island Channel SAC) and European Site No. 004030 (Cork Harbour SPA), in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

15.4.17. I recognise that the applicant has considered that there would be potential for the proposed development to result in likely significant effects on the water quality within Cork Harbour SPA and Great Island Channel SAC, as well as disturbance to SCI for Cork Harbour SPA, and, as a consequence they concluded that a AA would be necessary, thus instigating the submission of a NIS for the proposed development with the application. Based on my assessment above, it appears that this approach was taken primarily out of an abundance of caution and a Stage 2 AA of the proposed development is not necessary.

15.4.18. The possibility of significant effects on European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

16.0 Conclusion and Recommendation

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

17.0 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 4th day of February, 2022, by O'Brien and O'Flynn care of McCutcheon Halley Chartered Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, Cork.

Proposed Development:

The development will consist of:

- construction of 171 residential units, comprising a mixture of 47 four-bedroom two-storey houses, 82 three-bedroom two-storey houses, 16 two-bedroom two-storey townhouses and 23 one and two-bedroom apartments in a three to four-storey block and three two-bedroom apartments in a three-storey block;
- construction of a two-storey crèche/childcare facility measuring a stated gross floor area of 387sq.m;
- provision of landscaping and amenity areas and all associated infrastructure and services, including vehicular and pedestrian accesses off Carrigmahon Hill (L-2480) to the east and pedestrian/cycle access off Laurel Hill (L-2481), improvements to the existing roadway along Carrigmahon Hill, including new sections of footpaths, with provision for the removal of boundary walls and gate piers as part of the revised vehicular access layout serving Carrigmahon Lodge;
- all associated ancillary development, including parking, lighting, drainage with an on-site wastewater pumping station and a stormwater outfall off the harbour wall on Strand Road (R610 - regional road), bicycle and bin storage facilities, and plant area, including two electricity substations.

at the Lackaroe and Monkstown townlands, Passage West, County Cork.

Decision

Refuse to grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was

required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The proposed development would not be provided with an appropriate means of access and connectivity, as the bollard-controlled pedestrian and cycle access on the northern boundary of the site would be onto Laurel Hill, a local road (L2481) of substandard condition to safely facilitate pedestrians and cyclist movements arising from the northern areas of the proposed development. This lack of appropriate connectivity would be contrary to the principles advocated in the Design Manual for Road and Streets (2019) and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009), which includes 'Connections' as one of the 12 criteria for the design of residential development. The proposed development would fail to comprehensively provide appropriate means of access as required under specific objective PW-R-06 of the Ballincollig – Carrigaline Municipal District Local Area Plan 2017. Accordingly, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Senior Planning Inspector

30th May 2022

Appendices

Appendix A: EIA Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312651-22
Development Summary		Construction of 145 houses and 26 apartments in two blocks, as well as a crèche / childcare facility, road improvement works and associated development at Lackaroe and Monkstown townlands, Passage West, County Cork.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An AA Screening report and NIS and an Ecological Impact Assessment were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Cork County Development Plan 2014 and the Ballincollig-Carrigaline Municipal District Local Area Plan 2017-2022

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) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	There is a clear consistency in the nature and scale of development in the surrounding area, comprising low-rise residential buildings on large development plots and housing estate area to the south. The proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development would result in the loss of agricultural lands that have been zoned for residential development and the development has been designed to logically address the steep topography on site, resulting in minimal change in the locality, with no substantive waterbodies on site and measures to address potential impacts on coastal waters in the locality.	No

<p>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?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>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?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in the Construction Traffic and Waste Management Plan (CTWMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of the standard measures outlined in the CTWMP this would satisfactorily mitigate the potential impacts.</p> <p>Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other</p>	<p>No</p>

		significant operational impacts are not anticipated.	
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?	Yes	<p>A direct connection from surface and storm waters accruing on site to coastal waters would arise based on the surface water drainage proposals. Operation of the standard measures outlined in the Civil Engineering Report and the CTWMP will satisfactorily mitigate emissions from spillages during construction and operation.</p> <p>The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor, silt traps to the coastal waterbody. Surface water drainage will be separate to foul services within the site.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the CTWMP.</p> <p>Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.</p>	No

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the CTWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for water supplies in the area via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted 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. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No		No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	No	Sensitive ecological sites are not located on site. The nearest European sites are listed in table 5 of this report and other designated	No

<p>1. European site (SAC/ SPA/ cSAC/ pSPA)</p> <p>2. NHA/ pNHA</p> <p>3. Designated Nature Reserve</p> <p>4. Designated refuge for flora or fauna</p> <p>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</p>		<p>sites, including proposed Natural Heritage Area are referred to in section 13.10. The development would extend as far as the harbour wall, but would not feature substantive works in the estuarine area. Annex II habitats or habitat suitable for protected species or plants were not found on site during ecological surveys. The proposed development would not result in significant impacts to any of these sites.</p>	
<p>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?</p>	<p>No</p>	<p>The proposed development would not result in significant impacts to protected, important or sensitive species. Biodiversity measures are included as part of the proposals, including landscaping and species-sensitive lighting.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The site and surrounding area does not have a specific conservation status and there would be no significant impacts on the neighbouring buildings included in the NIAH, due to their separation distance from the site and the screening of these buildings by mature trees and steep topography.</p>	<p>No</p>
<p>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?</p>	<p>No</p>	<p>No such features are in this suburban location with extensive other agricultural lands of comparable characteristics in the immediate area.</p>	<p>No</p>

<p>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?</p>	<p>No</p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>Yes</p>	<p>There is a steep slope across the site. Proposals, including excavation works for services have been set away from boundaries and construction measures can be implemented to safeguard risks to any sensitive receptors.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (e.g. 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?</p>	<p>No</p>	<p>The site is served by a suburban and urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>No</p>	<p>No significant construction or operational impacts would be anticipated for other facilities.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

D. MAIN REASONS AND CONSIDERATIONS
<p>Having regard to</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2021;

- the location of the proposed houses and apartments on lands zoned for a medium 'B' residential density of development within the Ballincollig Carrigaline Municipal District Local Area Plan 2017-2022 with specific objectives to provide an appropriate access and a road linking Maulbaun to Lackaroe and the results of the Strategic Environmental Assessment of the Local Area Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2021;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2021, and;
- the standard features and measures that would be required to avoid or prevent what might otherwise be significant effects on the environment, including measures to be provided as part of the project Construction Traffic and Waste Management Plan and Civil Engineering Report.

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: _____ **Colm McLoughlin**

Date: **30th May 2022**