



An  
Bord  
Pleanála

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

## Inspector's Report ABP-312893-22

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### Strategic Housing Development

Demolition of buildings, construction of 143 no. residential units (105 no. houses, 38 no. apartments), creche and associated site works.

### Location

Monacnapa, Blarney, Co. Cork.  
([www.monacnapashd.ie](http://www.monacnapashd.ie))

### Planning Authority

Cork City Council

### Applicant

Eoin Sheehan

### Prescribed Bodies

Irish Water  
Transport Infrastructure Ireland  
National Transport Authority  
Department of Culture, Heritage and the Gaeltacht

An Taisce

The Heritage Council

Fáilte Ireland

An Chomhairle Ealaíon

Cork City Council Childcare  
Committee.

**Observer(s)**

1. Adam Ahern
2. Blarney Castle East
3. Caroline Walsh
4. Cathal Garvey
5. Christine O Mahony
6. Claire Forrest
7. Claire McCarthy
8. David Hickey
9. Declan and Elizabeth Forrest
10. Denis and John O'Donovan
11. Dermott Barrett
12. Dylan O Sullivan
13. Geraldine O'Sullivan and  
George McDonnell
14. Geraldine Kinnery
15. Jennifer Cronin
16. Jim and Mairead O Riordan
17. John and Carmel Murphy
18. John and Mary Cronin
19. John Conway and The Louth  
Environmental Group
20. John O Neill
21. June Healy

- 22. Kevin Tolan
- 23. Kieran and Joan Sheffron
- 24. Liam Carter
- 25. Marty O'Sullivan
- 26. Michael Burke
- 27. Michael Howley
- 28. Mick Barry and Fiona Ryan
- 29. Paul and Rosarie Creech
- 30. Sunberry Drive and Sunberry Heights Residents

**Date of Site Inspection**

29<sup>th</sup> June 2022

**Inspector**

Rachel Gleave O'Connor

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site is located in the north-western periphery of Blarney, c.9kms northwest of Cork City Centre. Blarney is bisected by the R617 (Blarney Inner Relief Road / Sunberry Road), the commercial area of the town is generally located to the south of the R617 and the area to the north of the R617 is generally residential in nature. The subject site is located to the north of the R617. The site has an elevated location with extensive views overlooking Blarney town centre to the south, including Blarney Castle. Levels rise steeply from south to north across the site with various undulations throughout. Knockacorballa, a local peak, with a height of 106m is located beyond the northern site boundary.
- 2.2. The site has a stated area of approximately 7.79 ha (gross) and is currently in agricultural use. It is bound to the north and west by agricultural lands and to the south by a steep wooded ridge. The northern, western and southern boundaries have significant numbers of mature trees. There is a national school to the south, fronting onto the R617 and backing onto this heavily wooded area. To the east the site is bound by the rear gardens of detached dwellings in Sunberry Drive. This boundary with the existing residential dwellings includes a combination of mature hedge, fence/wall or left open.
- 2.3. Access to the site is from Sunberry Heights and Sunberry Drive, which is a steep and narrow residential estate road, via an existing laneway / agricultural track to the south (side) of no. 1 Sunberry Drive. The Sunberry estate currently serves a single detached dwelling and twenty detached houses at Sunberry Heights and Sunberry Drive. It is noted that Sunberry Drive and Sunberry Heights are referred to interchangeably by some respondents to the application.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development is for 143 no. residential units on a 7.79 ha (gross) site as follows:

- 143 no. units in total comprising 105 no. houses (3 no. detached, 42 no. semi-detached, and 60 no. terraced units) and 38 no. apartments;
- Formed of 8 no. 1 bed, 38 no. 2 bed, 71 no. 3 bed and 26 no. 4 bed units;
- With heights ranging from 2-3 storeys above ground, including split level houses;
- The demolition of an existing garage and southern boundary wall, to be replaced with a new southern boundary wall, as well as the lowering of the existing eastern boundary wall and pier, at no. 1 Sunberry Drive;
- A new creche;
- All associated ancillary site development and landscaping works, to include bin stores, bicycle and car parking (including basement car park under the proposed apartments), ground works and retaining structures, foul drainage, stormwater drainage, water supply, service ducting and cabling, public lighting, relocation of existing ESB substation and all boundary treatments;
- Access from, with upgrade works to, the existing Sunberry Heights/Sunberry Drive, including the widening of the footpath at the junction with the Blarney Relief Road (R617), raised platforms, security barriers and fencing as necessary, road markings, and road resurfacing to facilitate improved pedestrian/cycle connectivity.

#### 3.2. Table 3.1: Key Figures

<b>Site Area in hectares (ha)</b>	7.79ha (gross), 4.1ha (net developable area)
<b>No. of units</b>	143
<b>Density</b>	35 dwellings per hectare (net)

<b>Height</b>	2-3 storeys
<b>Dual Aspect</b>	100%
<b>Open Space</b>	7,934sqm (19%)
<b>Part V</b>	29 no. units (20%)
<b>Vehicular Access</b>	Via the existing access from Sunberry Heights/Sunberry Drive with proposed upgrade works.
<b>Car Parking</b>	212 in total.  182 no. surface (including 18 no. electric vehicle charging points).  30 no. basement car parking spaces (including 4 no. electric vehicle charging points).  (4 no. motorcycle spaces)
<b>Bicycle Parking</b>	238 in total.
<b>Creche</b>	309.66sqm equating to 42 no. child spaces.

<b>Housing Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>No. of Apartments</b>	8	30	-	-	38
<b>No. of Houses</b>	-	8	71	26	105
<b>Total</b>	8	38	71	26	143
<b>%</b>	5.5	26.5	49.6	18.1	100

## 4.0 Planning History

4.1. ABP-308156-20 – SHD application REFUSED by An Bord Pleanála for 150 no. units and creche, for the following reason:

1. The proposal for the construction of 150 number residential units, on lands zoned Medium B Density Residential Development in the Blarney Macroom Municipal District Local Area Plan 2017, materially contravenes zoning objective BL-R-03, that states Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. The proposed development includes a residential density in excess of that planned for on the lower portion of the site which has been reserved for a residential density range of between 12-25 units per hectare in the adopted land use zoning objective. It is considered that the inclusion of a residential density of 36.6 units per hectare, within an area of land for which the residential density range is 12-25 units per hectare, would be contrary to the Local Area Plan and not be in accordance with section 8(1)(a)(iv)(II) of the Planning and development (Housing) and Residential Tenancies Act 2016, as amended, which is required to be included in the public notice at application stage, therefore, the Board is precluded from granting permission for the proposed development.

4.2. PA Reg. Ref. 10/8260 – Application WITHDRAWN in 2010 for 106 dwellings following request for further information.

4.3. ABP PL04.234024; PA Reg. Ref. 08/9047 – Permission REFUSED in 2009 on Third Party Appeal to An Bord Pleanála for 2 reasons, relating to the proposed density and associated material contravention of the plan, and the inadequate discharge of surface water in relation to flood risk.

4.4. **Surrounding area:**

4.5. ABP PL04.248614; PA Reg. Ref. 1607122 – Permission APPROVED in 2017 on Third Party Appeal to An Bord Pleanála for 88 dwellings, creche and associated development works. Castleown, Monacnappa, Knockacorbally, Blarney, Co. Cork.

4.6. ABP 309152-21; PA Reg. Ref. 2039597 – Permission APPROVED by An Bord Pleanála on 14th December, 2021 for a mixed use development (hotel (3-4 storeys);



supermarket (1-2 storeys); café (2 storey); office (1-2 storeys); commercial building (1-2 storeys); 70no. residential units (2-4 storeys) at the site of the former Blarney Park Hotel and Leisure Centre, St. Ann's Road, Monacnapa, Blarney, Cork. An application for leave to Judicially Review this decision was submitted on 10th February, 2022 (ref. 2022/111 JR).

- 4.7. ABP 308670-20; PA Reg. Ref. 2039502: Planning Permission APPROVED by An Bord Pleanála on 23rd December, 2021 for a three-storey primary care centre at St. Ann's Road, Monacnapa, Blarney, Co. Cork.

## 5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicant and the planning authority took place via video call with An Bord Pleanála on 18<sup>th</sup> June 2021 in respect of a proposed development of 143 no. units, creche and associated site works.
- 5.2. Copies of the record of the meeting and the inspector's report are on this file. In the Notice of Pre-Application Consultation Opinion dated 9<sup>th</sup> July 2021 ABP Ref. ABP-310013-21) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act Applicant's Statement would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 5.3. Specific information was requested in relation to the following:
1. Justification in relation to density and local / national planning policy;
  2. Design rationale report;
  3. Layout plan and report to address connectivity;
  4. Taken in charge plan;
  5. Childcare demand report;
  6. School demand report;
  7. Response to planning authority's engineers report;
  8. Response to planning authority's drainage report;
  9. Phasing plan;

10. Sunlight/Daylight/Overshadowing analysis;
11. Material Contravention Statement if required;
12. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless EIAR submitted.

## 6.0 Relevant Planning Policy

### 6.1. National Planning Framework (2018)

6.2. The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 6.3. Section 28 Ministerial Guidelines

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

- ‘Urban Development and Building Height, Guidelines for Planning Authorities’ 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2020
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- Architectural Heritage Protection Guidelines for Planning Authorities;
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Housing for All – a New Housing Plan for Ireland 2021.

6.5. Regional Spatial and Economic Strategy for the Southern Region

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

6.7. The RSES incorporates the Cork Metropolitan Area Strategic Plan which states that the sustainable growth of Metropolitan Cork requires consolidation, regeneration, infrastructure led growth and investment in a number of locations within the county including Blarney which is identified as a metropolitan town on rail corridor.

6.8. Cork County Development Plan 2014-2020

- 6.9. While the site is now located within the boundary of Cork City Council (31st May 2019) the relevant statutory plans are the Cork County Development Plan 2014.
- 6.10. NOTE: The following includes the provisions of Variation No. 1, adopted 12th February 2018, which updates the development plan to reflect the revised housing supply figures, approach to Active Land Management and the Metropolitan Cork Strategic Land Reserve arising from the adoption of the Municipal District Local Area Plans in 2017.
- 6.11. Blarney is identified as a Metropolitan Town located within the Cork 'gateway' and at the second tier of the settlement strategy in the development plan Core Strategy. The strategic aim is to promote such towns as critical population growth, service and employment centres within the Cork 'gateway', providing high levels of community facilities and amenities with infrastructure capacity, high quality and integrated public transport connections. Table B1 of Variation No. 1 states that Blarney has a population target of 7,533 for 2022 from a base of 2,437 in the 2011 Census. A total of 2,566 new residential units are required for the period 2011-2022 with an estimated zoned land requirement of 103 ha.
- 6.12. Chapter 3: Housing includes the following policies and objectives, which are considered relevant: HOU 3-1: Sustainable Residential Communities; HOU 3-2 Urban Design; HOU 3-3 Housing Mix; HOU 4-1 Housing Density on Zoned Land, which states the following in relation to 'Medium B' residential density development (12-25 units / ha):
- Max net density extended to 35 dwellings / ha in smaller towns outside Metropolitan Cork.
  - Normally applicable in smaller towns (less than 5,000 population)
  - Can be applied in larger towns through LAP's where there is a requirement to broaden the range of house types.
  - Densities less than 12 dwellings / ha will be considered where an exceptional market requirement has been identified.
  - Densities between 25 and 35 dwellings / ha will be considered where an exceptional market requirement has been identified.
  - Consider a lower standard of public open space provision where larger private gardens are provided.

- Must connect to public water and waste-water services.
- Broad housing mix normally required including detached, serviced sites unless otherwise specified in the relevant Local Area Plan.

- 6.13. Chapter 5: Social and Community. Section 5.3 relates to childcare facilities and includes objective SC 3-1: Childcare Facilities. Section 5.5 sets out public open space requirements for residential developments, also relevant objectives SC 5-2: Quality Provision of Public Open Space; SC 5-5: Recreation and Amenity Policy; SC 5-8 Private Open Space Provision. Section 5.7.7 requires a public open space provision of at least 12-18% of a site, excluding areas unsuitable for construction.
- 6.14. Chapter 10: Transport and Mobility. Section 10.2 sets out policies on walking, cycling and public transport including objectives TM 2-1: Walking, TM 2-2: Cycling and TM 2-4: Bus Transport (Metropolitan Area). Table 10.1 identifies Blarney as a location for key bus service improvements with an all day target frequency of 30 mins. Section 10.4 sets out parking policy including objective TM 4-1: Car and Cycle Parking.
- 6.15. Chapter 12: Heritage, including policies on archaeological heritage.
- 6.16. Chapter 13: Green Infrastructure and Environment. Section 13.5 on landscape including objectives GI 6-1: Landscape; GI 7-1 General Views and Prospects; GI 7-2
- 6.17. Scenic Routes; GI 7-3: Development on Scenic Routes. The site is adjacent to Scenic Routes S39 and S40.
- 6.18. Blarney Macroom Municipal District Local Area Plan 2017
- 6.19. The site is located within the development boundary of Blarney and is zoned as Medium B Residential Development (12-25 units / ha). It has the site specific zoning objective BL-R-03:

*Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. The upper part of the site, closer to the ridge, is generally unsuitable for development and should be retained as open land uses with long term strategic planting as part of the overall scheme.*

- 6.20. Section 3.2.17 of the Plan states the following in relation to the subject site:

*In relation to the BL-R-02 and the BL-R-03 sites, there is no direct access to a public road. Future development proposals on these sites will need to ensure that safe access is provided. This issue will be of particular concern when servicing the BL-R-03 site. Serious consideration should be given, in any proposal on this site, to the following traffic related issues;*

- *The impact of increased traffic at the junction of Strawberry Heights and the R617,*
- *The gradient of Sunberry Heights as it approaches the Blarney Inner Relief Road,*
- *Pedestrian and cycling connectivity between the BL R-03 and the town centre.*

6.21. Objective GO-06 of the Plan relates to the visual impacts of developments in close proximity to Blarney Castle and states:

*Ensure adequate regard is given to assessing the visual impacts of new developments in close proximity to Blarney Castle and Estate so as to ensure that such developments do not compromise the landscape heritage character of the area.*

## **7.0 Statement of Consistency**

7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of National Planning Framework, Section 28 Guidelines, the Development Plan and Local Area Plan and I have had regard to same. A Material Contravention Statement also accompanies the application with respect to the Cork County Development Plan 2014 (CCDP), specifically in relation to the following:

- The subject site is located within the area subject to the Blarney-Macroom Municipal District Local Area Plan 2017. The site has a specific zoning objective BL-R-03 under the plan, for medium B density residential development. A medium B density is defined in objective HOU 4-1 of the Cork County Development Plan 2014 as being within the range of 12-25 units/hectare. The proposed development has a density of 35 units/hectare.

## 8.0 Third Party Submissions

8.1. 30 no. responses were received from third parties in relation to the application and the main matters raised are summarised below:

### 8.2. General, nature, principal of the development

- Practically identical applications have been rejected in the past.
- Proposed development does not accord with the zoning objective for the site in respect of density, housing mix and layout.
- Historic opinion attached to consent for existing Sunberry Drive/Heights dwellings stated that further extension of the estate would not be supported.
- Lands should be rezoned to Z021 City Hinterland.

### 8.3. Transport

- Sunberry Drive is a privately maintained estate road.
- Unsafe access, particularly in relation to school children that cross over the road.
- Access is not suitable for shared street use, gradients are inaccessible to cyclists and pedestrians with buggies etc.
- Insufficient width of road for shared use.
- Poor sightlines and heavy flowing fast moving traffic make the access dangerous.
- Autotrack vehicle Turing analysis demonstrates that refuse vehicles cannot safely manoeuvre on the road.
- Query the accuracy of the Transport Assessment Report. The predicted uplift in movements seems low compared to the existing situation. The number of movement associated with the early morning peak for the creche is not credible.
- Negative impact on tourism related traffic during the height of the season. Transport Assessment not adequately assessed this. No information on when traffic survey was undertaken.

- Failure to quantify the volume of construction related traffic. EIA screening inadequate in this regard.
- Predicted queuing in the TA is nonsensical, only predicting less than one queuing car, while in the existing situation there are multiple queuing events daily.
- The Road Safety Audit Appendix C feedback form is inaccurate, suggest author has not visited the site;
- Proposed junction redesign includes a raised platform which will exacerbate the current rise in elevation from the R617 to Sunberry Drive and relocation of the stop sign to before the new ramp. Sightlines should be measured from this point and there will be minimal sightlines in either direction. Sightlines rely upon the maintenance of vegetation being cut back, which has not been properly maintained for 10 years.
- Existing conditions will not allow or support the proposed location for a security fence / crash barrier.
- Reliance on gritting and salting during winter months, which will would not be of benefit given the gradient of the road. No consideration of ongoing maintenance. Existing access was not designed or intended for the volume of traffic journeys that would result.
- Increased traffic will make gaining access to the main road more difficult and dangerous.
- Insufficient public transport to serve the development.
- The Traffic survey document states there is continuous pedestrian footpath links to schools, this is not correct, only for the primary school, all other schools require crossing the R617.
- No footpath on one side of the road and increased traffic will prevent safe access to pedestrians.
- Blind spot above the entrance to Sunberry Drive making it impossible to see oncoming traffic driving through this defect in the road.



- Road unsafe, sometimes cars cannot pass each other and need to reverse onto the main road or up the hill.
- Pedestrian infrastructure on Sunberry Drive/Heights is insufficient and often people use the road.
- Historic planning consent for Sunberry Drive/Heights estate included statement that the “planning authority would not favourably consider any application for extension to this estate or Sunberry Heights via the road shown over the wayleave. Further development of these lands other than maybe 2/3/low density sites should be achieved from road system to the west”.
- Addition of a cycle land to Sunberry Heights/Drive is a fantasy.
- Roads in the wider area are inadequate to cater for the development and cumulative traffic increase as a result of other development in the area, such as Millstream Row.
- Given the gradient of the road, future occupiers unlikely to cycle or walk and limited public transport options, so query whether the TRICS assessment accurately reflects future traffic generation, given that many of the proposed dwellings are likely to have 2 cars per dwelling which is not reflective of the numbers outlined in the TRICS analysis.
- Car accidents have previously resulted at the junction of the R617 and Sunberry Heights/Drive road.
- No indication that potential alternative access from the west has been explored by the applicant.
- Lack of dimensions for footpaths for Sunberry Heights impact ability of third parties to assess compliance with DMURS.
- Proposed plan shows a crossing point with new tactile paving on either side. There is no footpath or room for a footpath at the location shown on the eastern side. The crossing stops at a gabion basket retaining wall.
- Retaining walls should be provided against Sunberry Drive/Heights and new access.

#### 8.4. Amenity

- Overlooking.
- Lack of privacy from increased population.
- Light pollution at night.
- Noise and air pollution.
- General disturbance.
- The daylight analysis with respect to 20 Castleowen is incorrect. The drawing is an old drawing and is not current as no.22 was extended 2 to 3 years ago and the rear of the new extension is not in the sketch shown.
- Northern side of the estate is not fenced off and will lead to antisocial behaviour.
- Concern regarding impact of proposed tree planting adjacent to boundaries with existing properties. Request that tree planting be at least 11m away from boundary with 2 Sunberry Drive to prevent future overshadowing.
- No shadow study submitted in relation to proposed tree planting on the boundary.
- Detrimental impact on the enjoyment of existing homes.
- Does not comply with BRE Guidelines.

#### 8.5. Design, Heritage and Density

- Site zoned for medium density housing, but proposal is for high density.
- Concerned northern end of the site will be developed at a later date.
- Size and scale of the proposed development does not respect Blarney Village's long standing tradition. Directly visible from Castle.
- The Development Plan and zoning requires that new residential schemes be in proportion to the pattern and grain of existing development, including consideration of location and context. The proposed development is a marked difference to the existing context.
- Proposed boundary treatment in the form of 2m high concrete post and panel fence overbearing.

- Relies on screening from third party lands. Landscaping masterplan fails to provide sufficient landscaping on the southern boundary and provides inadequate proposals for the northern portion of lands.
- Proposed development overbearing upon existing properties.
- Proposed development will bring the view from Blarney Castle and surrounding gardens into utter disrepute. An Taisce should have been consulted.
- Adverse impact on tourism with views from the village and Castle adversely impacted.
- Overreliance on screening from trees to mitigate visual impact upon the village, castle, however trees may fail or not be in leaf.
- Reference to Inspector's report for appeal ref.PL04.234024 in relation to the relationship of the layout and form of the development to the zoning objective. The proposed development is not confined to the southern portion of the site and recontouring of the site is included to increase the amount of developable area below the revised 72m contour line. There are at least 26 units above the 72m contour line.
- Landscaping lacks any kick about space/area for ballsports. MUGA should be included.
- Request condition for a well designed teenage hang-out area within the estate.
- The designated Scenic Route under the CDP runs past the proposed development site, development must be assessed considering the overall character of the Scenic Route.
- The proposed development will extend the settlement boundary of Blarney westward and create the impression of urban sprawl, detracting from the historic urban boundary established by the primary school. This will affect the landscape setting of the Castle.
- The application has not addressed impact on heritage context.

- Direct impact on the natural heritage at the proposed site and visual impact on the built heritage of the Castle and estate.
- Negative visual impact is significant and entirely alters the perception of an ancient building surrounded by a historic demesne, steeped in legends of international renown.
- Degree of cut will result in hillside scarring and exposure of rock with negative visual impact on views from Blarney Castle Tower. Landscape drawings are inadequate and obscure the existing contours, with no proposed contours provided. Ground line not shown or how topsoil will be incorporated into excavations to enable tree planting into solid rock.
- The LVIA assesses a visual relationship between the development and adjacent built development, there is no review of landscape character or analysis of how this might contribute to the larger landscape.
- The location of the development on the western side of Blarney town is inappropriate for dense, repetitiously design housing which will negatively impact the landscape views and setting to the Castle and estate adversely impacting tourism.
- The boundary treatment is cheap and of poor aesthetic value. Request a concrete block wall with plastered finish or similar. Due to level changes, request boundary wall is 1.5m above ground level for 2 Sunberry Drive where it is above the site, and 2m where ground levels for the site and the neighbouring property match.
- Request that proposed landscaping fit in with the quality of existing landscaping in Sunberry Heights/Drive.
- No long-term strategic planting is provided in the upper level as required under the zoning.

#### 8.6. Mix

- Consideration should be given to increasing the number of detached dwellings and single storey units.
- Zoning objective specifically asks for detached dwellings.

## 8.7. Ecology

- Existing wildlife such as owls, foxes, hedgehogs, bats and red squirrels in the woods adjoining the site. These animals will be disturbed due to the construction and removal of soil from the site.
- Site is home to wildlife and has thrived in recent years, wood pigeon, other native birds, foxes, rabbits, bats etc.
- The Ecological Impact Assessment has not adequately assessed the potential impact of the development on BCE's woodland to the south.
- The Arboricultural Impact Assessment is incorrect and there will be significant long term negative impacts. It undervalues the significance of the woodland, the apartment development will come within the root protection area of several of the significant trees on the boundary and is likely to compromise the viability of these trees.
- Directly drainage away from the woodlands could have negative effect on this natural swale.
- Insufficient consideration of volar mammal species in the EclA. Also wildflowers occur, A.githago, the corncockle (red-listed). Woodlands also supports mushroom species.
- Light pollution of the woodland.
- Human habitation poses unquantifiable risk in the form of grounds management and landscaping services, dispersal of harmful herbicides, fertilisers etc.
- The proposal should utilise the northern portion of the site to deliver a new woodland, enhancing the amenity and ecology of the area, and helping to soften any development within the zoned lands.
- The woodland to the boundary of the site is a suitable habitat for the protected slug species Tandonia Rustica. The slug is designated as Vulnerable.
- Inaccuracies in the tree survey: 11 incorrectly identified and 5 tree diameters notably undersized. Majority of mistakes arise from calling trees Ash (as a default), when in fact they are Oak, Beech, Elm or Sycamore. An example of

this discrepancy is tree no.14 which happens to be a Beech tree with a 1200cm dia. trunk (not an Ash at 450cm). These miscalculations have a significant role in identifying the root protection area.

- Show no root protection areas extending into the site which appears to be a manipulation to suit the development.
- Question accuracy of assessment of tree crowns.
- Not all impacted trees included in the survey.
- The adjacent woodlands date back to the 1700's, consist of notable broadleaf specimens, particularly Oak and Beech. BCE (Blarney Castle Estate) manages this and it incorporates a public amenity path as part of a forest service neighbourwood (sic) scheme.
- EclA identifies the lower portion of the site as Recolonising Bare Ground, incorrectly, it should be Scrub WS1.
- Threat of forest fire with drying conditions, leaf litter and inappropriate behaviour.

#### 8.8. Infrastructure

- Required water connection works will require the closure of Sunberry Drive to residents.
- Surveys of foul sewage should have been included in the application as previously request in application ref. 108260.
- Concern that future occupants water access may rely on wayleave agreement, and no details included of the same.
- Insufficient capacity for parking in the village and for demand for local school places as a result of the development and cumulatively with other developments in the area.
- The application does not demonstrate that there is sufficient infrastructure capacity to support the proposed development, including with reference to public transport, drainage, water services and flood risk.

#### 8.9. Flood Risk and Hydrology

- The applicant's basis of design for the management of surface water for the development is flawed, based on false assumptions, and does not follow good practice. Neglected to include for management of ground water during construction or operation. Critic provided by civil engineer of submitted detail.
- Likely that disturbance as a result of construction works proposed will result in significant additional ground water flows on to the developed area, altering ground water conditions on the site. As a result of the inadequacy of the attenuation and drainage solution proposed, this disturbance has the potential to detrimentally affect the aquifer as alluded to in the applicant's EIA Screening Report.
- Additional volumes of water run-off from the site have not been accounted for and therefore it will not be equivalent to the greenfield run-off rate. Including the greenfield area to the north. Surface water run-off from the new cut embankment not accounted for, this excavation will lead to lowering the water table and tapping into natural springs over the area.
- The climate change factor for attenuation should be 20%.
- Query how back gardens will be drained.
- Query vehicular access to storm water drainage given location of apartment blocks.
- Significant gradients for some pipe runs.
- No explanation of how suspended soils will be dealt with.
- There is no existing 'stream/watercourse' along the western boundary. This is an open drainage ditch constructed by the applicant in 2017 and does not carry water.
- No survey of existing drainage network has been carried out. Applicant's surface water design is based on runoff to the south western corner of the site, however, it is clear from the topography of the site and the growth of vegetation, that runoff is to the southern boundary and across the woodland area here. Directing storm water flow here will erode the woodland floor.

- Local Authority has advised of ongoing maintenance issues of the existing watercourse downstream of the proposed site, doubt whether existing watercourse can cater for additional surface water runoff.
- The existing storm water system on Sunberry Heights is often overwhelmed during periods of significant rainfall. There is no documentation or detail to indicate that the current system can accommodate the increased discharge; what scale of upgrading of the existing storm sewer is necessary and whether it can be accommodated into the public system. Implications of increased risk of flooding as a result of diverting increased volumes of surface water into the existing stormwater sewer.
- Disruption as a result of water supply/infrastructure and sewer upgrades.
- Existing flooding occurs to rear gardens that adjoin the site.

#### 8.10. Environmental Impact Assessment (EIA) and Appropriate Assessment (AA)

- The EIAR (EIA Report) is inadequate and deficient and does not permit an assessment of the potential environmental impacts of the proposed development.
- Notwithstanding that the development is sub-threshold, it is submitted that due to the nature of the development (identified contaminants, including asbestos), nature of the development (including height) and locus of the proposed development adjacent to a protected habitat, it should have been subjected to full EIA.
- The Screening for EIA presented by the Developer, including Ecological report is inadequate and deficient and does not permit an assessment of the potential environmental impacts of the proposed development.
- The Planning Report, and the EIA Screening, when read together with the Construction and Waste Management Plans, provides insufficient information to enable a proper and complete assessment of pollution and nuisances arising from the proposed development. There is insufficient information to assess the impact on (sic) risk to human health arising in respect of the proposed development. Impermissible for matters that impact human health



such as noise / dust to be left over to the contractor. Approach is contrary to the requirements of the EIA Directive with respect to public participation.

- Board lacks ecological and scientific expertise and/or does not appear to have access to the same, to examine the EIA Screening Report and AA Screening.
- The application does not comply with the requirements of the planning and development act 2000, the planning and development regulations 2001 or the EIA Directive. Information is insufficient and contrary to the requirements of the EIA Directive. Criteria considered in the EIA screening does not comply with requirements under the act and regulations.
- The EIAR has failed to provide a comprehensive cumulative assessment of the project in the EIAR.
- Insufficient information contained within the application documentation in relation to the impact of the proposed development on bird and bat flight lines/collision risks for both EIA and AA screening.
- The population and human health chapter of the EIA Screening is inadequate as fails to assess the impact of increased population on services including schools, childcare and medical care.
- EIA screening is based on incomplete description of the proposed development including those aspects pertaining to construction phase.
- Screening for EIA does not adequately consider impact on biodiversity.
- AA Screening contains lacunae and is not based on appropriate scientific expertise.
- AA Screening does not provide sufficient reasons or findings as required. No clear methodology or analysis offered. Does not consider all aspects of the proposed development, including construction phase, construction compounds and haul roads etc. Insufficient surveys of flight paths. Zone of Influence is not reasoned on explained and has no basis in law. Fails to consider all impacts on birds, including collision. No regard or inadequate regard to cumulative effects. Regard is had to mitigation measures. Insufficient site specific surveys carried out.

### 8.11. Material Contravention

- Material contravention of the zoning objective with respect to density.
- The matters raised in the Statement of Material Contravention and other documentation including the Planning Report and Statement of Consistency do not support a case to consider permission materially contravening the plan.
- Reasons to contravene the CDP do not suffice given the negative ecological, visual and traffic impacts of the proposed development that would arise due to the sensitive location and constraints of the site.
- Material contravention with respect to the development of area above the 72m contour line and therefore in the upper section / northern portion of the site contrary to the zoning objective.
- If the Board purports to justify non-compliance with objectives this will amount to an unlawful breach of the requirements of the SEA Directive.
- Material contravention with respect to mix.
- Material contravention with respect to public open space.
- Material contravention with respect to building height and visual impact. The proposed development does not accord with the building height guidelines.
- Material contravention with respect to car parking.
- Material contravention with respect to childcare.
- Material contravention with respect to Architectural Conservation Area.
- Material contravention with respect to non-compliance with the LAP/Masterplan/Urban Design Framework (objectives SS02a & PM17).
- The proposed development is not of strategic or national importance.
- Cannot grant permission where justification relies on the building height guidelines as these are ultra vires and not authorised by section 28(1C) of the planning and development act. The guidelines are also contrary to the SEA Directive.

### 8.12. Construction

- Concern about the use of the existing road during construction works and associated disruption and obstruction to existing residents.
- The volume of spoil that the applicant notes is to be removed from the site does not include excess material from drainage runs, attenuation tanks etc. Over a site of this scale with no stockpiling areas this will result in an increase off-site volume of 10k m<sup>3</sup> giving an overall offsite of 44k m<sup>3</sup>.
- Page 9 of the Geotechnical Report indicates weak soils. Page 12 indicates it is not advisable to establish foundations in soft silt areas and that areas cannot carry construction traffic. Report recommends increasing foundation depths and capping depths of roads which will lead to an increase in imported stone and further increase unsuitable material going offsite. Volumes could increase by 7-10k m<sup>3</sup>. Resultant loads will lead to damage to the structural integrity of the road.
- Query if soil improvement will be required which could lead to lime or cement stabilization residue ending up in the river Martin.
- Wheel wash and filtration system is required. Use of full time truck mounted road sweeper needed and will contribute to congestion. Even in dry conditions, HGV struggle to access the road.
- Potential damage to adjacent homes as a result of continuous construction and steep gradients and retaining walls/gambien baskets that bound the site and adjacent properties. Particularly Castlewood House.
- Unsafe access road for construction movements with potential to lead to damage to adjacent properties. Particularly 5 Sunberry Heights.
- Noise, dust and general disturbance.

#### 8.13. Other Objections

- Query ownership of Sunberry Heights, not believed to be taken in charge, and the feasibility of improvements and ongoing maintenance is queried as a consequence of the same.
- The application and application documentation does not comply with the requirements under the regulations in terms of the particulars to be lodged.

- Original deed of grant documentation not provided as part of the submission.
- Reference to ‘Recommendations for site development works for housing areas’ government of Ireland 1998 and ‘Intersection Geometric Design’, which the exiting access does not comply with.
- Devalue adjacent properties.
- Concern regarding the ability of Blarney to accommodate planned growth given its importance to tourism. The proposed population growth is meant to be focused to the north and east of the town, on lands adjacent to the proposed new railway station.
- The definition of the lower and upper portion of the site should be taken from the original site map in the original zoning application, which reflects the intent of the landowner and the council.
- Application was lodged on 22/02/2022, invalid on 23/02/2022, relodged 25/02/2022, however no reference on ABP website until 03/03/2022. However, 5-week public consultation stated on the 25/02/2022. Therefore, not given the allotted 5-week period as regulations allow.

#### 8.14. In Support (4 responses)

- Massive shortage of new houses being built in Blarney.
- Proposed mix of housing ideal for people looking to purchase their first home.
- Additional population will be good for local businesses and sports clubs in the area.
- There are jobs generated at the Blarney Business Park with nowhere for workers to live in Blarney.
- Would be good to see the site developed for what it is zoned for.
- Blarney Town has seen the benefit of residential development without any detrimental impact on traffic, or on the visual amenities of the area.
- Improvements to access will benefit residents.
- Creche will provide much needed capacity.
- Additional tree cover will benefit biodiversity.

- Pedestrian connections welcomed.

8.15. Enclosures: Video of traffic queuing and unsafe traffic events on 7/10/2020 at 8.45am; photo of drainage ditch to western boundary showing it is dry; photos of woodland to show erosion; photo of topography of the site; site topographical survey and catchment run off analysis; stream and drainage channels; terrain contours; access road survey analysis; footpath survey analysis; autotrack analysis; photos of HGV accessing Sunberry Drive and crossing across lanes; historic opinion of planner stating that extension of the estate would not be supported in planning reg. no. S/1541/89; legal undertaking by Findon Investments to maintain the roads, footpaths and services for the estate; historic confirmation from Cork County Council that funds were held to complete the roads and services abutting Sunberry Drive; correspondence to Cork County Council regarding confirmation of the status of the bond to complete estate services; photos of dangerous traffic movements on Sunberry Drive; cut embankment analysis; photos of Sunberry Heights/Drive; photos of Castlewood House adjacent to the site with retaining walls bounding the site; photos of junction of Sunberry Heights and R617; view of the site from Kerry Pike and Blarney Castle; Garda Síochána report on road traffic collisions in the Sunberry Estate area of Blarney sub-district; Landscape Assessment Report by Forestbird Design; Addendum to observation by Blarney Castle Estate provided by Southgate Associates Heritage Conservation Specialists; Correspondence to Cork County Council regarding the original rezoning request, indicating that only the lower portion of the site adjacent to Sunberry Drive approx. 6 acres be rezoned and the top half be landscaped;

## 9.0 Planning Authority Submission

9.1. Note that the application site is now within the boundary of Cork City Council and Cork City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. However the relevant Development Plan for the site relates to Cork County, pending adoption of a new Cork City Development Plan. The Council's report summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

9.2. Principle of Development

9.3. The proposed density is higher than that prescribed in the zoning objective. Public transport improvements for the Blarney area are also not a [sic] detailed level of planning which may lead to this development increasing car dependency in the settlement.

9.4. This site is zoned ZO-02 in the Draft Cork City Development Plan 2021. Lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy.

9.5. Housing Mix

9.6. General housing mix is satisfactory, however it is noted that the zoning objective and Table HOU 4-1 of the CCDP 2014 reference detached houses, and therefore more detached dwellings as part of this development would be desirable.

9.7. Conservation / Visual Impact

9.8. There are no existing protected structures/buildings contained within the subject site. The main issue to consider from a conservation perspective is the impact of the proposed development on lands to the south of the site, especially the Blarney Castle Estate and from the Blarney Architectural Conservation Area. Due to the topography of the site, the site would overlook this ACA and would be visible from the green and various significant vantage points within the ACA. There are numerous protected structures within the vicinity, including the Blarney Estate castle, historic house and associated structures (PS1216,PS1218), the Roman Catholic Church (PS1214), Church of Ireland Church (PS1220) and the Woollen Mills (PS1219), which are the salient structures of international, national and regional significance within the ACA.

9.9. Objectives noted of relevance – In the DP, Objective HE 4-5, Table 5.1, from the LAP, Objective GO-06 (objectives from draft DP also noted).

9.10. Due to its prominent elevated position the development would have a visible impact on the protected structures and the setting of the ACA. The houses will be visible from the upper levels of the Castle. The elevated and visually sensitive nature of the

site is reflected in the zoning objective intention to develop only the southern portion of the site.

- 9.11. During the autumn and winter months, the development would be even more visible as mature tree screening is deciduous in the man and the trees would be bare.
- 9.12. The proposed development would likely undermine the character of the ACA due to the scale of its homogenous design. The placement of two three-storey-over basement apartment blocks and a terrace of three-storey houses at the front of the site may also have an overly prominent and overbearing negative visual impact on the character of the ACA and on this sensitive landscape setting. There would be concerns for the internal amenity for any occupants arising from the proximity of these buildings to the mature woodland to the south. Further, it is proposed to fill in and level a natural contour which currently falls towards the woodland. The filling in an area above, and so proximate to a historic woodland area is questionable. It is suggested that the design of the apartment block would represent a stark intrusion to this prominent hillside. In the event of any grant of permission, it is recommended that these elements be omitted by way of condition and the area used as public green space. (and the crèche relocated within the site).
- 9.13. The report of the City Architect is noted which considers the scheme reasonable, subject to the omission of the apartments at the southern of the site.
- 9.14. The submitted documentation fails to adequately address the relationship between the proposed development and the adjacent ACA and protected structures, as only section drawings through the development site have been provided. Sections through the valley from the south side where the Castle sites on its ridge, running north across the flat of the flood plain and the village, and up the north slope to where the site of the proposed development is situated would aid assessment.
- 9.15. Urban Design, Layout and Residential Amenity
- 9.16. The scheme as presented does not take advantage of the elevated, southerly aspect which the site benefits from and the Board may wish to consider revisions to the layout proposed which comprises a number of large block formations and gables fronting onto the service roads and open space.

- 9.17. The Board may wish to consider a re-evaluation of the layout whereby the public open space on site is more practical and usable. Compliance with objective SC5-5 of the DP is advised. A schedule breakdown of private open space for each plot to enable assessment. A rear garden length of 11m should be the main, with additional length shown where there is existing mature hedgerow included within the rear garden areas.
- 9.18. Houses 49-54 – The angled arrangements of these dwellings and irregular shaped gardens have implications for the private open space amenities of the occupants and neighbouring properties.
- 9.19. It is noted that in a number of the apartment developments, bedrooms are placed along the southern elevation, with kitchen/dining areas facing north. Further, 12 apartments are primarily north facing. The Fire Officer has raised concerns in respect of the underground car-park.
- 9.20. The Board may wish to consider the further setting back of dwellings away from the western boundary so that the established mature treeline is maintained and developed when the houses are occupied. There is a concern that the occupants of the houses will feel the need to greatly reduce the thickness and height of the hedgerow due to its proximity and impact on their gardens and dwellings thereby having a significant negative impact on the views from the Castle. Ideally, a revised site layout scheme whereby the houses were relocated and the western boundary was incorporated into a strip of landscaping would be preferable. However, it is difficult to do this by way of condition in the event of any grant of planning permission.
- 9.21. Access Arrangements and Connectivity
- 9.22. Note the Area Engineer's recommendation of refusal, in relation to the large increase in volume of traffic using the Sunberry access road with a substandard gradient, increasing the hazard to road users and pedestrians.
- 9.23. The following also noted: Sightlines of 45m shown to the north east and south west of the proposed entrance off the R617. Revised site layout showing sightlines of 65m requested. The applicant is required to provide road surface improvements on the R617 at the site frontage following construction activity.



- 9.24. Urban Roads and Street Design (Planning)
- 9.25. Objection to the grant of permission from an Urban Roads & Streets view due to failure to provide accessible and inclusive access to/from the site for pedestrians, and therefore not achieving DMURS first core principle of connectivity, permeability and legibility. The application is premature until such time as the applicant secures agreement with either third parties to permit alternative connectivity and permeability for pedestrians, or undertakes a comprehensive design review to propose an access route that permits accessible and inclusive access.
- 9.26. Infrastructure Development Directive
- 9.27. The site is within the study area of a proposed sustainable development infrastructural scheme and therefore should it be successful, the applicant is required to co-ordinate with Cork City Council Infrastructure Development Directorate during detailed design and construction phase.
- 9.28. Traffic Regulation and Safety Division
- 9.29. No objections raised subject to details being agreed prior to commencement.
- 9.30. Surface Water disposal and site services
- 9.31. Detailed conditions requested. In general, the principles and concepts underpinning the Applicant's proposals have been addressed satisfactorily. Highlight the proximity of the apartments and dwellings in southern part of the site, in respect of a wayleave and the proximity of the apartment located tight to the southern western boundaries. Storm water related issues to be addressed.
- 9.32. Car/Bicycle Parking
- 9.33. The quantum of cycle parking proposed is satisfactory. The quantum of car-parking is below the County Development Plan standard but is satisfactory subject to the implementation of a mobility management plan.
- 9.34. Part V
- 9.35. The proposal to meet Part V obligations has been agreed in principle in advance with the applicant and the housing section have no objection to same.
- 9.36. Childcare Facilities

9.37. The Fire Officer has raised concerns around the second floor element of the crech which require resolution.

9.38. Archaeology

9.39. No objections subject to condition.

9.40. Landscaping and Boundary Treatment

9.41. Parks have no objection to the proposal. Recommendation that tree planting in the form of groups (of appropriate species) be extended to the northern part of the site.

9.42. Conclusion and Opinion

9.43. It is considered that the proposed development is contrary to the provisions of the Development Plan and the Local Area Plan and would endanger public safety by reason of traffic hazard. Accordingly, it is recommended that permission be refused for the following reasons:

1. The proposed density of 35 units per hectare is excessive and contrary to the Medium B Density zoning on the site which has a range of 12-25 units per hectare as outlined in the Cork County Development Plan 2014, and the Blarney/Macroon Municipal District's Local Area Plan, 2017. Having regard to the layout, design and scale of the proposed development and the elevated nature of the site, it is considered that the proposed development will compromise the landscape and heritage character of the area, particularly when viewed from the Blarney Architectural Conservation Area and surrounding areas. It is considered that the proposed development would be contrary to the provisions of the County Development Plan and Local Area Plan and would detract from the residential and visual amenities of the area. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.
2. The Planning Authority is not satisfied on the basis of the information submitted, that the proposed development would not give rise to serious traffic hazard, due to the large increase in volume of traffic using the Sunberry access road with a substandard gradient will hugely increase the hazard to road users and pedestrians, both on the hill itself and on the adjacent Blarney Bypass Road (R617). This risk is unacceptable and cannot be mitigated.

Further, the applicant's proposal fails to provide accessible and inclusive access to/from the site for pedestrians and therefore does not achieve DMURS first core principle of connectivity, permeability and legibility for pedestrians. The proposed development therefore, would endanger public safety by reason of traffic hazard, and would be contrary to the proper planning and sustainable development of the area.

9.44. In the event that the Board determines to grant consent, 46 no. conditions are recommended. Conditions of note include the following: condition no.2 requesting a revised site layout plan omitting apartment blocks 1 and 2 and houses 1-9, as well as relocation of the creche; condition no.10 bond/surety; condition no.11 Irish Water bond; and condition no.12 development contributions.

9.45. **Departmental Reports**

9.46. Parks and Recreation

- Note that the proposed properties along the southern boundary will be overshadowed and shaded by the trees on the adjoining historic woodland and this will have a negative impact on the occupants enjoyment of private garden space. Future requests to reduce the height of these trees will not be considered given the significance and importance of the trees within the woodland.
- The top third is prominent in view from Blarney and Blarney Castle, the decision to retain this as wildflower meadow and associate appropriate tree and shrub planting is satisfactory and welcomed.
- Easy accessible access to open space for residents along with a visually attractive environment.
- Proposed hard and soft landscape details is satisfactory. Proposed landscape details is satisfactory. Pedestrian connectivity is satisfactory.

9.47. Conservation

9.48. As noted in Chief Executive report summary above.

9.49. Drainage

9.50. Substantial amount of detail is required for submission for approval prior to commencement of the development, satisfied that the remaining information can be submitted as part of the Applicant's pre-commencement compliance submission. From a Drainage, SuDS, Flooding, Nature Based Solutions, Groundwater, Seepage and Construction Management perspective, no objection to the grant of permission subject to conditions regarding the following: Self-Lay agreement with Irish Water; liaison with Irish Water in relation to Wayleave; agree the detailed design of proposed cut-off swale, invert levels, gradients and areas service with the Planning Authority; details of proposed culvert and associated mitigation of any adverse impact; details of storm water drainage; contribute to the cost of any remedial works to R617 to facilitate the development; attenuation to be in accordance with council requirements; clarification of discharge rate; relocation of hydrocarbon interceptor; rationalisation of storm water design; clarification of zone 2 attenuation volume; assess risk of pluvial flooding and provide revised site layout if necessary; revised SuDS strategy; site specific sediment control measures to be agreed; control of construction run-off; review of site grading plan with a view to reducing the volume of excavated material.; and details of the Tobermore earth retaining wall to be submitted for approval.

9.51. Area Engineer

- Recommend a sightline of 65m in both directions in accordance with DMURS.
- The TTA demonstrates that the proposed development will have an unnoticeable impact upon the established local traffic conditions and can easily be accommodated on the road network. This is accepted.
- Swept path analysis should be provided for standard sized emergency and maintenance vehicles.
- Longitudinal sections of the access road not submitted. Some sections show gradient around 1 in 6/1 in 8. City Council Engineering Standards states that a maximum of 1/12 may be acceptable subject to approval. And that the gradient of the side road shall not be greater than 1/50. In this case it seems closer to 1 in 10. This is also highlighted in the Road Safety Audit. Recommended mitigation is not sufficient. High friction surface on a hill like this will not last and would cause constant maintenance issues. Council

cannot commit to regular gritting of this estate road. Recommend refusal on this application since the large increase in volume of traffic using this access with a substandard gradient will hugely increase the hazard to road users and pedestrians, both on the hill itself and on the adjacent Blarney Bypass Road (R617) and this risk is unacceptable and cannot be mitigated. No mitigation provided for pedestrians and disabled users in response to existing gradients, apart from widening of the footpath at the R617 junctions. A railing may be required here. RSA recommends safety barrier risk assessment, no risk assessment attached. If barrier required, it should be installed in accordance with standards. Internal road gradients also of concern, Road 1F a gradient of 13% is not acceptable.

- Proposed discharge to existing stream/watercourse leading to culvert, the condition of the culvert is unknown and should be surveyed. Applicant required to survey the public storm water connection point.
- Proposal for wire mesh fencing between properties as part of retaining wall is unacceptable. Retaining wall / structures should be designed to current standards and to a 120yr life.

#### 9.52. Roads Design

- Request independent Quality Audit.
- Applicant required to include a 2m minimum width of footway, and appropriate width of verge and strips between different users.
- Substandard provision of cycling facilities. The applicant is required to provide cycling infrastructure.
- The applicant is required to amend the width of the cross-section of the pedestrian and cyclist infrastructure.
- Insufficient detail provided to demonstrate how the design achieves the objectives of safety and public health by clear recognition for drivers that they have entered a sharded surface area. Insufficient detail in terms of material, finishes of the shard surfaces.
- The applicant's proposal fails to provide accessible and inclusive access to/from the site for pedestrians and therefore does not achieve DMURS first

core principle of connectivity, permeability and legibility for pedestrians and is in fact supporting a car centric development.

- It is considered from an Urban Roads & Street Design view that the application is premature until such time as the applicant secures agreement with either third parties to permit alternative connectivity and permeability for pedestrians to the receiving urban area or undertakes a comprehensive design review to propose an access route that permits accessible and inclusive access to the site for vulnerable road users.
- Conditions recommended regarding bond/surety; Irish Water bond; development contributions; quality audit; management company; taking in charge; urban road design -pedestrians and cyclists; and internal estate street roads design – raised tables / shared surfaces.

9.53. Infrastructure Development Directive

9.54. As noted in Chief Executive report summary above.

9.55. Fire Dept

- Each apartment block requires a Fire Safety Certificate by reference to the Building Control Regulations (1997 to 2021);
- There is a carpark under the proposed residential accommodation. Serious concerns raised on how potential fire would be controlled.
- Do not accept the fire design principle based on a two-car fire and request details of how a large-scale fire would be controlled by both active and passive fire protection measures.
- It is not possible at this stage for Cork City Fire Department to give a fully informed opinion without full details of the car park layout, however may require sprinklers in the car park and associated areas.
- Dead end corridors in excess of 7.5m require sprinklers to apartments, max length of 15m. Require the provision of sprinklers in apartments in accordance with BS 9251:2014.
- Apartments shall not open directly into the protected lobby and ventilation shall be provided to the protected corridors at each floor level.

- Require provision of protected lobbies to both the escape stairway and lift basement level and all upper floors.
- Creche requires a fire safety certificate with reference to Building Control Regulations.
- Serious concerns regarding the proposed 3 storey creche in terms of escape.
- Recommend consultation with the Cork City Fire Department prior to the Fire Safety Certification application stage.
- Note technical guidance requirements for dwellings and vehicle access.

#### 9.56. Environment

- Conditions recommended with respect to timeframe for tree felling; storage of excavated material; management of impacts during construction; management of surface water discharges; construction waste; noise; and waste management.

#### 9.57. Policy

- The proposal does not comply with the following NPOs of the NPF: NPO 2a; NPO4; NPO27.
- The upper part of the site, closer to the ridge, is generally unsuitable for development and should be retained as open land uses with long term strategic planting as part of the overall scheme.
- Higher densities prescribed in the NPF are not necessarily relevant to areas such as Blarney, which although under the jurisdiction of Cork City Council is a standalone settlement. Blarney at this time does not share the same characteristics as Cork City in terms of density, level of services etc. Attention drawn to circular letter NRUP 02/2021 Residential Densities in towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. The population of Blarney is currently less than 3,000 inhabitants. It is envisaged that the settlements population and housing stock will grow but at a much slower rate than Cork City and Suburbs. This due to a number of factors including water services and roads constraints.

- Public Transport improvements for the Blarney area are also not a detailed level of planning which may lead to this development increasing Car dependency in the settlement.
- The applicant's citation of cycling and public transport improvements are noted but these are not proposed in the short term and there are concerns with regard to additional traffic generated by this development.
- The proposal seeks to maximise the number of residential units without proper consideration of layout. This is particularly pertinent in a heritage town Blarney where there is an existential threat to its setting as a result of inappropriate development.
- The Open Space provision is considered incidental and is focused on quantity over quality, it is noted that is impeded by car parking and the distributor road at some locations. More comprehensive proposals are also needed for the northern portion which in the guise presented is isolated, incidental and presents difficulties in the terms of management.
- It is noted that there are a reduced number of private car parking spaces provided within the site. Public Transport provision within Blarney is not sufficient to justify such a reduction in car parking spaces.
- The development as presented is considered haphazard in nature in that it fails to address the topography of the site satisfactorily. The densities proposed are considered inappropriate given the difficulties the site presents in terms of access and lack of connectivity to the town centre, the constraint on water services in Blarney and the lack of detailed proposals for public transport improvements in the Blarney Area. In addition to pedestrian connectivity to the town centre as proposed is insufficient.
- The proposal is also considered premature pending a review of planning policy for this site and the town of Blarney as whole as part of the new Cork City Development Plan to be adopted in 2022.

#### 9.58. **Elected Members**

9.59. A summary of the views of All City Council Elected Members at a virtual meeting on 7<sup>th</sup> April 2022 are set in the submitted Chief Executive Report and copied below:



- Primary Concern is access to the site during construction and the development thereafter. Access to Blarney relief road from Sunberry Drive on steep gradient. Traffic hazard and increased traffic congestion on already busy road. Questions around modelling information. The volume of traffic is already at saturation point, with increased hazard impact on the Blarney Relief Road. The access is completely unsuitable for pedestrian, cycle and vehicular access.
- Density of development – Ratio out of character with area and would be an overdevelopment.
- Drainage – Whether there would be adequate capacity given gradient of site and potential flood risk.
- Lack of open green space on development / facilities for families.
- Infrastructure is not there to cope with high density development.
- Blarney Tourism – the site overlooks Blarney Castle which is important for Blarney Tourism.
- Undue impact on local residents.

## 10.0 Prescribed Bodies

### 10.1. Irish Water

- In respect of Water: Connection feasible without upgrade. Note, no permission to build over any Irish Water Infrastructure and investigation required regarding the same.
- In respect of Wastewater: Upgrades to the wastewater network (upsizing of approximately 320m of 150mm diameter sewer and upsizing of approximately 310m of 225mm diameter sewer) will be required to cater for the proposed development. Irish Water currently does not have any plans to upgrade these sewers. Any network upgrades will be carried out by Irish Water and funded by the applicant as part of the connection agreement.
- Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the

design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission.

- Conditions requested regarding connection agreement, no permission to build over assets and that development is carried out in compliance with Irish Water Standards Codes and Practices.

## 10.2. Transport Infrastructure Ireland

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as Conditions on the Permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.
- The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

## 11.0 **Assessment**

11.1. I will address the main planning issues arising from the proposed development under the following headings-

- Principle of Development
- Density
- Visual Appearance – Heritage, Height, Scale, Mass and Design
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Water Infrastructure and Flood Risk
- Ecology

- Material Contravention
- Planning Authority's Recommendation
- Other Issues

## 11.2. Principle of Development

### 11.2.1. Land Use

11.2.2. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites.

11.2.3. The land use zoning of the site is described in the Blarney Macroom Municipal District Local Area Plan 2017 (LAP) as residential. I am satisfied that development of the site for residential and creche use is acceptable and in accordance with the zoning under the LAP.

11.2.4. I also note that the LAP includes a specific development objective for the site (identified as BL R-03) for *'Medium B Density Residential Development including detached dwellings, limited to the lower portion of the site. The upper part of the site, closer to the ridge, is generally unsuitable for development and should be retained as open land uses with long term strategic planting as part of the overall scheme.'* I address the density of the proposed development in section 11.3 of this report below and the development of the lower portion of the site in section 11.4. In relation to the mix of dwellings and open space / layout of the site, I assess these matters in section 11.6 below.

11.2.5. I note third party comment that the site should be rezoned to Hinterland. It is not the function or expectation that the assessment of this SHD application would extend to comment or assertion in relation to the rezoning of the site. My assessment is based upon the current zoning of the site under the LAP and CCDP.

### 11.2.6. Development Plan

11.2.7. I note third party and elected member objections relating to the prematurity of the proposed development pending adoption of the new Development Plan.

11.2.8. The application site was previously located within the jurisdiction and boundary of Cork County Council, however the site is now located within the boundary of Cork City Council (31st May 2019). Therefore, while the relevant statutory plan for the site

is currently the Cork County Development Plan 2014, once a new development plan for Cork City is adopted (estimated to be in August 2022) the City development Plan will contain the relevant planning policy for the site. It is also the City Council that has provided the Chief Executive Report for this application, with reference to policies under the Cork County Development Plan. My assessment is also undertaken in light of policies in the Cork County Development Plan and Blarney and Macroom Local Area Plan.

11.2.9. The new Cork City Development Plan is not currently in force, and as such, is not a material consideration under section 9 of the 2016 act. It would not be appropriate to determine this application on the basis of the contravention of provisions under that plan before it comes into force. Therefore, the planning framework for assessment of the application is through adopted planning policy as expressed in section 6 of this report, and specifically, the current Cork County Development Plan 2014, Local Area Plan 2017, and associated zoning of the site.

#### 11.2.10. Previous Applications

11.2.11. I note third party comment in relation to previously refused applications on the site, including a comment by the previous Planning Authority for the site, Cork County Council, that further extension of the estate would not be appropriate.

11.2.12. In relation to the site specific planning history, the fact that an application or applications have been refused in the past on this site, does not predetermine any future assessment or determination with respect to a proposed development. I will address as part of my assessment any pertinent matters previously considered by the Board relating to the site, and any conclusions reached will be based upon a reasoned judgement, described for the Board's consideration in the determination of this current application. The assessment of this application reflects my *de novo* assessment of the development with regard to current adopted planning policy at both national and local level, and I describe this assessment in detail below.

11.2.13. In relation to the historic opinion on the ability of Sunberry Drive (or Heights) to support additional development, I understand from third party responses that this relates to the following comment by Cork County Council on the historic planning consent for the existing estate:

*“...Planning Authority would not favourably consider any application for extension to this estate or Sunberry Heights via the road shown over the wayleave. Further development of these lands other than may 2/3/low density sites should be achieved from road system to the west” (reg. ref. no. S/1541/89).*

11.2.14. In my view, this comment reflects an opinion of the Planning Authority at that time, and it would be inappropriate to disregard in the first instance, any new development to be accessed from this existing road based purely upon this statement and without site specific assessment of the proposals and circumstances presented. As such, I undertake a complete assessment of the proposed access arrangements in section 11.7 below.

#### 11.2.15. Land Ownership

11.2.16. I note third party response querying the ownership of Sunberry Heights/Drive and the feasibility of improvements and maintenance in this regard. Query is also raised in relation to the original deed of grant documentation.

11.2.17. The applicant has asserted in their submission that Cork City Council is the owner of the lower section of Sunberry Heights/Drive and its junction with the R167, and that the applicant has an easement over the remaining section of Sunberry Heights/Drive to the entrance of the proposed development site.

11.2.18. The application submission includes a letter of consent from Cork City Council for the application affecting lands in the City Council's control / and or ownership, 'in order to carry out a suite of improvement works on the Sunberry Heights Estate Road'. This work involves junction improvements as included in the application proposal and are listed in the letter from Cork City Council. The application submission also includes correspondence relating to a Deed of Grant between Findon Investments Limited and the previous owners of the application site, for easements, rights and privileges over the original parcel of lands which include the Sunberry Heights/Drive estate Road. A legal opinion is also included with the application asserting that the applicant retains rights for all purposes, including access and construction of utilities over lands that I understand to be the Sunberry Heights/Drive estate road (where it lies outside of Cork City Council ownership up to the entrance to the subject site).

11.2.19. I have no reason to doubt the legal position presented by the applicant, however it should be noted that the resolution of landownership disputes does not form part of the planning application process. I am satisfied that the applicant has met the obligations concerning demonstration of consent of landowners for lands within the redline boundary extent, based upon their understanding of the landownership extent of these areas. In any case, the granting of planning permission does not superseded landownership entitlement and would not entitle the developer to undertake works outside of their ownership without legal consent of relevant landowners. In this regard I note provision in section 10 subsection 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016 confirming that the grant of consent for SHD does not entitle a development to be carried out. For the purposes of my assessment of the current application and based upon the information submitted, I am satisfied that I can continue with my assessment. I consider the proposed access arrangements in further detail in section 11.7 below.

#### 11.2.20. Application Documentation Validity

11.2.21. I note third party assertion that the application and application documentation does not comply with regulations in terms of the particulars to be lodged. The application was validated following the Board's normal procedures upon its receipt earlier this year. I am satisfied that on the basis of the information currently before me that the application is valid and can be determined by the Board.

#### 11.2.22. Consultation

11.2.23. I note third party concern regarding the consultation period for the application, with reference to the gap between its submission to the Board and publication on the website. Consultation is undertaken by the applicant and for the purposes of public participation, forms the publication of a newspaper notice and display of site notices on the site. The applicant's website is referenced in these notices where all documentation relating to the application can be accessed. Therefore, the date by which the application is valid and / or listed on the Board's website, does not impact the consultation process. I am satisfied that obligations with respect to consultation have been met by the applicant and I can continue with my assessment.

#### 11.2.24. Population Growth in Blarney

- 11.2.25. I note third party concern regarding the ability of Blarney to accommodate planned growth with reference to the importance of the location to tourism.
- 11.2.26. Population growth targets should not be defined through individual planning assessments on applications and therefore in my assessment I can only apply adopted planning policy for the site and area. The population growth of Blarney is supported at both regional and local planning policy level. The RSES incorporates the Cork Metropolitan Area Strategic Plan which aims to target sustainable growth in the area and identifies Blarney as a metropolitan town. Blarney is also identified as a Metropolitan Town in the County Development Plan with a strategic aim to promote critical population growth. Therefore, the growth of Blarney is planned for in policy and is alongside, and not mutually exclusive to, support of its important role for tourism.
- 11.2.27. I also note submissions that assert that the population growth for Blarney is meant to be focused on the north and east of the town closer to the new railway station and that the LAP states that higher density development is to be located in close proximity to the proposed railway station (section 3.2.77 of the LAP). However, the question of density and the appropriateness of the proposed scale of development for this site, is determined on a case-by-case basis and is part of the assessment I describe below.
- 11.2.28. The subject site is zoned for residential development and therefore should not be dismissed prior to a qualitative appraisal in light of planning policy requirements. In my view, the scale of this development should be informed by an assessment of site-specific circumstances including consideration of locational characteristics and connectivity/accessibility. I undertake a detailed appraisal of the proposed density in light of the accessibility of the site in section 11.3 below.

### 11.3. **Density**

- 11.3.1. I note third party and elected member objections in relation to the proposed density, as well as the recommendation from the Planning Authority that the application be refused on this basis.
- 11.3.2. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable

development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the 'Urban Development and Building Height, Guidelines for Planning Authorities' (Building Height Guidelines), 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (Sustainable Residential Development Guidelines) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.

- 11.3.3. The LAP includes a site specific objective for the site (BL R-03) for '*Medium B Density Residential Development...*'. Table HOU 4-1: Housing Density on Zoned Land in the Cork County Development Plan identifies a minimum net density of 12 and max net density of 25 dwellings per hectare for sites zoned Medium B. As an exception, density levels up to 35 dwellings per hectare are also stated to be acceptable in smaller towns outside Metropolitan Cork, or where an exceptional market requirement has been identified.
- 11.3.4. The proposed development has a net density of 35 dwellings per hectare and therefore is outside the range described in HOU 4-1. The applicant has therefore included a Material Contravention Statement with respect to density which I consider in section 11.10 below.
- 11.3.5. The Planning Authority identify that the proposed development exceeds the density range described in HOU 4-1 and state that they consider that the proposed development will compromise the landscape and heritage character of the area, detracting from the residential and visual amenities of the area. In this section of my report, I consider the national and local planning policy context with respect to density, I consider the visual impact of the development (including heritage impact) in section 11.4 below.
- 11.3.6. I note the Planning Authority comments with respect to density and that the subject site should be classed, under the definition of 'Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)- Guidelines for Planning Authorities' (DEHLG; 2009) (Sustainable Residential Development Guidelines) as a small town. The Planning Authority state that the guidance cautions against large scale, rapid



development that may overwhelm and detract from the quintessential character of towns and villages that have developed slowly and organically over time.

- 11.3.7. In my view, I agree with the Planning Authority that the subject site can accurately be described as being located in a small town, however I do not agree with the in-principle reservations that the Planning Authority present with respect to the proposed density. The subject site is situated off Sunberry Heights/Drive and close to the designated Town Centre for Blarney under the LAP which is situated to the south of the Sunberry estate. As such, in my view, the site can be considered an 'edge of centre' site for the purposes of the Sustainable Residential Development Guidelines. The density standards set down for 'edge of centre sites' (Section 6.11) indicates that *"development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation"*.
- 11.3.8. In terms of the accessibility of the site, there are bus stops within a reasonable walking distance to the site (less than 10 minutes). These serve a route (no.215) with approximately 2 services every hour. The site is also a short walking distance to the centre of Blarney with the designated town centre situated to the south of Sunberry estate. I note third party concern regarding pedestrian infrastructure that would facilitate these connections. I agree that the walking connections from the site to the town centre are via a route with an acute gradient change and this impacts how the connectivity of the site should be viewed, however given the short distance of the site on the edge of the centre and public transport links, this gradient change would not be overtly prohibitive to pedestrian linkages to bus stops and Blarney centre in my opinion, and such gradient changes would be more concerning over greater distances. I consider pedestrian infrastructure and connections to the site further as part of transportation considerations below, however for the purposes of considering planning policy with respect to density, I am satisfied that the site demonstrates connections to Blarney centre and public transport services, although these connections are via an acute gradient and to services with a frequency of 2 buses an hour.
- 11.3.9. As a result, under the Apartment Guidelines, the subject site can be classified as a Peripheral and/or Less Accessible Urban Location in my view, which includes

suburban areas that do not meet proximity or accessibility criteria and/or are sites in small towns or villages. In such areas, densities less than 45 dwellings per hectare will broadly be accepted. I also note Circular NRUP 02/2021 advising of residential density guidance for towns and villages, intended to clarify the application of Sustainable Residential Development Guidelines, with a graduated and responsive, tailored approach to the assessment of residential densities in Peripheral and/or Less Accessible Urban Locations, as defined in the Apartment Guidelines. In terms of defining Blarney in the context of settlement hierarchies and suitable densities, Blarney is identified as a Metropolitan Town under the Development Plan and is not considered to be a 'village' in the context of the guidance.

11.3.10. The proposed density of 35 dwellings per hectare is therefore within the ranges described in national planning policy as set out above.

11.3.11. In light of the foregoing, I am satisfied that the proposed density is not contrary to national planning policy and therefore is acceptable in principle. While I am content that the proposed density would not be inappropriate in principle, a wider assessment of the overall development impacts is still required. I set this assessment out further below, however I am satisfied that there is nothing to preclude the proposed density level on the site with reference to the above national policy documents, which promote a qualitative assessment, as set out in this report. With respect to the contravention of local planning policy, I address this further as part of my consideration of material contraventions in section 11.10 below.

#### **11.4. Visual Appearance – Heritage, Height, Scale, Mass and Design**

##### **11.4.1. Heritage**

11.4.2. I note third party and Elected Member objection in relation to the impact of the proposed development upon surrounding heritage assets, as well as the Planning Authority's recommended reason for refusal which concludes that the proposed development would compromise the landscape and heritage character of the area, particularly when viewed from the Blarney Architectural Conservation Area and surrounding areas.

11.4.3. There are 4 Registered Protected Structures within Blarney's development boundary, namely Blarney Catholic Church (RPS no.00376), Blarney Bridge (RPS no.00378), Blarney Woollen Mills (RPS no. 00383), and Blarney Church of Ireland

Church (RPS no. 00384). There are also 4 additional Registered Protected Structures to the south of Blarney and outside Blarney's development boundary, specifically Blarney Ornamental Tower (RPS no. 00379), Blarney Castle Country House (RPS no. 00380), Icehouse (RPS no. 00454), and Blarney Tower House and Bawn (RPS no. 00382). Blarney town centre and Blarney Castle Estate is also an Architectural Conservation Area (ACA).

- 11.4.4. There are 3 proposed Natural Heritage Areas in Blarney, Blarney Castle Woods, Ardamadame Wood and Blarney Bog. There are also two scenic routes close to the subject site; Scenic Route S39 Road between Clogheen, Tower and Blarney and the road to Blarney Lake; and Scenic Route S40 Road between Blarney and Grenagh.
- 11.4.5. I note LAP objectives for Blarney in respect of heritage, including GO-06 *'Ensure adequate regard is given to assessing the visual impacts of new developments in close proximity to Blarney Castle and Estate so as to ensure that such developments do not comprise (sic) the landscape and heritage character of the area'*.
- 11.4.6. The subject site is identified as BL R-03 in the plan with a site specific objective that development is for *'...limited to the lower portion of the site. The upper part of the site, closer to the ridge, is generally unsuitable for development and should be retained as open land uses with long term strategic planting as part of the overall scheme.'*
- 11.4.7. The unsuitability of the upper part of the site appears to relate to its visibility in the area, although this is not specifically outlined in planning policy. This matter is linked to heritage considerations as it relates to the visibility of the site from Blarney Castle and its Estate and the ACA. As such, I will first address the matter of what constitutes the 'upper' part of the site before turning my assessment to the impact upon surrounding heritage assets.
- 11.4.8. Third parties suggest that the definition of the upper and lower parts of the site can be taken as either the 72m contour line or by extending the northern most rear boundary line for the Sunberry Heights estate across the site. Concerns are raised by third parties and the Planning Authority concerning the visibility of development in the upper part of the site from Blarney Castle, its estate, and the ACA.
- 11.4.9. In relation to the definition of the 'upper' part of the site, I have reflected upon the discussion presented by both third parties and the applicant on this matter. Third

parties refer to the Inspector assessment in case reference PL04.234024 concerning the upper and lower parts of the site with reference to a 72m contour line. The Board subsequently refused the application for two reasons, one of which related to the development of the upper part of the site for a 'significant number of houses' in material contravention of the zoning objective for the site. I have included an extract of the Inspector's discussion on this matter below with pertinent sections in bold:

***“There are two ways of determining the upper and lower parts of the site; either by picking the 72m contour line as the watershed or dividing the site as a simple horizontal plane. The site is about 250m deep north to south measured from a point midway along the southern boundary. Therefore the lower section would, generally, be within 125m of the southern boundary and the upper section would, again generally, be within 125m of the northern boundary. 67 of the 133 or about 50% of the units are located north of a horizontal line halfway along the site north to south. The most northerly house is within 5m of the northern boundary. If the zoning objective which specifically splits the site into two parts and of the upper part states that it is unsuitable for development and must be retained as open space land uses with long-term planting is subjected to any meaningful interpretation then 50% of the development cannot be located within the upper part of the site. This is not to overlook the provision of significant amounts of open space but the land use zoning set out in the LAP is specific as to its intent and offers a rationale – it is because the upper part of the site is close to a elevated ridge. This ridge is elevated over the town and wider countryside, provides the visual back drop to the wider area, and is sensitive to inappropriate uses. Comparing the division of the site either along the 72m contour or as a horizontal plane the results are remarkable similar – about 50% of the housing is remains within the upper part of the site by adopting either definition. Therefore I conclude that the proposed development materially contravenes the zoning for the site set out in the Local Area Plan.”*** (para.'s 12.2.3 and 12.2.4 of the Inspector's report ref. PL04.234024 November 2009)

11.4.10. The Board's reason for refusal relating to the development of the upper part of the site, did not reference the 72m contour line. My reading of the Inspector's assessment is that the pertinent matter related to the extent of development that was situated in the 'upper' part of the site, be that 'upper' part defined by either the 72m

contour line or a horizontal line halfway along the site. The Board's reason refers to the 'significant' proportion of development within this upper part of the site. Therefore, I do not agree with third parties that this assessment and decision assigned a definition of the 'upper' part of the site as being the 72m contour line. The Inspector's assessment in my view is a discussion of how one might define the upper portion, but concludes that however this is achieved, too much development was proposed in that area under that application. The Board's refusal similarly relates to the significant amount of development in the 'upper' part of the site but does not define the specific line that divides the upper and lower sections.

11.4.11. I also note a third party submission that includes correspondence and site plans relating the original rezoning request for the site (for residential use). For the purposes of my assessment and my understanding of what constitutes the 'upper' part of the site, this can only be inferred from adopted planning policy, the adopted zoning of the site and any view articulated by the Planning Authority, with the planning history of the site also forming a material consideration (as outlined in the preceding and subsequent paragraphs). In my opinion, without indication from the Planning Authority to the contrary, this original correspondence relating to the site cannot be relied upon. I also note that the Planning Authority does not give a clear or specific indication as to their understanding of what forms the 'upper' part of the site in their Chief Executive report, albeit noting that they consider the development to be inappropriate visually in views of the site from the ACA and in consideration of the sensitive landscape and heritage value of the area / structures surrounding the site. However, the recommended reason for refusal from the Planning Authority in relation to these views does not reference development within the 'upper' part of the site.

11.4.12. The applicant refers to the most recent planning decision on the site, and the Board's decision under application SHD ref.308156-20 to refuse permission on the basis of the failure to identify a material contravention of the LAP with respect to density. The proposals under this current application are broadly the same as that previously refused application, albeit with a slight reduction in the number of units from 150 to 143. In that previous application, the Inspector's assessment accepts that the proposal is in accordance with the LAP objective for the site, retaining the upper portion of the lands free from development (end of para.10.4.3). In relation to

determining the 'upper' part of the site, I have extracted the Inspector's discussion on this from the report and copied this below:

*"The plan expressly states that residential development is excluded from the upper part of the site. The plan does not define upper and lower portions of the site. The applicant has decided that the upper portion of the site is all land that rises above the 75 or 77 metre contour line, the planning authority agree. In accordance with the plan landscaping comprising meadow grass and woodland trees are situated in this upper portion. So far, the proposed development is in accordance with the plan, the planning authority agree and so do I."*

11.4.13. In my opinion, there is no clear definition in planning policy or under the zoning of what comprises the upper portion of the site. It is therefore necessary to take a logical approach to determining what the zoning and associated specific objective for the site is seeking when reference is made to the 'upper' part of the site. This question has previously been discussed by Inspectors of the Board as outlined above, and I agree with those assessments, namely that in the first case referenced, the pertinent issue related to the extent of development within upper extents of the site (and it being a significant proportion of the overall development), and within the second case referenced, that it was accepted that the applicants proposal for development not extending above the 77m contour line was in accordance with the LAP. Furthermore, there was no reference in the Board's determination of that most recent application to development in the 'upper' part of the site.

11.4.14. As a result, I am satisfied, with reference to the Chief Executive report and the planning history for the site, that the current proposal is in accordance with the LAP objective for the site insofar as it relates to specifying that development should take place in the lower part of the site. In relation to the landscaping of the upper part of the site, I address this further in section 11.6 below.

11.4.15. It is also suggested by third parties that the contour lines are unclear in the application or would be altered by the landscape works proposed, specifically the cut and fill site works to be undertaken as part of development of the site. I am satisfied that the proposed site works would not impact the compatibility of the proposal with the LAP objective relating to development of the lower part of the site. I am also

satisfied that the contour lines are satisfactorily annotated on the site plan for the proposed development for the purposes of this part of my assessment.

11.4.16. I note third party concern regarding potential hillside scarring resulting from excavation / cut and fill works, and it is suggested this would have a negative visual impact on views from Blarney Castle, as well as suggestion that proposed contours are not provided. The applicant has provided a 'Site Plan Showing Areas of Cut & Fill' drawing no.21017-PL21 rev.A and describes the proposed works in the submitted Engineering Services Report. The report describes that given the depth of rockmass, it is not expected to interact with the same, and cut and fill will consist of topsoil and subsoils only, therefore exposure of rock would not occur. The submitted Landscape Design Rationale describes the maintenance measures to be followed including the replacement of any landscape features (including trees) should they fail. The submitted cut and fill drawing shows contours across the site and indicates the new contour levels which are annotated on the proposed internal road layout for the development. The site would change (in some areas) from a fall of circa 78m to 57m (north to south) to circa 70/71m to 59/61m (north to south). Topsoil from excavation works is proposed to be reused in fill areas where appropriate. I am therefore satisfied that a sufficient level of information has been provided to describe these works and that appropriate regard has been had to excavation that is not expected to expose rock, and will retain sufficient topsoil for tree planting, with landscape maintenance measures described to ensure the success of landscaping works. As such, the suggested adverse negative impact on views from Blarney Castle would not result in my opinion.

11.4.17. Turning now to the matter of potential impact upon surrounding heritage assets as a result of the proposed development and its visibility in the area, I note guidance with the Architectural Heritage Protection Guidelines for Planning Authorities. This guidance is clear in the consideration of 'Setting and Architectural Conservation Areas' (section 3.4), that '*The topography of an area, natural features such as woodlands and aesthetically important vistas to and from the area, can all be aspects of the setting.*' (para. 3.4.1). I also note section 13.8 of the guidance which concerns 'Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation Area', including paragraph 13.8.2 that

*‘A new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure.’*

11.4.18. As well as paragraph 13.8.3 which states that:

*‘The extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting, and the character and quality of the ACA. Large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.’*

11.4.19. The application includes a Landscape and Visual Impact Assessment (LVIA). This identifies the surrounding heritage assets as I have described above as well as the cultural and tourism significance of Blarney Castle and surrounds. Photomontages are also submitted to assist in the assessment of potential impacts. The LVIA includes the applicant’s conclusions regarding the potential effect of the proposed development upon surrounding heritage. The views studied in the LVIA include views from the town centre (ACA), Blarney Castle and the nearby scenic routes. The LVIA concludes that the overall landscape effect of the proposed development is neutral, with five of the nine viewpoints expected to have ‘moderate neutral’ effect and ‘no change’ to the remaining four.

11.4.20. I note third party concern that the LVIA does not assess the landscape character and focuses instead on built development. Concern is also raised regarding a lack of assessment of impact upon heritage context in the application. In my opinion, the LVIA has suitably addressed potential impact upon surrounding sensitive landscape with identification of heritage assets both built and within the landscape. The photomontages submitted are taken from sensitive locations, including the castle (viewpoint 3), the ACA (viewpoint 2) and close to the nearby scenic routes (viewpoints 4, 5, 6 and 8). Landscape characterisation and quality is a key consideration in the submitted LVIA and I am satisfied with the methodology and approach set out in the submitted report in this regard.

11.4.21. I note third party concern that the proposed development will alter the perception of the Castle (being an ancient building) set in a historic demesne. From my visit to the



site and with reference to viewpoint 2 and 3 of the submitted photomontage document, I am satisfied that the proposed development reflects an established context in the wider area surrounding the Castle, which is characterised by residential development which is visible at a distance from the Castle. The roofs for the proposed 2 storey dwellings will be visible on the site in these wider views, and in my opinion, this visual impact is aligned with the status quo condition of the surrounding area and would be an expected extension of such visual impact as a result of the zoning of the site for residential development. By focusing development to the lower part of the site and including only 2 storey houses in the more visible parts of the site, I agree with the submitted LVIA that the proposed development would have a neutral impact upon the setting of the Castle and ACA. The site is zoned for residential development and the degree of change in these views should be expected and is planned for in my view. In my opinion, the proposed development is not visually striking in these views because of the existing context, and therefore would not be harmful to the setting of the Castle, the estate, the ACA or to the associated cultural and tourism value of the wider area.

11.4.22. While I note third party concern about the extension of the settlement area and built development into the western end of Blarney, and associated impact upon surrounding heritage, as set out above, the zoning of the site premediates this effect, and what will be visible on the site is not harmful given the established context surrounding the site. The LVIA directly addresses potential effect upon scenic routes in viewpoints 4 and 5 in the wider area, and I am satisfied that viewpoints 6 and 8 represent the visibility of the site where the scenic route runs closer to the site. In all of these locations the proposed development is imperceptible in these views or lacks significant visibility.

11.4.23. As a result of the foregoing, I disagree with the Planning Authority that the proposed development would compromise the landscape and heritage character of the area when viewed from the ACA. This is because in my opinion, it lacks the visual prominence that would necessarily lead to such effect. Viewpoint 2 demonstrates that the proposed development will be perceptible beyond mature tree planting that bounds the site to the south. I note third party concern at the perceived reliance upon screening from trees outside of the site boundary to screen the visual effect of the proposed development. In my opinion, the tree planting is not necessarily relied upon

and it is clear how the proposed development would be perceived visually here without the trees in leaf, or indeed in their absence. The proposed development would be visible at three storeys, with white render finish and grey pitched roofs, being reflective of the established appearance to buildings in front of the tree line in this view (specifically the school). Therefore, while the proposed development will be visible from the ACA, the effect of this is not harmful in my opinion, as the prominence of this visibility is not significant in my view and reflects the established context.

11.4.24. In reaching this conclusion I am cognisant of the guidance in the Architectural Heritage Protection Guidelines for Planning Authorities as well as local planning policy referenced above, and I am satisfied that views from surrounding protected structures and their setting, particularly Blarney Castle which is of international renown and the ACA, would not be harmed by the proposed development.

#### 11.4.25. Height, Scale, Mass and Design

11.4.26. I note third party objections in relation to the scale of buildings proposed and associated visual impact. The Planning Authority raise concern regarding the proposed 3 storey houses and apartment blocks to the south of the site. They recommend that the application be refused, in part, due to the layout, design and scale of the proposed development. I have addressed visual impact associated with heritage considerations above, here I address the planning policy context in relation to the proposed height, scale, mass and design of the development.

11.4.27. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. I note SPPR 4 in the guidelines in relation to greenfield or edge of city/town locations, which states that a greater mix of building height and typologies should be sought, and avoidance of mono-type building typologies. Paragraph 1.9 states that *'these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.'* I also note

national policy in Project Ireland 2040 National Planning Framework, and particularly objective 35 concerning increased residential density in settlements.

- 11.4.28. Development management criteria are also described in section 3.2 of the Building Height Guidelines to inform an assessment of appropriate heights. SPPR 3 requires that an applicant for planning permission sets out how a development proposal complies with criteria in section 3.2, and where a planning authority or An Bord Pleanála concur with this, a development may be approved even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- 11.4.29. Under the County Development Plan 2014, objective HOU 3-1 asks that regard is had to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas. Objective HOU 3-2 'Urban Design' sets out the requirement that new urban development is of a high design quality, takes account of DMURS and that submissions include design statements. HOU 3-3 relates to housing mix and seeks a mix of housing types and sizes throughout the County. The LAP reinforces the requirement for high quality design (para.1.7.45) with reference to the aforementioned objectives in the County Development Plan.
- 11.4.30. As a result, the proposed building height for the site does not represent a material contravention of the development plan, with height being considered on a case-by-case basis. However, I still have had regard to the criteria described in section 3.2 of the guidelines as set out below. I also note that the applicant has directly addressed criteria under the Sustainable Residential Development Guidelines and Urban Design Manuel in their submitted Planning Report and Statement of Consistency.
- 11.4.31. The proposed development comprises 2 and 3 storey houses, as well as two 3 storey apartment blocks and a 3 storey creche. The subject site is on an elevated position and is therefore visible in wider views around the area. Adjacent to the site is single and 2 storey houses in the Sunberry estate, as well as single and 2 storey residential and non-residential buildings in and around the town centre. As such, the proposed development with a maximum height of 3 storeys, is a departure from the established scale of the area and therefore regard of the criteria under section 3.2 of the Building Height Guidelines can assist in the consideration of the proposed building heights for the site given this context.

- 11.4.32. The first criteria under section 3.2 of the Building Height Guidelines relates to the accessibility of the site by public transport. I have addressed the accessibility of the site in section 11.3 of my report above. The site is a short walking distance to bus stops serving the no.215 route, this provides connection to Cork City Centre, where access to high capacity and frequent services (such as rail services) and frequent bus services are available.
- 11.4.33. The second criterion relates to the character of the area in which the development is located. As described above, the subject site is situated in an elevated position and is visible in wider views around the area, above the town centre (ACA) and from Blarney Castle and its estate areas. The area is characterised by single and 2 storey buildings with self-contained houses making up the predominant character of the area. I have described in detail my assessment of the potential impact of the proposed development upon surrounding architecturally sensitive areas, including the key Protected Structure at Blarney Castle, and in recognition of its cultural and tourism significance. The applicant has submitted a LVIA which states that the proposed development would have a neutral impact on this landscape, and with reference to the associated submitted photomontages, I concur with this conclusion. This change in character of the site from greenfield to suburban is reflective of the residential zoning of the site and would therefore be expected.
- 11.4.34. In relation to the impact of the proposed scale and mass of the development upon the adjacent residential areas and their visual amenity, I am cognisant of the Planning Authority's concerns in this regard and third party objections. I recognise that the proposed apartment blocks, creche and 3 storey houses are in contrast to the established scale of built context in the immediate vicinity to the site, and would represent a distinctive change for residents. However, it is necessary to consider this change to the character of the area in light of the national planning policy approach which requires a compact growth model that focuses efficient housing delivery in appropriate areas, with in principle support at development management level for at least three to four storeys in areas outside of city and town centre areas, in more suburban areas (para.1.9 of the guidelines as extracted above). The proposed layout focuses these taller (3 storey) elements to the south of the site at the lowest elevation and where visibility will be most restricted. Scale then decreases with proposed 2 storey houses in the more elevated and visible positions on the site, reflecting more

established forms of the built context for the area. The two apartment blocks, creche and nine houses that make up the 3 storey elements in the proposed development take up a minor proportion of the overall site area, with the vast majority of the site footprint proposed to be formed of 2 storey houses. The 3 storey elements have limited visibility and will also contribute to providing a range of housing types that will provide greater diversity in the area.

- 11.4.35. In terms of an assessment of the contribution of the proposed development to the urban neighbourhood (a 3.2 criterion), the proposed development extends from the existing Sunberry estate and includes new public open spaces that are connected, enclosed and overlooked, contributing positively to the overall character of the site. Boundaries are also proposed to be lined with new tree planting alongside retained trees, continuing the greening and softening of the new urban environment on the site.
- 11.4.36. In terms of the detailed appearance of the blocks (3.2 criteria including avoidance of uninterrupted walls, contribution to space and materials), the proposed apartment blocks incorporate a regular bay arrangement, defined by fenestration and inset balconies, that alongside the use of limestone cladding to lower levels and light grey brick to upper levels, compliments the use of aluminium clad elements and breaks up the mass of each block. The houses are finished in a selection of different materials and designs defined by character areas, assisting in identifying different parts of the site which also contributes to legibility through the area. The use of white render, brick and roof tiles is also reflective of the established built context while creating a distinctive character to the proposed development.
- 11.4.37. The proposed development will provide increased diversification of housing typology in the area which is currently predominately self-contained dwelling houses. The incorporation of apartments on the site would therefore be a positive contribution to the mix of typologies in the area (a 3.2 criterion).
- 11.4.38. Lastly, the section 3.2 criteria under the Building Height Guidelines refers to considerations on daylight and overshadowing. In relation to Building Research Establishments (BRE) criteria for daylight, sunlight and overshadowing, I discuss this in detail below in sections 11.5 and 11.6 of this report. The submission of specific assessments is also referenced in the guidelines and reports sufficient to assess a

development of the scale proposed have been submitted. I note the applicant's documents that have informed my assessment, including (but not limited to) the submitted LVIA, NIS, EclA, Design Statement, Photomontages, CGIs and Landscape Design Rationale Report.

11.4.39. I am satisfied that the proposed development appropriately incorporates the criteria described in section 3.2 of the Building Height Guidelines which I have had regard to above. As part of this, I note that the proposed development does not amount to a material contravention of the LAP or Development Plan in relation to height. In relation to the Planning Authority and third party concerns regarding the proposed height and design, I have described above conformity with the planning policy framework in consideration of height and design, and I consider amenity impacts in further detail below. Overall, I am satisfied that the proposed development would not have significant negative visual impacts and would not be overbearing.

#### 11.5. Neighbouring Residential Amenity

11.5.1. I note third party objection in relation to adverse impact upon amenity and the general enjoyment of homes. Here I address the matters raised with respect to existing residential amenity.

##### 11.5.2. Daylight and Sunlight

11.5.3. I note third party objections to the proposed development in relation to overshadowing as a result of the proposed development, concern is also raised in relation to the lack of assessment of the impact of trees on overshadowing, that information is inaccurate, and that the development does not comply with the BRE Guidelines.

11.5.4. Criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it

should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

11.5.5. Section 5 of the BRE guidance notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

11.5.6. The BRE guidelines state that in relation to daylight to existing buildings:

*“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small...”* (para. 2.2.4)

11.5.7. The guidelines also states that if a proposed development is taller or closer than this, a 25° line can be drawn from 1.6m above ground from adjacent properties, and if the proposed development is below this line, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

11.5.8. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) to less than 27%, or where this is the case, not more than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property *‘is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.’* Therefore, the preservation of a minimum VSC of 27% and/or reductions to no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or

other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21<sup>st</sup> March.

- 11.5.9. The application includes a Daylight and Sunlight Report, this applies the methodology as outlined above and identifies properties at 1-9 Sunberry Drive and 14-22A Castleowen Hilltop for analysis. This demonstrates that all existing properties identified for analysis will retain VSC levels in line with the BRE guidelines (as outlined above) in the proposed development condition. Specifically, for 1-3 Sunberry Drive windows retain VSC levels above 27% or retain at least 98% of the former value, for 4-6 Sunberry Drive all windows retain VSC levels above 27%, for 7-9 Sunberry Drive all windows retain VSC levels above 27%, and for 14-22A Castleowen Hilltop all windows retain VSC levels above 27%. No other properties require further assessment in accordance with the methodology described in the BRE guidelines.
- 11.5.10. I note third party concern that the daylight analysis for no.'s 20 and 22 Castleowen is incorrect, with inaccurate drawings that do not show all windows or extensions to the property. All of the VSC levels for the tested windows at these properties have a VSC level that exceeds 38% and retain at least 99% of their former value. I am therefore content that where windows may not have been included within the same property, it would be highly unlikely that they would be reduced to a VSC of below 27% or reduced by more than 0.8 times the former value. I also note that the closest built form to these existing properties in the proposed development are 2 storey houses that are situated well over 40m away. I am therefore satisfied that it is improbable that any unanalysed windows at these same properties would fail to comply with BRE guidelines as a result of the proposed development, given the relationship of all windows at these properties to the proposed development will be similar.
- 11.5.11. In relation to sunlight, the submitted report confirms that analysis is not required of existing properties APSH levels as they meet the exclusions outlined in the BRE guidelines as summarised above. With respect to overshadowing of garden amenity areas, the submitted analysis demonstrates that all adjacent properties will retain between 97% and 100% of their current sunlight levels with the proposed development in place.



11.5.12. I note third party concern with respect to the inclusion of trees in the submitted analysis. Paragraph 3.3.9 of the BRE guidelines states the following with respect to trees:

*“The question of whether trees or fences should be included in the calculation depends upon the type of shade they produce. Normally trees and shrubs need not be included, partly because their shapes are almost impossible to predict, and partly because the dappled shade of a tree is more pleasant than the deep shadow of a building (this applies especially to deciduous trees)...”*

11.5.13. Appendix H of the BRE guidelines then goes on to provide further information on the inclusion or not, of trees in skylight and sunlight analysis. It outlines the circumstances and methodology for including trees / hedges in analysis. Paragraph H4.1 states that *“trees and shrubs are not normally included in the calculation unless a dense belt or group of evergreens is specifically planned as a windbreak or for privacy purposes”*. Paragraph H5.3 goes on to state that the guidelines apply to evergreen hedges. *“They have not been designed to be applied to individual trees, groups of trees or woodlands”*.

11.5.14. The proposed planting scheme along the boundary with properties in Sunberry Drive and Castleowen Hilltop is for small / medium woodland trees. As such, the proposed tree planting is not formed of a dense evergreen belt or group of trees, and following the methodology of the BRE guidelines, is not expected to be included in the analysis. I am therefore satisfied that the trees do not need to be accounted for in the daylight, sunlight and overshadowing analysis presented.

11.5.15. The proposed developments potential impact upon surrounding occupiers daylight, sunlight and overshadowing will therefore be within acceptable parameters and is in accordance with BRE guidelines.

#### 11.5.16. Separation Distance and Privacy / Overlooking

11.5.17. I note third party concerns with respect to overlooking and adverse privacy impact as a result of the proposed development.

11.5.18. The proposed development is formed of 2 storey houses where it is closest to the boundaries with existing properties in Sunberry Drive and Castleowen. The proposed development is over 40m (at its closest point) to existing properties in Castleowen.

To the south boundary of the subject site as it abuts Sunberry Drive, the back-to-back separation between proposed and existing houses is between 22m and 28m. To the east boundary of the subject site as it abuts Sunberry Drive, the back-to-back separation between proposed and existing houses is between 16m and 23m, however there are no direct facing window relationships between the proposed and existing houses at a distance of less than 23m. No.4 Sunberry Drive is situated on the boundary with the subject site, however there is no direct facing windows onto this existing house in the proposed development. To the south of the site there is an existing school, and the proposed development is approximately 50m to away from those buildings with dense tree planting in the area between.

11.5.19. Adjacencies to existing garden areas is closer than the separation described above, however the garden depth to proposed houses is at least 11m and therefore ensures appropriate set back from the boundary with existing properties.

11.5.20. All other proposed blocks are situated further away from adjacent residents than the distances described here. As such, the proposed development demonstrates acceptable separation to surrounding dwellings and does not generate overlooking or privacy concerns in my opinion.

#### 11.5.21. Property Values

11.5.22. I note submission of third party representations relating to the impact of the proposed development upon property values in the area. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.

#### 11.5.23. Noise, Air and Light Pollution

11.5.24. I note third party concerns regarding the change in the quiet character of the area, as well as from noise, light and emissions from the increased population and traffic associated with the proposed development, creating general disturbance and pollution. I address traffic impact in section 11.7 below. I do not consider the increased population of the area and associated change in character to be a negative consequence of the development. The site is zoned for residential development and will naturally result in increased population with associated footfall and traffic. The noise, light and emissions associated with this population will be at a standard

residential level and not unusual for the area. The site is zoned for residential development and therefore emissions associated with residential occupation is anticipated in the plan. I address ecology considerations with respect to light in section 11.9 below.

#### 11.5.25. Construction Impacts

11.5.26. Concern has been raised in third party submissions about impacts during construction. Concerns are raised in relation to the access to the site from Sunberry Drive / Heights with respect to the elevation of this road, safety and practicality of HGV movements and maintenance considerations. Concerns regarding regrading works is also raised, as well as the potential for pollution of nearby waterways and general noise, dust and disturbance.

11.5.27. A Construction Environmental Management Plan has been submitted with the application. Measures for the management of noise and suppression of dust are described. Construction traffic management is also addressed.

11.5.28. I acknowledge that the construction of a development on this site zoned for residential use, and via Sunberry Drive / Heights, would result in disturbance to adjacent residents. However, this will be on a temporary basis and mitigated through measures in the construction management plan. This type of disturbance is an inevitable and typical consequence of any development, and I am satisfied that impact will be within acceptable parameters. All contractors on the site will be required to adhere to mitigation described in the Construction and Environmental Management Plan / CEMP. With the application of mitigation measures through a detailed CEMP, I have no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development. While I note concern regarding the ability of HGVs to access the site, construction access from Sunberry Drive / Heights would be required of any scale of residential development on the subject site, which is zoned for the same. While the number of HGVs and period of construction works will vary according to the scale of development, the overall consideration in my view is of the temporary nature of these works, and the appropriate application of mitigation and management procedures.

11.5.29. In relation to the potential damage of adjacent homes, and consideration of retaining walls, I note the following drawings submitted by the applicant:

- Site Plan Showing Areas of Cut & Fill no.21017 PL-21, which shows that the finished floor levels to proposed houses closest to the boundaries to existing properties in Sunberry Drive / Heights and Castleowen will be broadly similar as a result of cut and fill works;
- Site Plan Showing Retaining Walls and Section Cuts no.21017 PL-01 showing that there are no proposed retaining walls on boundaries with existing properties; and
- Retaining wall details on drawing no.'s 21017 PL-26 and 21017 PL-02.

11.5.30. The applicant also addresses cut and fill works and retaining wall proposals as part of the submitted Engineering Services Report. I am satisfied as a result of this detail, that there is no expectation of the proposed works causing damage to adjacent existing properties.

11.5.31. In relation to the volume of spoil to be removed from the site as a result of cut and fill works, I note third party concern that this is underestimated in the submitted application and will in reality require a greater number of HGV movements. The submitted CEMP states that topsoil will be stockpiled on the site for reuse in soft landscaping (pg.10), and the submitted Engineering Services Report states that cut and fill is likely to consist of topsoil and subsoil only. Therefore, it appears to me that much of the spoil from the site will be stockpiled for reuse and not removed via HGVs. A net volume of excess material is described in the Engineering Services Report (circa 33,499m<sup>3</sup>) which will require removal via HGVs. Third parties suggest that this does not include excess material from drainage and attenuation tanks. Table 7.1 of the Engineering Services Report details the volume of proposed cut and fill to different areas of the site. Drawings no.'s 21017 PL-13 and 21017 PL-05 detail the attenuation storage proposed for the site. These are located in areas of the site specified for 'fill' works, and therefore fill in the area where attenuation storage is proposed would be reduced as a consequence. While I recognise that a degree of additional 'cut' maybe required to facilitate the attenuation tanks, and I am satisfied that this is accounted for in the submitted details. Overall, I am satisfied with the level of information provided concerning cut and fill and spoil removal from the site and associated HGV movements. Detailed specifications would also be provided in a final

construction management plan that can be requested by condition in the event that the Board grant planning permission for the development.

11.5.32. I note third party concern regarding the soil condition on the site with respect to foundations and the structural integrity of roads. Reference is made to the appended Geotechnical data to the Engineering Services Report and it is suggested that increased foundation depth and importation of material will be required, increasing the number of HGV movements associated with construction works. I disagree with the third party representations made with respect to this matter. The submitted report details the findings of investigative boreholes at the site, which demonstrate that topsoil on the site overlays silt, which increases in stiffness with depth and overlays clay. While the report states that it is not recommended to situate foundations in silt, it also states that *“A suitable bearing strata has been identified within the stiff mixed glacial clay deposits.”* The report recommends that plate loading tests are undertaken to fully assess the mixed glacial deposits for detailed foundation design, and I am satisfied that this further level of detail would be expected to take place as part of the next design phase following the planning application process. I do not agree with third party representation that the report suggests the soil condition will require increased importation of material leading to additional HGV movements. I also note third party concern that such soil improvement could lead to lime or cement stabilization residue discharge into the River Martin. I address the potential for surface water deposits and emissions in section 12 below, however, as outlined here, I am satisfied with the level of construction detail provided at this planning application stage and that my understanding of these details does not indicate greater excavation or importation of materials, with associated HGV movements, than that described by the applicant.

11.5.33. Overall, I am satisfied that the degree of disturbance to existing residents, including from noise, dust and traffic movements, as a result of construction works, is within acceptable parameters and appropriate mitigation is described in the submitted application. General disturbance during construction is an inevitable (temporary) consequence of constructing much needed homes in the State. Preventing any degree of disturbance that is managed and within normal parameters, to existing occupiers of homes, is not a legitimate reason to stop the provision of new homes in my opinion.

#### 11.5.34. Anti-social Behaviour

11.5.35. In relation to third party comment regarding anti-social behaviour, concern is raised with regard to the northern side of the estate, which is not fenced off in the proposed design, this upper part of the site is retained as open lands in consideration of the zoning of the site. The informal boundary relationship here is not unusual for residential estate relationships to such areas in my view. I do not consider there to be anything inherent in the design or layout of the proposed development or landscaping, that would attract anti-social behaviour, and An Garda Siochana are the appropriate body to address individual instances of anti-social behaviour.

#### 11.6. **Proposed Residential Standards**

11.6.1. In this section of my report, I address the range of applicable standards guiding an appraisal of the quality of proposed accommodation.

#### 11.6.2. Daylight, Sunlight and Overshadowing

11.6.3. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The Design Standards for New Apartments states that levels of natural light in new apartment developments is an important planning consideration and regard should be had to BRE standards.

11.6.4. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the proposed apartment blocks in the development against BRE guidelines in relation to daylight and sunlight. BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. In the proposed development, where kitchens and dining spaces form part of open plan living areas, the applicant has provided analysis against a 2% ADF target. Results for the two lowest levels of the proposed apartment blocks is provided, as well as a selection of the houses, as representative of the 'worst case scenario' aspects to illustrate the minimum daylight conditions within the proposed development.

11.6.5. When considering the targets set out in the BRE guidelines as described above, the applicant demonstrates within the submitted report that all 'worst case scenario' units

will meet the minimum ADF targets as described above. As a result, it can be logically extrapolated across the development, that 100% of units will achieve the minimum ADF levels of 1% to bedrooms, 1.5% to living rooms and 2% to kitchens / dining areas and open plan living / kitchen / dining spaces. I am satisfied that most of the units will in fact comfortably exceed these minimum levels.

11.6.6. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The APSH criteria involves an assessment of the level of sunlight that reaches the main living room window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis. The submitted assessment does not provide analysis in this regard; however, I note that the Building Height Guidelines do not explicitly refer to sunlight in proposed accommodation. The Building Height Guidelines state in criteria 3.2 that *'The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light'*. Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally 'light'. While there is no analysis of APSH to the proposed development provided, I note the orientation of the site with many units in the proposed development facing south, east or west, or being dual aspect and/or houses with associated access to sunlight. I am satisfied that the acceptable levels of sunlight will be achieved to most living rooms in the proposed development, in recognition of BRE criteria. I also note that access is provided to all units in the proposed development to well lit sunny open spaces, with all northly facing units overlooking landscaped open space, which can be considered a compensatory feature in this regard.

11.6.7. I am satisfied that the orientation of the proposed blocks has sought to maximise sunlight penetration into the accommodation, while addressing wider design considerations for this site, its visibility in wider view, the street interface and enclosure of open spaces. I also note that the Apartment Guidelines does not refer to sunlight and only to daylight, while the Building Height Guidelines refer to daylight or light more generally, and therefore sunlight to windows is not a specific consideration under those guidelines.

11.6.8. In relation to overshadowing, the submitted analysis demonstrates that all proposed communal external amenity areas for the proposed development will achieve BRE target levels. Of the 105 houses proposed, there are 23 that would not achieve BRE targets in relation to overshadowing of rear garden areas. These garden areas do not achieve the BRE targets as a result of their north facing position in relation to the houses they are attached to, rather than as a consequence of the mass or scale of blocks. As outlined above, the BRE guidelines are clear that natural light is one of many factors in determining site layout, and I am satisfied that the proposed development achieves acceptable conditions for the proposed accommodation in relation to overshadowing. I also note that all units will have access to public open spaces within the proposed development that achieve sunlight across up to 100% of the spaces and that the layout of the site has been designed in recognition of the zoning requirement in relation to the upper part of the site and the need to appropriately define and enclose the internal street layout.

11.6.9. I note that the Planning Authority has raised concern that a number of the apartment developments, have bedrooms placed along the southern elevation, with kitchen/dining areas facing north, as well as 12 apartments being primarily north facing. There are 6 apartments with kitchen/dining/living rooms to the north and bedrooms to the south, as well as an additional aspect to either the east or west to the open plan living area. While in determining the layout of residential units it is considered better to locate the living room / open plan living area to the south, there are also other considerations, including the exterior design and arrangement of the overall apartment block. It is also necessary to attach balconies to living areas rather than bedrooms, and in organising the exterior appearance of the block, the location of balconies is important in terms of the overall visual aesthetic of the block. I am satisfied that these living spaces, which achieve BRE ADF targets and are dual aspect, achieve acceptable quality standards. In relation to the 12 apartments being primarily north facing, I have already described the daylight conditions for units in the development in the preceding paragraphs, and that they comply with BRE guidelines. All of these units are dual aspect, and as outlined above, where units have a northerly aspect, they overlook landscaped open space providing some compensation for this.



11.6.10. Overall, I am satisfied that the proposed development will experience good daylight, sunlight and overshadowing conditions and that it accords with criteria described in the BRE guidelines, noting that these should be applied flexibly and in light of other site layout planning considerations, and that adequate compensatory measures are also included in line with the Apartment and Building Height Guidelines.

11.6.11. Dual Aspect

11.6.12. 100% of the proposed apartment units are dual aspect.

11.6.13. Internal Space Standards

11.6.14. The minimum apartment floorspace standards are described in the Apartment Guidelines and the proposed development meets or exceeds the minimum floor areas set out in the guidelines.

11.6.15. Floor to Ceiling Heights

11.6.16. The proposed development conforms with SPPR 5 of the Apartment Guidelines which states that a minimum of 2.7m floor to ceiling height should be provided at ground level to apartment blocks.

11.6.17. Privacy

11.6.18. There is sufficient distance to the rear of all of the proposed houses in the development ensuring no undue overlooking. The majority of houses have a garden depth of at least 11m, and where this is less, the proposed houses are not overlooked and back onto gardens. The corner blocks labelled 2E and 3D on the plans are 2 storey apartment / maisonette type units, with a ground and first floor apartment unit. There are no direct habitable room window relationships between any of the proposed houses or to the proposed 2 storey apartment units.

11.6.19. The closest proximity between habitable room windows in the proposed scheme is between the 3 storey apartment blocks 1 and 2, where a direct relationship is exhibited between secondary windows to the kitchen / living / dining space for 6 units. The labelling for these units appears to be wrong, but as labelled, the effected units are no.s 21, 21 and 26 in block 2 and 21, 6 and 11 in block 1 where windows are approximately 6m away from each other and directly overlook. As these are secondary windows, I am satisfied that by incorporating obscure glazing to these effected windows, privacy matters would be appropriately addressed without any

decrease in amenity within the unit. As such, in the event that the Board determines to grant planning permission and agrees with this approach, I have included a condition in my recommended order below requiring the same.

11.6.20. Number of Apartments to a Core

11.6.21. The proposed development does not exceed 12 apartments per a single core in accordance with policy standards described in the Apartment Guidelines.

11.6.22. Private Amenity Space and Communal / Public Open Space

11.6.23. I note concerns raised by the Planning Authority in relation to the layout of the proposed development, the quality of some of the rear garden areas, as well as compliance with objective SC5-5 and the relationship of proposed garden areas to existing treelines. I also note third party concern regarding the landscaping to the northern part of the site.

11.6.24. Specific Objective BL R-03 for the subject site states that '*...The upper part of the site, closer to the ridge, is generally unsuitable for development and should be retained as open land uses with long term strategic planting as part of the overall scheme.*'

11.6.25. Section 5 of the County Development Plan sets out the objectives in relation to open space for new development, including objective SC 5-2 which requires public open space to be in accordance with the standards contained in 'Cork County Council Recreational and Amenity Policy', the 'Guidelines on Sustainable Residential Development in Urban Areas' and 'Making Places: a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2.'

11.6.26. Objective SC 5-5 Recreation and Amenity Policy states the following:

*"Ensure the protection, and seek the enhancement and wise management of existing recreational facilities and public open space, and ensure that all new developments make adequate provision for recreational and amenity facilities in accordance with the requirements of the Councils Recreation and Amenity Policy and having regard to the Councils policy regarding the management of Green Infrastructure assets. It is also intended that any enhancement and management of existing public open spaces and new developments will be in accordance with the Council's policy on Biodiversity*

*outside Protected Areas (HE 23), the Council's Green Infrastructure Strategy for County Cork (GI 21) and Green Infrastructure – New Developments (GI 31)."*

- 11.6.27. The proposed development incorporates 19% public open space, with the incorporation of play areas, seating areas, open spaces kickabout areas, woodland and wildflower areas, responding to the Council's Recreation and Amenity policy as well as the guidance and standards.
- 11.6.28. While the Planning Authority are concerned that the proposal does not take advantage of its elevated southerly aspect, I disagree and note the inclusion of terraced natural play areas, and the distribution of open spaces that are also connected through pedestrian and shared surface areas. By locating the taller elements of the scheme to the south of the site, the proposal not only limits the visibility of these elements but also situates them on the lower topographical areas of the site and thereby limit consequential overshadowing effects. The largest amenity open space areas are well overlooked by proposed houses, ensuring natural surveillance and enclosure, without adverse amenity effects. Parking is also focused on streets adjacent to houses rather than adjacent to open spaces to the benefit of the overall streetscape and setting of the scheme. The northern portion of the site is also left undeveloped, in accordance with the site specific objective (refer to discussion in section 11.4 above), and is to be planted with wildflowers to enhance the biodiversity value of this part of the site. I am satisfied overall with the quality, quantity and useability of the public open space proposed.
- 11.6.29. In relation to private amenity space, the Planning Authority state that a rear garden length of 11m should be provided with additional length shown where there is existing mature hedgerow. There is no related planning policy objective to require this specifically and I am satisfied that sufficient garden depth is provided to accommodate both amenity needs and planting in these areas. I also recognise the concern expressed in relation to pressure upon retained hedgerows and trees from future occupants in relation to pruning to prevent overshadowing of garden areas. In my opinion, the garden areas shown, particularly along the western edge of the site as highlighted by the Planning Authority, are sufficient and would not by way of a consequence of the design, lead to undue pruning.

11.6.30. The Planning Authority raise concern regarding the irregular shape of some gardens in the proposal. There are some gardens that are not a conventional shape, and particularly houses 51 to 54 which narrow to the rear as a result of the plan layout turning on a curve arrangement following the proposed street layout in this part of the site, but this is not unusual in residential estates and does not diminish the amenity offering of these spaces in my view. Variety in house type and garden arrangement adds to the character of the overall estate and the overall square meterage of these gardens is acceptable in my view, particularly as those specific houses benefit from an enlarged front and side garden as a result of the plan form.

11.6.31. The proposed apartments in blocks 1 and 2 all benefit from a balcony or terrace area meeting standards in the Apartment Guidelines. The 2 storey apartment buildings (types 3D and 2E) have a rear garden area, however how this space is divided between the two apartments in each building is not shown and therefore I have included a condition in relation to this specific detail that the Board can rely upon should they determine to grant planning permission. However, it should be noted that these garden areas are more than sufficient in size to meet the requirements of the apartments in each of those buildings.

11.6.32. Overall I am satisfied that the proposed public open space and private amenity space in the proposed development. I am also satisfied with the relationship of proposed amenity spaces to retained and proposed planting along boundary edges. In addition, I am satisfied with the intended approach in relation to the northern portion of the site and the wildflower planting of this area which will be beneficial from both a biodiversity and visual perspective, increased tree planting is not necessary in this area in my opinion.

11.6.33. Mix

11.6.34. The applicant has submitted a Statement on Housing Mix in accordance with Objective HOU 3-3(b) of the Development Plan. This demonstrates how the range of housing types proposed as part of the development responds to current market demands and the emerging demographic profile for the area.

11.6.35. SPPR 1 of the Apartment Guidelines states that up to 50% of a proposed development may comprise 1 bedroom units, with no more than 20-25% being studio units. The proposed development does not include any studio units and only 8% 1

bedroom units, in conformity with SPPR1. While I note third party concern regarding the lack of family size housing, the proposed development has sought to accommodate a variety of household types in my view and includes a large number of 3 bed units (49.6%) as well as a good proportion of 4 bed units (18.1%) and therefore is acceptable in my opinion.

11.6.36. I note the site specific objective that development 'include detached dwellings' and the proposed development does incorporate 3 detached dwellings. While this is not a large proportion of the overall scheme, the objective does not specify more than the 'inclusion' of detached dwellings, and therefore in my opinion the proposed development has satisfied this aspect of the objective. I also note that in terms of the overall plan form, there are a good proportion of semi-detached dwellings, as well as other standalone detached buildings such as the creche and the 2 storey apartment buildings, providing suitable gaps along the street edge between built form. In addition, terraces of houses are limited to 4 dwellings. In my opinion, the proposed development has achieved the right balance between the efficient delivery of housing on the site at an appropriate housing mix.

## 11.7. Traffic and Transport

11.7.1. I note third party objection in relation to traffic and transport considerations and that the Planning Authority recommend that the application be refused, in part, due to serious traffic hazard as a result of traffic volume on an access road of substandard gradient, and a failure to provide accessible and inclusive access to/from the site for pedestrians contrary to DMURS. The Planning Authority concludes that the proposed development would endanger public safety by reason of traffic hazard as a result.

11.7.2. I also note paragraph 3.2.17 of the LAP which states that:

*"In relation to the BL-R-02 and the BL-R-03 sites, there is no direct access to a public road. Future development proposal on these sites will need to ensure that safe access is provided. This issue will be of particular concern when servicing the BL-R-03 site. Serious consideration should be given, in any proposal on this site, to the following traffic related issues;*

- *The impact of increased traffic at the junction of Sunberry Heights and the R 617;*

- *The gradient of Sunberry Heights as it approaches the Blarney Inner Relief Road;*
- *Pedestrian and cycling connectivity between the BL-R-03 and the town centre.”*

11.7.3. A Transportation Assessment Report and Engineering Services Report is submitted with the application describing expected traffic impact and junction upgrades proposed as part of the development.

11.7.4. The Transportation Assessment concludes that the proposed development will have a negligible impact upon the capacity of the road network in the area and can easily be accommodated without adverse traffic capacity or traffic safety issues arising.

11.7.5. Third parties raise a number of concerns with the submitted Transportation Assessment. Concerns include the lack of specific survey data, confirmation of timings of the surveys and queries concerning the accuracy, reliability and believability of the survey results and related deductions. Concern is also raised in relation to the submitted Road Safety Audit and the accuracy of that assessment.

11.7.6. The submitted Transportation Assessment states that traffic surveys were undertaken in the pre-Covid pandemic period during school term time. However, no date or month is indicated. The surveys are included in Appendix C of the report and cover peak times during 8-9am and 5-6pm. In my opinion, the intervening period between pre and post Covid-19 pandemic periods, has been characterised by lockdowns and changes in working patterns that have altered traffic counts (reducing them), I am satisfied that using data from the pre-pandemic period would be closer to a ‘normal’ position than would be the case during 2020 or 2021. Given the lead-in for submission of an SHD application and the need to undertake assessments to inform the design of proposals, it would not be reasonable in my view to require a survey from 2022. I have no reason to doubt the results of the survey presented in the submitted report prepared by professional consulting engineers and as such, I will rely upon these results and deductions as part of my assessment, alongside consideration of representations on the application, particularly the Chief Executive Report, and my visit to the site. Similarly, I also have no reason to doubt the findings of the Road Safety Audit presented in the application.

11.7.7. Third parties have submitted photos and videos to illustrate their position that the traffic survey data is inaccurate. However, these are representative of a 'snap shot' in time rather than a formal survey of traffic conditions, and the data presented in the submitted report is the evidential base for the purposes of my assessment.

11.7.8. Overall, I am content that in terms of traffic flow, the proposed development can be accommodated with capacity demonstrated to the existing road network. I address the gradient of the access road separately below.

11.7.9. Access

11.7.10. A key concern that has been raised in submissions on this application is the topography of the site, with access from Sunberry Drive / Heights, a road with a significant gradient. Representations from third parties, elected members, departments for the Planning Authority and the Planning Authority itself, all suggest that this road is unsuitable to form the access to the proposed development given its gradient.

11.7.11. Before addressing the gradient specifically, I note in the first instance that this site is zoned for residential development and can only be accessed from Sunberry Drive. Suggestion is made by third parties that access could be achieved from the west, however that is not an option given the site extent and surrounding road layout. As a result, the zoning of this site for residential development, means that access is inevitably required from Sunberry Drive.

11.7.12. Third parties suggest that Sunberry Drive is in private ownership and therefore access cannot be achieved and maintenance issues arise. As outlined in section 11.2 of my report above, the applicant states that Cork City Council is the owner of the lower section of Sunberry Heights and its junction with the R167, and includes a letter of consent regarding the same, and that they have an easement over the remaining section of Sunberry Heights/Drive to the entrance of the proposed development site. A Deed of Grant in relation to works over this section of the road and a legal opinion confirming the applicants right of access and for the construction of utilities over the lands, is also included. As such, I am satisfied that the applicant has provided all that can be reasonably requested in relation to this matter, demonstrating their understanding of their access rights in relation to the construction and operation of the development they propose. As set out in section 11.2 of this report above, the

granting of planning permission does not superseded landownership entitlement and section 10 subsection 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016 confirms that the grant of consent for SHD does not entitle a development to be carried out.

11.7.13. Turning to the condition of Sunberry Heights itself, the applicant is proposing a number of upgrades to address safety concerns about this access road. This includes the provision of a continual fence or safety barrier adjacent to the pedestrian footpath and widening of the footpath close to the junction with the R617, the incorporation of two raised tables to reduce vehicular speed towards the centre and at the junction with the R617, as well as the relocation of the stop sign to in front of the raised table on Sunberry Heights and before the junction with the R617.

11.7.14. The Planning Authority state that the applicant fails to provide accessible and inclusive access to/from the site for pedestrians and therefore would endanger public safety by reason of traffic hazard. However, the applicant has included upgrades to Sunberry Heights to improve pedestrian safety and provides pedestrian connections throughout the site itself. The applicant also identifies how pedestrian infrastructure exists in the wider area to accommodate connections further into Blarney centre. While this infrastructure is not always situated on both sides of the road, it is not unusual for pedestrians to have to cross the road to access footpaths, and I am satisfied that the applicant has sought to include a reasonable level of upgrade works to the existing pedestrian route on Sunberry as part of the development proposal.

11.7.15. I have visited the site, and in my view, the gradient of Sunberry Heights / Sunberry Drive does present challenges from an accessibility perspective when considering cyclists, buggies and wheelchairs, however the gradient is not so extreme that it would discourage pedestrian travel in general in my view. The gradient is most extreme at the entry to Sunberry Heights, becoming less so as it progresses up the road. It is not possible for the applicant to alter the gradient of the road, and therefore this issue is somewhat insurmountable for any application for the development of the site. The question then is whether that matter is so significant that development of this site, zoned for residential development, should be rejected as a principal consideration of the accessibility of the Sunberry access route. In considering this point, I note that there is no real alternative access point to the site and that there is an existing residential estate accessed by the very same route. It is also worth



weighing into the balance on this point, that the State is in an ongoing housing crisis, and this is a site that is zoned for residential development, can be serviced and comprises a development proposal that is acceptable in all other regards. With that in mind, I am satisfied that on balance, the proposed development is acceptable, despite the challenge that the gradient of Sunberry Heights / Sunberry Drive presents in terms of accessibility. I also note that in relation to cyclists, the use of electric bikes is becoming more common place and would enable cyclists to overcome this gradient issue.

11.7.16. I note reference in third party submissions to a historic planning consent for Sunberry Drive/Heights estate included statement that the *“planning authority would not favourably consider any application for extension to this estate or Sunberry Heights via the road shown over the wayleave. Further development of these lands other than maybe 2/3/low density sites should be achieved from road system to the west”*. I note that the Planning Authority does not refer back to this statement, and that it was made in a different planning policy environment and context, with subsequent Development Plans being adopted. After that statement was made, the zoning of the subject site for residential development has persisted. As outlined above, there is no clear access from the west to the site and no alternative access solution is suggested by the Planning Authority in their submitted Chief Executive Report. I note the Area Engineer’s recommendation of refusal, in relation to the large increase in volume of traffic using the Sunberry access road with a substandard gradient, increasing the hazard to road users and pedestrians, however the volume of traffic to be generated by the proposed development has been demonstrated by the applicant to be low.

11.7.17. I also note the Planning Authority’s Engineer’s comments with respect to the sightlines on the junction with Sunberry and the R617. This is an existing junction indicated to be in Cork City Council ownership and therefore the sightlines, and any improvement to the same, are confined to limitations of the existing public realm. In my view, conformity with DMURS may not be demonstrated for existing junctions. The site itself is accessed further up Sunberry Heights, via Sunberry Drive and conformity with DMURS is demonstrated by the applicant within the confines of the site development area. While the applicant is proposing works at the existing R617 and Sunberry Heights junction to improve sightlines, the Planning Authority’s Engineer requests that these works go further. I have included a condition in my

recommended order that the applicant provide a schedule of these works to the Planning Authority for approval, however it should be recognised that it may not be possible, within the confines of the existing public realm, to fully achieve the specifications of the Planning Authority's Engineer, as such I am not suggesting that this be required of the applicant. However, the Board can rely upon my suggested condition to ensure full specification of works to improve sightlines at this existing junction, should they determine to grant planning consent.

11.7.18. In relation to third party comments regarding the submitted detail of these junction improvement works and pedestrian / cycle upgrades, I am satisfied that the submitted drawings are to a level and detail that would be expected at this planning application stage. Further detailed specification of these works can be requested by condition and is reflective of the normal approach to such matters. I have therefore included a condition regarding the same, which requires agreement with the Planning Authority to the detailed specification of these works.

#### 11.7.19. Car Parking

11.7.20. The standards for car parking are set out in Appendix D of the County Development Plan. Appendix D Table 1a states a minimum expectation for residential development to incorporate 2 spaces per dwelling or 1.25 spaces per an apartment. These standards do not form an objective of the Development Plan, although I note Objective TM 4-1 of the Development Plan which asks for a gradual shift towards more efficient and sustainable transport modes, and states that parking should be provided broadly in line with Appendix D. The notes to Appendix D also state that a reduction in car parking will also be acceptable where the planning authority are satisfied that good public transport links are available and a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of sustainable modes.

11.7.21. The proposed development includes 182 shared surface car parking spaces (including 18 electric vehicle charging points). In addition, 30 car parking spaces (including 4 electric vehicle spaces) are provided in the basement of the apartment blocks. This equates to a rate of 1.4 spaces for every unit across the entire scheme, or 1.7 spaces for every proposed house and 0.7 spaces for every proposed apartment.

11.7.22. The Planning Authority have confirmed that they are satisfied with the quantum of car parking provided subject to agreement to a mobility management plan which can be secured by way of condition.

11.7.23. I am satisfied that the standards described in the Development Plan are intended to be applied flexibly where good public transport links are demonstrated, and a Mobility Plan will support a shift to sustainable travel modes. As described in section 11.3 above and in this section below, the subject site is walking distance to the centre of Blarney and bus stops, with onward connection to the rail services in the wider area. It is also possible to secure a mobility management plan by way of condition and the Planning Authority are content with such an approach. As such, I am satisfied that the proposed quantum of car parking is acceptable for the proposed development.

#### 11.7.24. Bicycle Parking

11.7.25. The proposed development incorporates 238 cycle parking spaces exceeding minimum standards.

#### 11.7.26. Public Transport

11.7.27. I note third party concern stating that public transport is insufficient to serve the proposed development.

11.7.28. The subject site is served by a number of bus stops within easy walking distance in the site, as discussed above in section 11.3 above. The applicant has submitted a Bus Services and Capacity Assessment Report with the application appended to the Transportation Assessment Report. Route no.215 serves the site and links Blarney with Cork City Centre and other public transport interchanges and hubs. There are approximately 2 buses an hour and these are a double decker type with a typical capacity of 90 passengers. The applicant's submitted report uses demographic data to estimate that the proposed development can be expected to create demand for 7 seats in the peak bus service period, suggesting a small impact on the overall services capacity. In addition, Blarney is the start of the no.215 service route and therefore there is a high available of empty seats for buses serving the subject site.

11.7.29. In terms of future bus connectivity, a new route into the City is proposed as Cork Bus Connects. This is expected to have a midday frequency of 120 mins, increasing at peak commuter times. A further additional service is also planned under Bus

Connects from Ballincollig to Blarney and onwards to the City with a frequency of 60mins. These services would further improve the accessibility of the site by public transport.

11.7.30. Overall, I am satisfied that the subject site has good existing public transport connections and that these are likely to improve further in future.

## 11.8. **Water Infrastructure and Flood Risk**

11.8.1. I note third party objection in relation to water infrastructure and flood risk matters. The Planning Authority have confirmed general acceptance of submitted details in relation to water infrastructure and requested conditions to confirm technical specifications.

11.8.2. The application submission includes an Engineering Services Report and SuDS Strategy Report. The applicant states that the subject site is not located in a flood risk area and therefore no flood risk assessment is included in the submission. I have checked the OPW Flood Maps website ([floodinfo.ie](http://floodinfo.ie)) and concur that the subject site is not situated in an area at risk of flooding.

11.8.3. In relation to connections to water infrastructure, a statement of design acceptance has been issued by Irish Water. Connection to the water supply network is feasible without upgrade, while upgrades are required with respect to foul water connections. The proposals with respect to the foul sewerage system are described in the submitted Engineering Services Report and the applicant has confirmed that this would be designed and installed in accordance with Irish Water standards. Conditions are requested by Irish Water with respect to a connection agreement, that there is no permission to build over assets, and that development is carried out in compliance with Irish Water Standards Codes and Practices. I am satisfied that the proposed development can be serviced by water infrastructure, with connections required to be to the satisfaction of Irish Water, and this can be secured by planning condition.

11.8.4. Third parties have raised concern regarding the potential closure of Sunberry Drive to facilitate connection works, the disruption to water connections, as well as the lack of foul sewage surveys and that future occupants water access may rely on a wayleave agreement. With respect to potential road closures and water connection disruption, it is possible that there will be limited and temporary disruption to the local area while

connection works take place. This is invariably the case for all developments that require infrastructure connection. However, I am satisfied that this short-term disruption is an acceptable and inevitable consequence of developing this site zoned for residential use. In relation to surveys of the sewage network and a potential wayleave agreement, Irish Water have issued a statement of design acceptance and requested conditions in the event that the Board determine to grant planning permission. I am satisfied that Irish Water is the authority on the suitability of the proposed connection works.

- 11.8.5. In relation to the proposed drainage of the site, third parties state that there is existing flooding to the rear gardens of dwellings that adjoin the site, and a number of queries and concerns are raised in relation to the proposed drainage of the site and associated increased risk in relation to flooding. I note the third party submission from a civil engineer with a critique of the submitted details with respect to drainage in the application, and I have reviewed the points made in that submission. I also note that the Planning Authority recommend that further detail is submitted by way of condition, but no objection is raised with respect to drainage or flood risk matters. Third parties also suggest that a drainage ditch / stream to be relied upon by the applicant is artificial and raise other matters with respect to hydrogeology which I address as part of ecological considerations and my Appropriate Assessment further below in sections 11.9 and 12 of this report.
- 11.8.6. The applicant describes proposals with respect to surface water management and drainage in both the submitted Engineering Services Report and SuDS Strategy Report alongside technical drawings. The applicant confirms that surface water and stormwater management will be in accordance with the Greater Dublin Regional Code of Practice for Drainage Works. Site investigation works are described, including bore holes and trial pits that did not encounter any groundwater. Greenfield run-off rates have been used to calculate anticipated run-off rates and on-site attenuation need. Attenuation zones and drainage proposals are shown in the submitted drawings for the application, specifically drawing no.21017-PL04. Appendices to the Engineering report describe existing drainage and the result of borehole investigations in relation to groundwater conditions on the site, including the Catchment Runoff Assessment and Geotechnical Site Investigation Report.

11.8.7. In my opinion, the details submitted at this stage are sufficient for the purposes of my assessment. I note that the Planning Authority have recommended further clarification of specifications by way of condition, and while the Planning Authority recommends the application be refused for other reasons, it has not included drainage as a reason for refusal. While I accept that there are technical details and specifications regarding drainage proposals for the site that require clarification, including stormwater attenuation, drainage during construction and discharge rates, the subsequent submission of such points of detail by way of planning condition, is not unusual and is the appropriate approach with respect to this site in my view. This is what the Planning Authority concludes with respect to drainage, and I concur with that approach.

11.8.8. I also do not agree with third parties that the submitted reports are based upon flawed assumptions or inaccurate data, and I am satisfied that the baseline material submitted is sufficient for the purposes of my assessment at this stage. Overall, I am satisfied that the proposal would not increase the risk of flooding on the site or to the surrounding area, with an appropriate approach to mitigating surface water drainage, albeit with the need to clarify specifications around this. I have included conditions in my recommended order below regarding the same which the Board can rely upon should they determine to grant planning consent.

## 11.9. **Ecology and Trees**

11.9.1. I note third party objection to the application with respect to ecological considerations. This is particularly in relation to biodiversity supported on the site itself, but also with respect to the woodland area situated outside of the site and directly adjoining the south / south west of the site. I address potential impact upon European Sites in my Appropriate Assessment in section 12 below, in this part of my assessment I deal with broader ecological considerations as well as potential impact upon trees.

### 11.9.2. Ecology

11.9.3. I note the following objectives of relevance to my assessment in the County Development Plan; HE 2-3: Biodiversity outside Protected Areas seeks the retention of local areas of biodiversity value, GI 10-2: Surface water Protection regarding the protection and improvement of status and quality of all surface waters, HE 2-2: Protected Plant and Animal Species, HE 2-7: Control of Invasive Species. As well as

Local Area Plan Objective LAS-01 regarding the protection of the integrity of the biodiversity of the area and local biodiversity value.

- 11.9.4. An Ecological Impact Assessment (EclA) is submitted with the application. This describes the existing habitats and species on the site, as well as drainage and water connections for the site. Alongside conclusions with respect to potential impacts as a result of the proposed development.
- 11.9.5. The EclA confirms that the existing site is formed of predominantly Arable Land (BC1), with an area of Scrub (WS1) to the south of the site and Hedgerow / Treeline areas to the north and west boundaries (WL1/WL2). Outside of the site redline boundary there is Arable Land (BC1) and Improved Agricultural Grassland (GA1) to the north and west, with an area of Mixed Woodland (WD1) and Built Land (BL3) to the east.
- 11.9.6. In relation to protected mammals, the EclA states that no definitive evidence of protected mammals were noted within the subject site. A number of disused badger setts were recorded within the woodland to the south of the site. Bat's are a protected species and surveys of the site were completed in 2018 and 2021, recording a high bat activity across the site and boundary areas, while activity across the site was dominated by Common pipistrelle and Soprano pipistrelle activity, high activity was also recorded for a range of species along the boundary with the woodland areas. Species recorded include Leisler's bat, Myotis species and Brown long-eared bat, which are less common species and surveys indicate a reliance upon the woodland habitat for foraging.
- 11.9.7. In relation to birds, while a range of species were recorded on the site, no species of high conservation concern were seen or heard on the site during surveys in 2018. While no invertebrates of conservation concern were recorded at or surrounding the project site during field surveys in 2018 and 2020, the EclA identifies habitat suitable for a slug species of conservation concern (*Tandonia rustica*) within woodland to the south of the project site and confirms that surveys identified the presence of this species to the south of the site in May and September 2021. No individuals were recorded within the site itself.
- 11.9.8. The EclA identifies the Ardamadane Wood pNHA approximately 0.5km to the east of the subject site, separated by existing residential estates, and the Shourangh River

Valley pNHA and the Lee Valley pNA, that are between 4.5km and 10km downstream of, and have a hydrological connection to, the subject site.

- 11.9.9. During the construction phase, the EclA identifies potential negative impacts with respect to water quality, however the implementation of best practice construction methods will reduce or remove this risk. Loss of vegetation will also result in minor negative impact upon bats foraging within and adjacent to the site boundaries. No loss of habitat for the slug *Tandonia rustica* would result from the proposed works. There would also be minimal loss of bird foraging habitat and some nesting habitat for breeding birds within the site. In relation to invasive plant species, *Buddleja davidii* was recorded on the site and has the potential to be spread during construction phase. All impacts are concluded to be to a local level and of minor significance to overall populations.
- 11.9.10. During the operational phase, the EclA identifies the potential for negative impact upon water quality, however the design of the development (specifically surface water management and drainage systems) will reduce or remove this risk to be within acceptable parameters. The EclA states that no loss of woodland habitats would result during the operational phase, however there is the potential for lighting to disturb foraging bats. There is no loss of freshwater habitats as a result of the proposal.
- 11.9.11. Mitigation is described in section 6 of the EclA and includes the incorporation of construction management measures, surface water and wastewater management measures and lighting sensitive to bats. Tree planting, pollinator friendly species planting and provision of semi-natural habitats will result in positive impacts. With the implementation of mitigation, the EclA concludes that the residual impact upon ecology as a result of the proposed development will be minimised, with likely significant effects to fauna are avoided, and no potential for significant negative residual impact upon aquatic receptors.
- 11.9.12. In relation to third party submissions, I can confirm that the site characteristics are as described above in accordance with Fossit's Guide to Habitats in Ireland and that the EclA does not identify an area of recolonised bare ground within the site. In relation to a survey of existing drainage over the site, details of the existing principal stormwater outfall is described in section 1.5.1 of the EclA. This relates to what the applicant describes as 'an un-named stream/watercourse' to the southwest of the subject site,



which is to be the principal point of discharge for treated surface water from the development. Third parties dispute this description, and state that it is an artificially created ditch. For the purposes of my assessment, this stream or ditch can be considered existing on the site and has existed for some time. In relation to the data submitted by the applicant, this includes a Catchment Runoff Assessment in the submitted Engineering Services Report. This describes drainage channels from the site and the concentration of flow accumulation. I am satisfied that this data supports the conclusions reached by the applicant in relation to the existing drainage characteristics on the site. Site investigations carried out by the applicant and described in the Geotechnical Site Investigation Report, also appended to the Engineering Services Report, evidence that groundwater was not encountered. Therefore, it is unlikely in my opinion that groundwater disturbance would result from the proposed works. In relation to the disturbance of existing wildlife, this is a negative impact acknowledged in the submitted EclA as a result of the proposed development, however there is no significant adverse impact at a population level upon any protected species or species of conservation concern. The type of impact that will result to wildlife on the site from proposed works, is to be expected as a result the change of use and development of the site to residential, in accordance with the zoning of the site. I am satisfied with the submitted surveys to inform the conclusions in the EclA and that the mitigation described will removal potential negative impacts, or reduce these to be within acceptable parameters. While I acknowledge third party concern regarding human impact upon natural landscape, this must be balanced with consideration of the zoning of the site for much needed residential development. Overall, I concur with the conclusions reached in the submitted EclA and that impact will be within acceptable parameters with no significant adverse effect upon ecology.

#### 11.9.13. Trees

11.9.14. I note Objective HE 2-5: Trees and Woodland in the County Development Plan, regarding the preservation and enhancement of the general level of tree cover and ensuring that development does not compromise important trees and incorporate new tree planting.

11.9.15. Third party objections have been received in relation to the impact upon trees and specifically the woodland to the south of the site as a result of the proposed development. I note the critic of the submitted Arboricultural Assessment by a

Landscape Consultant on behalf of a third party, and I have reviewed the points raised in that submission. Concerns are raised regarding the accuracy of the submitted Arboricultural Impact Assessment with the application, in relation to the identification of trees and associated root protection areas. Concerns also relate to the direction of drainage away from the woodland and consequential impact upon planting to the south of the site.

- 11.9.16. The applicant has submitted an Arboricultural Impact Assessment Report and associated tree survey drawings, including a root protection plan and tree constraints plan. In relation to the potential impact upon trees/hedgerows, the submitted report states that it is not proposed to remove any trees/hedgerows to facilitate the development, however six trees are recommended for removal based upon their poor condition. Although I note that these trees are located outside of the subject site redline boundary and in private land and therefore removal would not be within the control of the applicant. Furthermore, I note that the applicant's submitted Landscape Masterplan shows these six trees remaining along the southern and western boundaries, therefore it can be concluded that there are no trees proposed for removal in the submitted application. As such, there would be no impact upon trees (in terms of removal) as a result of the proposed development. However, third parties contest this conclusion and I address this further below.
- 11.9.17. Third parties dispute the classification of a number of trees, particularly to the south of the site, which they say are incorrectly identified as Ash in the submitted report, with associated under sizing of tree diameter, ultimately impacting the assumed tree root protection zone for these trees. It is suggested that 11 trees are impacted as a result. It is also suggested that this is a manipulation of data to ensure root protection areas do not extend into the development area, and that taking the larger root protection areas that third parties believe to exist, these would extend into the footprint of proposed built form, with potential negative impact upon trees as a result.
- 11.9.18. In relation to the identification of trees, I note that paragraph 1.1 of the submitted report states that trees along the southern boundary are located in private property and were assessed from the proposed development site. This is identified as a limitation of the survey and in my view, may explain any discrepancies, should they exist, between third party understanding of tree identification and that contained in the applicant's report. I note that root protection areas do not extend into the site, but this

may result from a feature on the boundary, rather than being a manipulation of data. In relation to the same, I noted on my site visit the steep drop in level to the southern boundary that may account for the fact that roots do not extend into the site. In any case, it is possible for development to take place within root protection areas under the supervision of an arboriculturist to ensure no damage to the tree, and such methods can be secured by way of planning condition. Should the Board determine to grant planning permission for the development, I have included a condition regarding the same in my recommended order below. With the incorporation of this condition and the supervision of works proximate to trees by an arboriculturist, I am satisfied that should there be any extension of root protection areas beyond that shown in the report and within the footprint of proposed built form, the works can still take place without adverse impact upon these trees.

11.9.19. Third parties also raise the matter of drainage in relation to the survival of trees and the woodland to the south of the site. Third parties are concerned that if drainage is diverted to the west, this would impact what they perceive to be a natural existing swale to the south of the site, with consequential negative impact upon the ability of trees to survive there.

11.9.20. As outlined above in section 11.8 of this report, I am satisfied with the information submitted by the applicant in relation to the existing drainage characteristics of the site for the purposes of my assessment at this stage. That information does not support the conclusion that drainage of the site is currently entirely focused towards the south. Currently surface water would be absorbed across the site extent then flow along natural drainage lines, ultimately towards rivers and coastal areas. The applicant's diagrams show a concentration of this flow to the west of the site. There is also two points of concentration to a lesser degree shown towards the south.

11.9.21. The submitted NIS and AA Screening Report also describe the existing drainage of the subject site. This details that there is an existing field drain located along the western boundary of the site. This merges within another field drain that drains along a field boundary from west east to the southwest corner of the project site. The two field drains form a minor first order stream that flows south through the woodland to the south of the project site. While third parties dispute whether the ditch or stream along the western boundary is natural, it exists all the same and is currently channelling drainage along that end of the site, and ultimately south through the woodland. As a

result of the foregoing, I do not think that the proposed drainage systems would have significant impact upon the woodland, as the approach seeks to evolve from the current drainage flows from the site.

11.9.22. I note other third party comment that the northern portion of the site should be planted with a woodland. The proposed development includes extensive new tree planting, including a new treeline making the edge of the proposed residential estate and the lands to be left undeveloped to the northern portion of the site. The applicant is proposing to incorporate a wildflower meadow here, which will encourage a range of biodiversity. I'm satisfied that the applicant's proposal increases the diversity of biodiversity to be supported across the site, rather than focusing this on tree planting only. Concern is also raised about the prospect of forest fire as a result of leaf litter and inappropriate behaviour. I'm satisfied that there is nothing inherent in the proposed design that would encourage such an outcome, and that residential developments in treelined and adjacent to woodland areas is a normal condition that would be reflected across the county.

#### **11.10. Material Contravention**

11.10.1. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that subject to paragraph (b), the Board may decide to grant a permission for strategic housing development in respect of an application under section 4, even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.

11.10.2. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.

11.10.3. The applicant has submitted a Statement of Material Contravention with the application. This identifies potential areas that may be considered material contraventions in relation to the following:

- The subject site is located within the area subject to the Blarney-Macroon Municipal District Local Area Plan 2017. The site has a specific zoning objective BL-R-03 under the plan, for medium B density residential development. A medium B density is defined in objective HOU 4-1 of the Cork County Development Plan 2014 as being within the range of 12-25 units/hectare. The proposed development has a density of 35 units/hectare.

11.10.4. As the proposed development with a density of 35 uph exceeds the range described in objective HOU 4-1, the application is considered a material contravention of the development plan and local area plan.

11.10.5. In my opinion, the site can be considered of strategic importance to housing delivery for Blarney in the context of national planning policy documents and guidelines. These focus on the need to increase housing delivery on appropriate sites, including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework. Equal Housing for All, recently published continues to support and encourage Planning Authorities to facilitate and advance development to meet the housing needs of the country. As identified in section 11.3 above, the site characteristics align with national principles underpinning sustainable compact growth in urban areas, being situated a short walking distance to the centre of Blarney, as well as in close proximity to bus stops, with accessibility to a train station in the wider area.

11.10.6. In relation to Section 28 guidelines, I have described in section 11.3 of this report above the compatibility of the proposed development with national planning policy and guidance. I am satisfied that the density is in conformity with the standards set down for 'edge of centre sites' in the Sustainable Residential Development Guidelines (Section 6.11) and the range of 20-35 dwellings per hectare. I am also satisfied that the subject site demonstrates the characteristics of a Peripheral and/or Less Accessible Urban Location under the Apartment Guidelines, where densities of less than 45 uph are considered to be acceptable, and I describe the accessibility of the site in detail in section 11.3 above in this regard. The proposed density of 35

dwellings per hectare is therefore within the ranges described in the Section 28 Guidelines set out above. I also consider that national planning policy supports the proposed density for this site, and particularly NPO 3a which requires the delivery of 40% of new homes in the footprint of existing settlements and the subject site is located on zoned residential land within the Blarney and Macroom LAP area. Objectives 33 and 35 of the NPF also seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements. The population growth of Blarney is also supported at regional level and the RSES incorporates the Cork Metropolitan Area Strategic Plan which aims to target sustainable growth in the area and identifies Blarney as a metropolitan town.

11.10.7. As a result, should the Board determine to grant planning permission for this application, with respect to the medium density identified for the site under the specific objective in the Blarney and Macroom Local Area Plan, and the definition of medium density in objective HOU 4-1 of the Cork County Development Plan 2014, a material contravention of the plan is justified in my opinion as follows:

11.10.8. In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The strategic nature of the site for the delivery of housing in Blarney, in light of the characteristics of the site and the context of national planning policy documents and guidelines which promote compact growth. Including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework and Equal Housing for All.

11.10.9. In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

Permission for the development should be granted having regard to Section 28 guidelines, with specific regard to the conformity of the proposed development density with the standards set down for 'edge of centre sites' in the Sustainable Residential Development Guidelines (Section 6.11) and within the range of 20-35 dwellings per hectare. The subject site also demonstrates the characteristics of a Peripheral and/or Less Accessible Urban Location under the Apartment Guidelines, where densities of less than 45 uph are considered to be acceptable, being situated a short walking distance to the centre of Blarney and bus stops. National planning policy and

guidelines also promote increased housing delivery on appropriate sites, including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework and specifically NPO 1b and NPO 3a.

11.10.10. I note third party comments with respect to other perceived material contraventions of the development and local area plans, and I address these below.

11.10.11. In relation to the justification for a material contravention of the development plan and local area plan with respect to density, I have outlined why given the site specific circumstances, it is acceptable in this case. I have also addressed in detail in sections 11.9 and 12 ecological considerations, in section 11.4 visual impact considerations, and in section 11.7 transportation matters, and in my view there is no significant negative impact as a result of the proposed development and therefore a material contravention can be considered by the Board. In relation to the zoning objective for the site and that the northern portion be left undeveloped, I have discussed in detail above in section 11.4 my understanding of what comprises the northern portion of the site with reference to both planning policy and the planning history of the site. I am satisfied that there is no material contravention in relation to that matter. I have addressed the proposed mix of the development in section 11.6 above and am satisfied that no material contravention arises with respect to that matter, as the zoning objective states that development should 'include' detached dwellings only, and does not specify a quantum. As the proposed development includes 3 detached dwellings this is in accordance with the objective in my view. I have outlined the public open space proposals for the site in section 11.6 and how they accord with local planning policy, as such no material contravention results with respect to that matter. I have described the design and visual impact of the proposed development (including consideration of the ACA) in detail in section 11.4 above, and how these accords with both local and national planning policy, as such no material contravention results. It should also be noted that the Building Height Guidelines is not relied upon with respect to the proposed material contravention of the development plan and local area plan regarding density. I have assessed car parking in section 11.7 above and childcare in section 11.12 below and am satisfied that no material contravention results. In relation to a material contravention with respect to non-compliance with the LAP/Masterplan/Urban Design Framework, I am satisfied that the characteristics of the site support the proposed development and that no material contravention results.

11.10.12. I am satisfied that the only potential material contravention that arises is with respect to density, and I have set out above why the Board would be justified in granting planning permission for the application, should they decide to do so, with reference to sections 37 2(b)(i) and (iii) of the Act.

### **11.11. Planning Authority's Recommendation**

11.11.1. The Planning Authority have recommended that the application be refused for two reasons, firstly with respect to density and associated design / visual impact matters, and secondly with respect to traffic hazard.

11.11.2. Throughout my report, I have directly engaged with the Planning Authority's assessment as described in the submitted Chief Executive Report. Specifically in section 11.3 of this report I set out my assessment of the proposed density and why this conforms with national planning policy and guidance. I also describe in detail in section 11.4 of this report, the heritage impact in terms of visual effect resulting from the proposed development and specifically in relation to the ACA. I am satisfied that this visual impact is appropriate and reflective of the zoning of the site for residential development and will not be harmful to the special characteristics of the ACA. In relation to the layout, design and scale of the proposed development on this elevated site, I have described in section 11.4 why in my view the scheme is acceptable and in keeping with national planning policy which seeks to efficiently develop sustainable sites, such as the subject site. In this regard, I have considered the guidance in the Sustainable Residential Development, Apartment and Building Height Guidelines, which I consider to have been appropriately incorporated into the proposed design, including in terms of scale and layout.

11.11.3. In relation to potential traffic hazards, I describe in detail my assessment of transportation matters in section 11.7 above. While I note the gradient of the Sunberry Heights/Drive route which forms the access to the site, the subject site is zoned for residential development and no alternative access point is presented. Consequentially any development of the site will require construction vehicles and residential vehicles during occupation, to access the site via Sunberry Heights/Drive. The Planning Authority state that this would give rise to traffic hazard due to the increase in volume of traffic, however the applicant has demonstrated that traffic volume would not be increased significantly by the proposed development. The



applicant has also incorporated improvements to the Sunberry Heights and R617 junction in the proposed design. The Planning Authority state that the risk is unacceptable and cannot be mitigated, however the site is zoned for residential development, and access to the site would likely have formed a consideration in that original zoning. Therefore, a solution must be possible if this site is to be developed. I am satisfied with the solution set out by the applicant. The Planning Authority also state that access to the site is not inclusive for pedestrians and therefore does not meet DMURS, however there is a pedestrian footpath proposed on at least one side of the road for the entire route along Sunberry Heights into the site. There are also pedestrian links into the wider area and Blarney centre as shown in submitted drawing number P-03a, while it is necessary to cross the road at points, this is not unusual in a pedestrian environment.

11.11.4. As a result of the above and the wider assessment set out in this report both above and below, I do not concur with the conclusions reached by the Planning Authority in relation to density, visual impacts and traffic hazards, and consider that the proposed development, with reference to both national and local planning policy, is of an acceptable standard for this site.

## 11.12. Other Issues

### 11.12.1. Social Infrastructure

11.12.2. I note third party concern that there is insufficient capacity to cater for the proposed development with respect local infrastructure.

11.12.3. In relation to car parking in the village, the subject site is walking distance to the centre of Blarney and therefore would not be overly car dependent for short journeys in my opinion.

11.12.4. In relation to school capacity, the applicant has submitted a School Demand Report. This existing school provision, the demographic profile of the area, the characteristics of the development and future school provision in the area. The report concludes that the demand for school places anticipated to be generated by the proposed development could be incorporated into existing schools in the area. A Childcare Needs Assessment is also submitted and demonstrates that the proposed creche to provide 42 childcare spaces, would meet the anticipated demand for childcare

spaces as a result of the proposed development. This creche would also cater for the wider area.

11.12.5. I have addressed public transport in section 11.7 above. I also note that there is no objection raised in relation to this by the Planning Authority and no response was received from the National Transport Authority in consultation on the application. I have also considered water infrastructure in section 11.8 above and am satisfied that Irish Water have issued a Statement of Design Acceptance for the proposal.

#### 11.12.6. Archaeology

11.12.7. I note objectives HE 3-1 and HE 3-6 of the County Development with respect to the safeguarded archaeological sites, materials and monuments.

11.12.8. The application includes an Archaeological Assessment. This confirms that there are no recorded archaeological sites within the proposed development site. There are two archaeological sites in the surrounding area and Blarney Castle is a recorded monument located 650m to the south of the site. As a result, the report concludes that the site has low archaeological potential. I concur with this and have included a condition as part of my recommendation below, that would address any unanticipated archaeological discoveries during works in association with the proposed development.

#### 11.12.9. Part V

11.12.10. The applicant has submitted Part V proposals as part of the application documents. 29 no. units are currently identified as forming the Part V housing. The Planning Authority have confirmed they have no concerns with relation to the Part V proposals.

11.12.11. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

#### 11.12.12. Fire Department Comments

11.12.13. I note the comments from the Fire Department appended to the Chief Executive Report regarding the adherence of the design to fire safety standards. Building Regulations is the appropriate framework for the consideration of fire safety design and will be applied to any residential development during later design and construction stages that would follow any planning permission for a site.

## 12.0 **Appropriate Assessment**

12.1. This section of the report considers the likely significant effects of the proposal on European sites. Where likely significant effects cannot be excluded, appropriate assessment is required to assess the likely effects on a European site(s) in view of its conservation objectives, and assesses whether adverse effects on the integrity of the site will or might occur in respect of each of the European site considered to be at risk, and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) including Appropriate Assessment Screening submitted with the application.

12.2. I have had regard to the submissions of third parties, prescribed bodies and the Planning Authority in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites. I also note Objective HE 2-1: Site Designated for Nature Conservation in the County Development Plan which seeks protection to all natural heritage sites designated or proposed for designation under National and European legislation.

### 12.3. The Project and Its Characteristics

12.4. See the detailed description of the proposed development in section 3.0 above.

### 12.5. Likely significant effects on European Sites (Stage I Screening)

12.6. The subject site consists of a 7.79 ha (gross) field used for arable agriculture. To the north of the site the field is bounded by hedgerows associated with a dismantled railway line, to the west by a hedgerow field boundary, to the east by mature broadleaved woodland and a residential estate beyond. To the south of the site the field is bounded by a residential estate, woodland and an existing school beyond. The site is in the River Lee catchment and the River Shournagh sub-catchment. There is an existing field drain located along the western boundary of the site, which

merges with another field drain to the west, to form a minor stream that flows south through the woodland to the south of the project site. The minor stream crosses the R617 to the south via an existing culvert and connects to a drain that flows south to the Knockacorbally Stream. The Knockacorbally Stream is a minor first order tributary of the River Lee.

12.7. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any European site, there are a number of European sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:

- Cork Harbour SPA (11km)
- Great Island Channel SAC (15km)
- River Blackwater SAC (14km)

12.8. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)), as well as by the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

12.9. The qualifying interests of all European sites considered are listed below:

Table 12.1: European Sites/Location and Qualifying Interests (QI)

<b>Site (site code) and Conservation Objectives</b>	<b>Qualifying Interests (QI)/Species of Conservation Interest (SCI) (Source: EPA / NPWS)</b>
Cork Harbour SPA (4030) To maintain the favourable conservation condition of the species listed as Qualifying Interests/Special	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]

<p>Conservation Interests for this SPA.</p>	<p>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]  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]</p>
<p>Great Island Channel SAC (1058)</p> <p>To maintain or restore the favourable conservation condition of the species and habitats listed as Qualifying Interests/Special Conservation Interests for this SAC.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]  Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>
<p>Blackwater River (Cork/Waterford) SAC (2170)</p>	<p>Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Perennial vegetation of stony banks [1220]</p>

<p>To maintain or restore the favourable conservation condition of the species and habitats listed as Qualifying Interests/Special Conservation Interests for this SAC.</p>	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twait Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>
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12.10. Table 13.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

12.11. Potential Effects on Designated Sites

12.12. The submitted report confirms that the subject site is linked to Cork Harbour via a hydrological pathway, specifically as a result of surface water discharge from the project site to the River Lee catchment. The subject site is located approximately 23km downstream of the Cork Harbour SPA. There is no direct hydrological link or other indirect pathway to the Great Island Channel SAC from the subject site and the submitted report confirms that the Great Island Channel is influenced by tidal flows

with little influence from the River Lee. There are also no surface water or other pathways linking the subject site to the River Blackwater SAC.

12.13. The Appropriate Assessment screening report submitted as part of the NIS document for the application identifies the likely impacts as a result of the proposed development upon the European sites listed above. Due to the hydrological link from the subject site to the Cork Harbour SPA, there is potential for interaction with wetland habitats of the SPA during construction works and operation of the proposed development. The proposal also includes the replacement of the culvert under the R617 and there is potential for escape of pollution during those works. The link to Cork Harbour SPA confined the River Lee Estuary which forms part of a series of discrete sections of estuaries that make up the SPA. Other areas of the SPA are located in areas outside of the influence of this estuary and subject to tidal influences, therefore proposed works are not expected to have a wider impact on the SPA beyond the River Lee Estuary and its banks. There are no habitats occurring at the subject site that represent important habitats upon which special conservation interest bird species of the SPA would rely upon. Given the distance of the subject site to that SPA and the lack of supporting habitats on the site itself, I am satisfied that the site does not support SPA species.

12.14. While the Great Island Channel SAC overlaps in part the Cork Harbour SPA, that SAC is influenced by tidal flows with little influence from freshwater inputs via the River Lee. The submitted screening report concludes that given the tidal dominance of hydrodynamics and water quality in the Great Island Channel, along with the very minor flows from the project site, which will be further attenuated by the downstream waterbodies, and the dilution and assimilation of flows along the hydrological pathway, no hydrological impact pathway links the project site to this SAC, and no other pathway exists. There are no surface water pathways or other pathways linking the subject site to the River Blackwater SAC which is located in a separate water catchment to the subject site. There is also no potential for interaction with qualifying species or habitats or species reliant upon habitats of either the Great Channel Island SAC and River Blackwater SAC, with the proposed project and I concur with this conclusion.

12.15. AA Screening Conclusion

12.16. I concur with the conclusions of the applicant's screening, in that there is the possibility for significant effects on the Cork Harbour SPA as a result of the following:

- During the construction phase potential to result in the generation of silt-laden surface waters which could contaminate surface water generated on site with other construction related materials such as hydrocarbons, cement-based products or other construction solutions. During replacement of the culvert under the R617 there is potential for pollution to enter this stream with risk of further pollution downstream to the River Martin and Shournagh.
- During the operational phase potential exists for surface water generated on hard surfaces to be contaminated with hydrocarbons from vehicles.
- During both construction and the operational phase, the discharge of contaminated surface waters to the Shournagh River sub-catchment could combine with other existing pressures to water quality along the river and contribute to reductions in water quality downstream along the River Shournagh and lower River Lee.

12.17. The specific conservation objectives and qualifying interest of the habitats for Cork Harbour SPA relate to range, structure and conservation status. The specific conservation objectives for the species highlighted for the potentially effected European sites relate to population trends, range and habitat extent. Potential effects on water quality have been highlighted above, which have the potential to affect the conservation objectives supporting the qualifying interest / special conservation interests of the European Site. As such, likely effects on Cork Harbour SPA cannot be ruled out, having regard to the sites' conservation objectives, and a Stage 2 Appropriate Assessment is required. In reaching this conclusion, I have taken the precautionary approach given the location of a stream/drainage ditch on the site boundary and in light of the proposed works to the culvert, which are site specific characteristics of this individual planning application proposal.

12.18. In relation to the remaining SAC areas considered, taking into consideration the distance between the proposed development site to these designated conservation sites, the lack of direct hydrological pathway or any other pathway or link to these conservation sites, as well as the lack of freshwater influence, dilution effect and tidal dominance characterising water quality, it is reasonable to conclude that on the basis



of the information on file, which I consider adequate in order to issue a screening determination, that the construction and operation of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the conservation objectives of features of interest of Great Island Channel SAC or Blackwater River SAC.

#### 12.19. Stage 2 – Appropriate Assessment

12.20. The submitted NIS identifies the potential for deterioration of water quality during construction and operation, which in the absence of mitigation could have an indirect effect upon the conservation objectives for Cork Harbour SPA by negatively impacting wetland habitats and their associated species of conservation interest. This is as the result of a hydrological link from surface waters discharged from the subject site via the River Lee and onto Cork Harbour SPA 11km away as the bird flies or 23km downstream.

12.21. The site-specific conservation objectives and qualifying interests / species of conservation interests of Cork Harbour SPA is summarised above in table 12.1. The NIS provides a description of Cork Harbour SPA and the potential effects of the proposed development, alongside any required mitigation to avoid adverse effects. A conclusion on residual impact is then provided. A summary of this assessment is set out below.

12.22. Cork Harbour SPA is a large European Site consisting of a number of discrete sections associated with river estuaries. The section relevant to the subject site occurs along the banks of the River Lee Estuary, with other areas of the SPA situated in the outer River Lee estuary and Cork Harbour, and due to the harbours hydrodynamics and specifically tidal influences, those other areas are not considered to occur within the sphere of influence of the proposed works. Threats and pressures to the Cork Harbour SPA include:

- Nautical sports (medium impact);
- Shipping lanes (medium impact);
- Fertilisation (medium impact);
- Leisure fishing (medium impact);
- Walking, horse-riding and non-motorised vehicles (medium impact);

- Marine freshwater aquaculture (high-impact);
- Industrial or commercial areas (high impact);
- Roads, motorways (high impact); urbanised areas, human habitation (high impact); and
- Port areas (high impact).

12.23. The subject site is located in the River Shournagh sub-catchment, which drains to the lower River Lee near Ballincollig. The Water Framework Directive status of these watercourses classifies them 'at risk'. The transitional waters of the River Lee further downstream (the Lee Estuary Lower) where the Cork Harbour SPA River Lee section occurs, has been identified as a transitional water that is moderately polluted and of intermediate water quality status, with a Water Framework Directive status of 'at risk'.

12.24. The potential impact of the proposed development relates to the potential discharges of contaminated surface water from the subject site during the construction and operational phase, or during works to replace the existing culvert crossing the R617. Such discharges would then be discharged to the Shournagh sub-catchment and downstream to the lower River Lee Estuary as it transitions into the Cork Harbour SPA, contributing to existing water quality pressures on these receiving waterbodies.

12.25. During the construction phase, earthworks have the potential to generate silt-laden surface water runoff from the site, and potentially contaminating materials such as oils, fuels, lubricants, other construction related solutions and cement-based products could accidentally be emitted.

12.26. During the operational phase, there is potential for surface water run-off from impermeable surfaces and car parking areas to be contaminated in the event of fuel leaks or accidental spills.

12.27. The uncontrolled release of contaminated surface drainage waters to the Shournagh River sub-catchment and the River Lee is likely to be rapidly diluted and distributed within this tidal waterbody, however any deposition of contaminants such as hydrocarbons or cement contamination can impact benthic fauna and epifauna which function as a prey resource of the wetland bird species of Cork Harbour SPA. The toxic effect of such contaminants on feeding, growth, development and reproduction

are known to cascade and bioaccumulate throughout the food chain. The significance of this impact would depend upon the frequency and extent of discharges, but could result in acute pollution. The exposure of estuarine fauna, including birds, to such polluted waters can result in disturbance and stress effects. Upon detection of such contaminants wetland birds may simply move away from the affected areas, with the potential to result in a decline in the distribution of the bird species within the SPA. Benthic species may acclimatise to contaminated conditions or it may lead to mortality and changes in the population and the community structure of intertidal wetland habitats.

- 12.28. In relation to in-combination or cumulative impact, the submitted NIS includes a review of planning decisions in the area and considers other projects granted or proposed downstream of the subject site. All of which have been subject to either screening for AA or included an NIS with the application. Construction phase practices and operational designs will subsequently be implemented for all of these projects to avoid discharges which would result in the contamination of waterbodies.
- 12.29. The NIS includes a description of mitigation measures, which includes measures to protect surface water quality during both the construction and operational phase. This involves adoption of best practice construction measures in relation to the use, storage and handling of materials on the site, as well as the operation, maintenance and cleaning of vehicles, specific measures managing the use of concrete and the inclusion of silt barriers and separation distances to drainage channels. Specific measures to protect water quality during the replacement of the culvert crossing the R617 are also outlined. During the operational phase, surface water management systems will be designed to capture surface water and treat this via a combined silt and hydrocarbon interceptor, prior to discharge into the receiving waterbodies.
- 12.30. With the application of the mitigation measures outlined in the NIS and summarised above, the NIS concludes that the project will not, alone or in-combination with other plans or projects, result in adverse effects to the integrity and conservation status of European Sites. I am satisfied with the data presented in the submitted NIS and concur with the conclusions reached with regard to the proposed mitigation measures and the overall potential significance of impact to the Cork Harbour SPA.

12.31. I note third party objection in relation to the submitted NIS and that this is not based upon sufficient scientific expertise, evidence and does not include analysis of all construction activities, impact upon birds / bats from collision or include sufficient site surveys. I have outlined above my analysis of the survey data presented, which I consider this to be sufficient, and in my opinion the potential effects of the proposed development, are confined to potential adverse impact upon water quality during both the construction and operational phases. The implementation of the mitigation described will in my view, be completely adequate to ensure that no construction activities are likely to led to contamination of waterbodies, and I am satisfied with the scientific expertise, data, methodology and analysis offered in the NIS. In relation to the potential for bird or bat collision with buildings, I am not of the view that the proposed height would require any specific technical assessments at a maximum of 3 storeys, and as such, specific bat or bird collision study/assessment is not required.

12.32. AA determination – Conclusion

12.33. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

12.34. Having carried out a Stage 1 Appropriate Assessment Screening of the proposed development, it was concluded that likely adverse effects on the Cork Harbour SPA could not be ruled out, due to a hydrological link to the subject site via the River Lee Estuary. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

12.35. Following a Stage 2 Appropriate Assessment, with submission of a NIS, it has been determined that subject to mitigation in relation to water quality (which is known to be effective) the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site, Cork Harbour SPA, or any other European site, in view of the sites Conservation Objectives.

12.36. This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects, and it has been established beyond scientific reasonable doubt that there will be no adverse effects.

### 13.0 Screening for Environmental Impact Assessment (EIA)

13.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening report and I have had regard to the same. The report concludes that the proposed development is below the thresholds for mandatory EIA and that a sub threshold Environmental Impact Assessment Report (EIAR) is not required in this instance as the proposed development will not have significant impacts on the environment.

13.2. Section (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

13.3. Construction of more than 500 dwelling units;

13.4. Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other built-up area and 20ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

13.5. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that an EIA is required for:

13.6. *"Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."*

13.7. The proposed development is for 143 residential units in the form of 105 houses and 38 apartments, as well as a creche, ranging in height from 2-3 storeys. The overall site area is 7.79ha (approx.) and is formed of an agricultural field. The site is currently zoned for residential use and can be serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b)(i) and (iv) of the Planning and Development Regulations 2001 (as amended), in that it is less than 500 units and is

below 10ha (that would be the applicable threshold for this site, being outside a business district but within an urban area). In addition, Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. I would note that the uses proposed are in keeping with land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. In relation to habitats or species of conservation significance, the AA set out above, concludes that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites.

13.8. The criteria at Schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. Section 299B(1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The submitted EIA Screening Report addresses the information under Schedule 7A. It is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts regarding other permitted developments in proximity to the site, and demonstrates that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to Schedule 7A and all other submissions, and I have considered all information which accompanied the application including inter alia:

- EIA Screening report;
- Statement in Accordance with Article 299B(1)(b)(ii)III)(C) of the Planning and Development Regulations 2001-2021;

- Planning Report and Statement of Consistency;
- Statement of Material Contravention;
- Statement on Housing Mix;
- School Demand Assessment;
- Childcare Needs Assessment;
- Architectural Design Statement;
- Building Lifecycle Report;
- Housing Quality Assessment report;
- Photomontage Booklet and CGIs;
- Landscape & Visual Impact Assessment report;
- Landscape Design Rationale Statement;
- Arboricultural Impact Assessment Report;
- Engineering Services Report including Appendices;
- Construction and Environmental Management Plan;
- SUDS Strategy Report;
- Lighting Design Report and Specification Report;
- Transport Assessment report;
- Archaeological Assessment;
- Natural Impact Statement (including screening for AA);
- Ecological Impact Assessment; and
- Daylight and Sunlight Study.

13.9. In addition I have taken into account the SEA of the Development Plan. Noting the requirements of Article 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union Legislation other than the EIA Directive have been taken into

account, I would note and have considered that the following assessments / reports have been submitted:

- A Statement in accordance with Article 299B(1)(b)(ii)(II)(c) of the Planning and Development Regulations 2001-2021, which takes into account the following Directives: 92/43/EEC, The Habitats Directive & Bird Directive (Directive 2009/147/EC); 2007/60/EC, Floods Directive; 2002/49/EC, Environmental Noise Directive; 2001/42/EC, SEA Directive; 2008/50/EC, Clean Air for Europe Directive; 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites; 2003/33/EC European Landfill Directive; Seveso III Directive (2012/18/EU); and Aarhus and ESPOO conventions including Directive 2003/4/EC and 2003/35/EC.
- A NIS (including AA Screening) and Ecological Impact Assessment has been submitted pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) and also responds to requirements arising from the Water Framework Directive (and River Basin Management Plans).
- A SUDS Strategy Report which recognises the Water Framework Directive.

13.10. The EIAR Screening Statement prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purposes of EIA Screening.

13.11. I have completed a screening assessment as set out in Appendix A of this report and recommend to the Board 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 (EIAR) would not therefore be required. The conclusion of this assessment is as follows:

13.12. Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.



- (b) the location of the site on lands zoned residential under the Blarney and Macroom Local Area Plan where residential and creche are permitted uses.
- (c) The pattern of development in surrounding area.
- (d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- (f) 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).
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura Impact Statement, Ecological Impact Assessment, Construction and Environmental Management Plan, Transport Assessment Report, Engineering Services Report, and SUDS Strategy Report.

13.13. 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. I recommend that a screening determination be issued accordingly, confirming that no EIAR is required.

13.14. I note third party concerns regarding the submitted EIA screening report and suggestions that the application should have been subjected to full EIA. I have set out above my EIA screening of the application and explained why it should not be subjected to full EIA in my opinion, and this is also reflected in the table I set out in Appendix A of this report. The EIA screening report is sufficiently detailed in my opinion and fully considers both construction and operational impacts of the proposed development. The subject site is not located adjacent to a protected habitat and my assessment set out in this report includes an Appropriate

Assessment in section 12 and full consideration of ecological impacts in section 11.9 above. I have given full consideration to the drainage and attenuation solutions proposed as part of the development in section 11.8 of my report above. I am satisfied that this will not have negative consequential hydrological or ecological impacts. I am also satisfied that consideration to potential impact upon human health is undertaken in the EIA Screening and I have had regard to the same.

13.15. My EIA screening assessment is informed by the application documentation as a whole and does not solely rely upon the submitted EIA screening report.

13.16. The submitted EIA Screening also considers potential cumulative impacts with reference to approved and planned projects in the locality, which has also informed my assessment. I am satisfied that with respect to cumulative impact, that the proposed development relates to residentially zoned lands and that the development of other residentially zoned lands in the area has been accounted for under the Development Plan which was subject to its own SEA. There are no anticipated significant cumulative impacts anticipated with respect to surrounding development which would not have already been accounted for under the Development Plan.

## 14.0 Conclusion

14.1. The proposed residential land use is appropriate given the zoning of the subject site. The density of the proposed development is also appropriate, given the short walking distance of the subject site to bus stops with onward connection to the City Centre and rail services, as well as its proximity to the centre of Blarney and associated services and employment opportunities there. This is supported by the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020) and the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' (2009) which support increases in density, at appropriate locations, to ensure the efficient use of zoned and serviced land.

14.1.1. The proposed development is also acceptable in consideration of its visual impact, particularly in light of the location of scenic routes in the area, views from Blarney Castle and its estate, and in light of its proximity and elevated position relative the Architectural Conservation Area. The proposed development forms an extension of the existing residential urban estates that characterise long views in the area and this

change in visual effect is reflective of the residential zoning of the site. The proposed development would not harm the tourist or historic significance of the area, or Protected Structures, monuments or conservation areas, and this conclusion is reached in light of guidance in The Architectural Heritage Protection Guidelines for Planning Authorities, and specifically as they relate to the setting of Protected Structures and Architectural Conservation Areas, as well as Objective GO-06 of the Development Plan in relation to visual impacts of developments in close proximity to Blarney Castle. The scale of the development is also appropriate in light of the characteristics of the surrounding built environment and in consideration of objectives in the Development Plan, as well as guidance in The Building Height Guidelines.

- 14.1.2. While the subject site will be accessed via a route with a significant gradient, the proposal includes improvements to Sunberry Heights, which can be further specified via condition, to ensure a safe pedestrian and vehicular environment. There is nothing inherent in the design that would create a traffic hazard.
- 14.1.3. I am also satisfied that the development would not have any unacceptable adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at an unacceptable risk from flooding, and the proposal will not increase the risk of flooding elsewhere.
- 14.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

## **15.0 Recommended Order**

### **Planning and development Acts 2000 to 2019**

#### **Planning Authority: Cork City County Council**

- 15.1. 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 25<sup>th</sup> February 2022 by Eoin

Sheehan care of Coakley O'Neill Town Planning Ltd NSC Campus, Mahon, Cork, Ireland.

### **Proposed Development**

15.2. The proposed development consists of:

- 143 no. units in total comprising 105 no. houses (3 no. detached, 42 no. semi-detached, and 60 no. terraced units) and 38 no. apartments;
- Formed of 8 no. 1 bed, 38 no. 2 bed, 71 no. 3 bed and 26 no. 4 bed units;
- With heights ranging from 2-3 storeys above ground, including split level houses;
- The demolition of an existing garage and southern boundary wall, to be replaced with a new southern boundary wall, as well as the lowering of the existing eastern boundary wall and pier, at no. 1 Sunberry Drive;
- A new creche;
- All associated ancillary site development and landscaping works, to include bin stores, bicycle and car parking (including basement car park under the proposed apartments), ground works and retaining structures, foul drainage, stormwater drainage, water supply, service ducting and cabling, public lighting, relocation of existing ESB substation and all boundary treatments;
- Access from, with upgrade works to, the existing Sunberry Heights/Sunberry Drive, including the widening of the footpath at the junction with the Blarney Relief Road (R617), raised platforms, security barriers and fencing as necessary, road markings, and road resurfacing to facilitate improved pedestrian/cycle connectivity.

### **Decision**

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

### **Matters Considered**

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

## 16.0 Reasons and Considerations

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

- (a) the location of the site in the established urban area of Cork in an area zoned for residential development;
- (b) the policies and objectives of Cork County Development Plan 2014;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All – A New Housing Plan for Ireland;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (g) The Architectural Heritage Protection Guidelines for Planning Authorities;
- (h) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (i) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history of the site and area;
- (l) The submitted NIS and potential effect upon European sites;

- (m) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (n) The submissions and observations received;
- (o) The Chief Executive Report from the Planning Authority and specifically the recommended reasons for refusal; and
- (p) The report of the inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be appropriate in context of surrounding uses and would otherwise be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have an adverse effect on any European Site in view of the conservation objectives of such sites, other than Cork Harbour SPA, which is a European site where the likelihood of adverse effects could not be ruled out.

### **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Cork Harbour SPA, in view of the sites

conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European site,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on water quality,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction and operational phases.

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

- (b) the location of the site on lands zoned residential under the Blarney and Macroom Local Area Plan where residential and creche are permitted uses.
- (c) The pattern of development in surrounding area.
- (d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- (f) 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).
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura Impact Statement, Ecological Impact Assessment, Construction and Environmental Management Plan, Transport Assessment Report, Engineering Services Report, and SUDS Strategy Report.

The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

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

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, or historic environment, would be acceptable in terms of urban design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of



the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority and particularly the recommended reasons for refusal, which was addressed in detail in the Inspector's Report.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene The Cork County Development Plan 2014 and Blarney and Macroom Local Area Plan 2017 in relation to the density. Specifically, in relation to the site specific zoning objective BL-R-03 under the Local Area Plan, for medium B density residential development. A medium B density is defined in objective HOU 4-1 of the Cork County Development Plan as being within the range of 12-25 units/hectare. The proposed development has a density of 35 units/hectare.

The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the County Development and Local Area Plans would be justified for the following reasons and consideration.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The strategic nature of the site for the delivery of housing in Blarney, in light of the characteristics of the site and the context of national planning policy documents and guidelines which promote compact growth. Including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework and Equal Housing for All.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

Permission for the development should be granted having regard to Section 28 guidelines, with specific regard to the conformity of the proposed development density with the standards set down for 'edge of centre sites' in the Sustainable Residential Development Guidelines (Section 6.11) and within the range of 20-35 dwellings per hectare. The subject site also demonstrates the characteristics of a Peripheral and/or Less Accessible Urban Location under the Apartment Guidelines, where densities of less than 45 uph are considered to be acceptable, being situated

a short walking distance to the centre of Blarney and bus stops. National planning policy and guidelines also promote increased housing delivery on appropriate sites, including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework and specifically NPO 1b and NPO 3a.

## 17.0 Conditions

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

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

2. The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the Cork Harbour SPA.

3. The mitigation measures contained in the Ecological Impact Assessment which was submitted with the application shall be implemented in full.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and ensure protection of the receiving environment.

4. Details of the proposed development to be submitted as follows:

(a) The incorporation of obscure glazing to windows with directly opposing relationships between apartment blocks 1 and 2 (specifically for units labelled

no.s 21, 21 and 26 in block 2 and 21, 6 and 11 in block 1 on the submitted plans);

(b) The division of the private garden area for apartment building types 3D and 2E between the individual units within each block;

(c) Complete specification of the proposed cut-off swale along the northern boundary to conform with the Planning Authority standards for such work;

(d) Complete specification of works relating to the new culvert, including maintenance details;

(e) Complete specification of attenuation details to conform with the Planning Authority standards for such work;

(f) Schedule of works to improve sightlines on the junction of Sunberry Drive/Heights and the R617;

(g) Complete specification of the road, pedestrian and cycleway improvements to Sunberry Drive/Heights;

Complete specification (including revised drawings if necessary) showing the detailing of these elements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity, traffic and pedestrian safety.

5. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

6. The areas of public open space and the northern portion of the site as shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

7. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of any tree, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees, shrubs or hedging which are to be retained on the site.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

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

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

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

**Reason:** To restrict new housing development to use by persons of a

particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

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

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

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

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

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

15. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

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

16. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

17. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

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

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

19. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent



retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development).

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

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

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

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

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

22. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

23. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house, and should be reflect recommendations in the Ecological Impact Assessment with the application.

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

24. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including (but not limited to):

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Provision of parking for existing properties during the construction period;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- o) Complete specification of cut and fill works to the site.

**Reason:** In the interest of amenities, public health and safety.

25. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

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

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

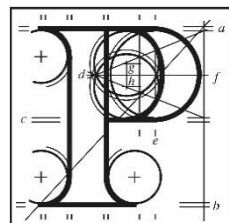
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and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

recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

## 18.0 Appendix A: EIA Screening Table



An  
Bord  
Pleanála

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

#### A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-312893-22
Development Summary		143 no. residential units (105 no. houses, 38 no. apartments), creche and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIAR Screening Statement and NIS was 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 undertaken in respect of the Cork County Development Plan 2014. An NIS and Ecological Impact Assessment under the habitats directive. A Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive. An Operational Waste Management Plan and Construction and Demolition Waste Management Plan have been submitted and respond to the requirements under the EC Waste Framework Directive and EC Environmental Noise Directive and EU Ambient Air Quality Directive. A statement was also submitted in accordance with Article 299B(1)(b)(ii)(II)(c) of the Planning and Development Regulations 2001-2021, which takes into account the following Directives: 92/43/EEC, The Habitats Directive & Bird Directive (Directive 2009/147/EC); 2007/60/EC, Floods Directive; 2002/49/EC, Environmental Noise Directive; 2001/42/EC, SEA Directive; 200B/50/EC, Clean Air for Europe Directive; 92/57/EEC on the minimum safety

and health requirements at temporary or mobile construction sites; and Seveso III Directive (2012/18/EU).

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  <b>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b> <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b>	<b>No</b>	The residential use proposed and the size and design of the proposed development would not be unusual for the area in Blarney. While the height of the proposed apartments, creche and townhouses is 3 storeys and therefore above the established context in the immediate surroundings, the scale is commensurate to other developments in the wider County area and is not	<b>No</b>

		exceptional, relative to the established urban context.	
<b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b>	<b>Yes</b>	The site is currently undeveloped; however it is designated for residential development. Changes in land use, form and topography are not considered to be significant or out of character with the pattern of development in the surrounding area, and the site is situated at the edge of an existing residential estate.	No
<b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b>	<b>Yes</b>	Construction materials will be typical of such development. While the development will result in the loss of agricultural field area, this is not on a significant scale at either national or county level. The proposed landscape works also incorporate mitigation measures through landscape planting.	No



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

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>Yes</b></p>	<p>Risk of contamination of the water network during both construction and operational phases has been identified and adequately addressed in the submitted NIS. Mitigation measures are described and will be incorporated through implementation of a Construction Environmental Management Plan to prevent pollutants entering the hydrological network, and via surface water management systems during operation of the development.</p>	<p><b>No</b></p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction and Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>

<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction and Environmental Management Plan to include traffic movements, would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the scale of the development, its situation on the edge of an existing built up area and the surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>This is a stand-alone development, comprising renewal of a site. The Cork County Development Plan 2014 plans for</p>	<p><b>No</b></p>

		<p>the expansion of the county and has been subject to SEA. This application and those developments in the vicinity are catered for in the plan through land use zoning. Other developments in the wider area alongside the proposed development, are not considered to give rise to significant cumulative effects.</p>	
<b>2. Location of proposed development</b>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> <li><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></li> </ol>	<p><b>Yes</b></p>	<p>The subject site has hydrological links to Cork Harbour SPA. An NIS is submitted with the application and identifies potential impacts. There is no potential for the proposed development to impact the integrity of the SAC and SPA areas. Incorporation of mitigation measures during the construction and operational phase will prevent potential pollutants entering the hydrological network, and incorporation of surface water management systems during operation.</p>	<p><b>No</b></p>

<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>Yes</b></p>	<p>The site is visible in views from Blarney Castle, its Estate and an Architectural Conservation Area. A Landscape and Visual Impact Assessment is submitted with the application and assessment of potential impact has been carried out. The development would not harm the setting of any Protected Structures, Monuments or conservation areas. There is no evidence or record of archaeology on the site. As it is undeveloped, potential exists for discovery of previously unrecorded archaeology, as such a condition to require recording in such an event can account for unforeseen findings.</p>	<p>No</p>
<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>While the subject site is in agricultural use, it does not form an important or scarce resource in the area, in light of the existence of numerous similar arable agricultural fields in the area.</p>	<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>Yes</b></p>	<p>A drainage ditch / stream bounds the site and the proposed development does not alter this watercourse. The development will implement SUDS measures to control surface water run-off. The site has no recorded history of flooding and surface water management will ensure appropriate drainage of the site.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network which connects to the R617. A Transport and Traffic Assessment has been submitted with the application and describes capacity on surrounding networks for the development, which will not significantly increase traffic on vehicular routes. Implementation of a Construction and Environmental Management Plan will mitigate traffic impacts during construction stage.</p>	<p>No</p>

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	A school is situated to the south of the site. The proposed development will reflect established relationships between the school and surrounding uses in the area.	No
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<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Developments have been identified in the vicinity, however these are all of a scale and nature that would be anticipated under the Cork County Development Plan 2014 and would not give rise to significant cumulative environmental effects alongside this development.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

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

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned residential in the Blarney and Macroom Local Area Plan where residential and childcare uses are acceptable.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).

(f) 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).

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura Impact Statement, Ecological Impact Assessment, Construction and Environmental Management Plan, The Construction Waste Management Plan, the Traffic Impact Assessment Report, the Environmental Report for Noise and Vibration, and the Flood Risk Assessment.



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.

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Rachel Gleave O'Connor  
Senior Planning Inspector

4<sup>th</sup> July 2022