



An  
Bord  
Pleanála

## Inspector's Report ABP-312980-22.

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<b>Development</b>	Permission to construct 12 houses.
<b>Location</b>	Harrison Place, Rathgoggan Middle, Charleville, Co.Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	21/7280.
<b>Applicant(s)</b>	Turnkey Development Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Turnkey Development Ltd.
<b>Observer(s)</b>	Maurice & Angeline Bridgeman
<b>Date of Site Inspection</b>	21/09/2022.
<b>Inspector</b>	A. Considine.

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## 1.0 Site Location and Description

- 1.1. The subject site is located to the south west of the town of Charleville, and outside the identified development boundary of the town. Charleville is identified as a main town in the north Cork area, and is located on the N20, Limerick to Cork national primary road. The site lies to the west of Main Street and is accessed via New Line and the horseshoe shaped road which provides access to Harrison Place. The site lies to the west of the section of the road which runs in a north south direction and lies within an undeveloped area of the town. The area to the east of the subject site comprises the residential development associated with Harrison Place. The subject site lies approximately 800m (1km if walking) to the south west of the centre of Charleville and on the edge of the built-up area.
- 1.2. The site the subject of this appeal, has a stated area of 0.76ha and comprises part of a larger landholding which has an overall area of 1.625ha. The site is currently greenfield in nature and includes an area of marsh/wetland. The site boundaries comprise wire fencing and the western boundary of the site comprises mature trees. There is an agricultural lane located to the north of the site.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for the construction of new 12-unit housing development consisting of the following : 2 no 4-bedroom detached dwelling houses, 4 no 3-bed semi-detached dwelling houses, and 6 no 3-bedroom townhouses, new vehicular entrance, storm and surface water sewers including attenuation system, public lighting, boundary walls, footpaths, public footpath, open spaces together with all other ancillary site works, all at Harrison Place, Rathgoggan Middle, Charleville, Co. Cork.
- 2.1. The application included a number of supporting documents including as follows:
  - Plans, particulars and completed planning application form.
  - Outdoor lighting layout and report
  - Irish Water connection agreement

- Traffic & Transport Assessment
- Part V methodology and costings
- Proposed attenuation pond/wetland details.

2.2. Unsolicited further information was submitted by the applicant in relation to the watermain, storm and foul water layouts the day after the original submission of the application 9<sup>th</sup> of December 2021.

2.3. On the 20<sup>th</sup> of December 2021, the applicant submitted further unsolicited further information in the form of an Appropriate Assessment Screening Report and an Ecological Impact Assessment.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. Having regard to the deficient capacity of the local road network, it is considered that the proposed development, by reason of scale and density, would result in unacceptable traffic congestion and consequent traffic hazard in Harrison Place, Charleville, and would set an undesirable precedent for similar future development in the area. The proposed development would, therefore, endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, when taken in conjunction with existing and permitted development along the narrow road serving the site, would endanger public safety by reason of traffic hazard because of the extra traffic which would be generated onto a poor rural road network.
3. The site forms part of the lands to which the zoning objective CV-R-06 of the Fermoy Municipal District Local Area Plan 2017 pertains and to which development is subject to the provision of new road infrastructure as per

objectives CV-R-06 and CV-U-05 of the Local Area Plan. Having regard to these LAP zoning objectives, the absence of the planned road infrastructure to serve CV-R-06 zoned lands and taking into account the deficiency in the existing local road network serving the area and the increased road traffic likely to result from the proposed development, it is considered that the existing road network is unsuitable to carry the increased road traffic likely to be generated by the proposed development and the proposed development is premature. The proposed development would be contrary to the provisions of the Cork County Development Plan 2014 and the Fermoy Municipal District Local Area Plan 2017 and would be contrary to the proper planning and sustainable development of the area.

### 3.1.1. **Planning Reports**

#### Pre-planning:

A pre-planning meeting is noted to have been held to discuss the proposed development in November 2021.

#### Planning Officers Report:

The initial Planning report was prepared by the SEP and considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission, planning history, the 2014 County Development Plan policies and objectives and the Fermoy MD Local Area Plan. The report notes that a pre-planning meeting was held to discuss the proposed development. The report also includes a section on EIA and AA.

The Planning Report considers the proposed development under a number of headings and notes that the principle of the proposed residential development could be considered at this location. The report however, notes that the intended access road as detailed in the LAP has not been provided and therefore, the development could be considered premature. The report notes concern in terms of the space provided within the proposed houses and that landscaping proposals have not been outlined. Issues are also noted with regard to the road and access to the site.

The report considers that the development provides for adequate shared open space areas and is acceptable in terms of housing mix and site layout and Part V proposals.

The report notes the recommendation of refusal from the Area Engineer and submits that a co-ordinated, joined up and master planned approach with other landowners in the area should be explored to unlock the lands in a sustainable and planned manner.

In terms of water services, the Planning Officers report requires further information as well as a survey of the existing public sewer network, as it passes through the rear gardens of properties. The assessment of the Councils Ecologies is also noted. However, given the significant issues and fundamental concern in relation to the capacity of the road, pedestrian connectivity, public safety and traffic hazards, there is no merit in requesting further information.

The report concludes, recommending that permission be refused for the proposed development, for 3 reasons.

The SEPs report is noted and endorsed by the Senior Planner, who notes, notwithstanding the reduced scale of the development previously sought, he considers the proposal to be premature given the failure to deliver the road objective to serve the residential lands and would endanger public safety given the poor quality of the road network serving the site. Refusal as per the SEPs report are recommended.

These Planning Reports formed the basis of the Planning Authority's decision to refuse planning permission.

### 3.1.2. **Other Technical Reports**

**Housing Officer:** The report notes that there is demand for the 2 Part V units proposed and that the units are suitable for social housing use.

There is no objection to the proposed development.

**Water Services:** The report notes the intention to provide a waste water pump station for the development, but there is no mention of same in the Irish

Water reply. It is also noted that IW reply mentions 45 houses. This needs to be clarified.

IW advised that 12 houses could connect to the public sewer but that a survey would be required of the network if more houses were connected to it. It is requested that the survey of the network be carried out. As the existing sewer passes through back gardens, Water Services need to be sure that it can cater for the proposed development.

Further information required.

**Public Lighting:** The report notes no objection to the proposed development subject to compliance with conditions.

**Environment Report:** The report advises that details of the pumping station are required. In addition, an Ecological Impact Assessment of the development on the wetland/marsh area required. SUDs should mimic greenfield flow of rate and pattern and a site-specific Construction Environment Management Plan is required.

Further information required.

**Estates:** Notes no objection to the development once an agreement has been reached with the Local Roads Engineer on improving the road access through the existing housing area or providing alternative access across the undeveloped field from the existing road to the south.

**Ecology:** The report notes the submission of the unsolicited further information – AA and EclA and notes that the primary concern with the application from an ecological perspective to be potential for impact on habitats of ecological value and / or potential for impact on protected species. The report considers that in the absence of the mitigation measures outlined in the EclA, the risk of the proposed development to impact on the wetland and swamp habitats, and disturbance impacts on bird and bat species is high.



Mitigations regarding the wetlands are considered to be insufficient, including the proposed location of the attenuation tank approximately 4m from the mapped boundary of the wetland, will impact on the hydrology of the wetlands and swamp area.

If breeding snipe are found to be nesting in the habitats proximate to the wetlands, it would add value to the habitat.

The report notes no details on the landscaping plan for the proposed development.

Further information required in relation to a nature based surface water management proposal, breeding bird survey and a biodiversity lead landscaping plan.

**Area Engineer:** The report notes that the site is located on a moderately trafficked, narrow, local secondary road which serves a large number of houses in Harrisons Place. There are no footpaths, or room to provide any on the loop road.

Sight lines not shown at the proposed entrance. Concerns were raised with previous proposals for the site and a grant of permission would have a negative impact on the already stressed local road network. It was envisaged that this issue was to be resolved by the construction of the link road as indicated in the LAP (connecting to L1313 Southwest of Mannix College Cross for access to zoned lands) but no works have commenced to date. The proposed development is premature until such time as this road has been constructed.

With regard to surface water and flooding, the report notes that the site is wet, so some consideration needs to be taken into account when planning for drainage of the site. Sections of the site are located within the Pluvial Flooding extents for Charleville. No flood risk assessment is required.

The report recommends refusal of permission for 3 reasons relating to roads and traffic issues as well as the development being premature by reference to the deficiency in the road network.

### 3.1.3. **Prescribed Bodies**

**TII:** Notes no observations

**Irish Water:** Further information required in relation to the inclusion of a pumping station.

### 3.1.4. **Third Party Submissions**

29 third party submission are noted in terms of the planning application submitted, one of which is noted to be on behalf of 67 properties at Harrison Place. The issues raised are summarised as follows:

- Impact on existing residential amenities.
- Inadequate water infrastructure.
- Roads and access issues
- Proposed one-way system is not acceptable to existing residents.
- Site conditions include a marsh / wetland and is full of wildlife, birds and biodiversity.
- The 2017 LAP shows access to this site from the Fortlands side.
- There are no footpaths in Harrison Place – increased hazard for pedestrians and children using the road.
- Flood risk.
- Noise pollution associated with additional houses.
- More appropriate sites in Charleville for residential development.
- Harrison Place is a unique 100-year-old estate. The proposed development is not in keeping with the area.

- The Area Engineer has already recommended refusal for development at this site on prematurity and traffic hazard grounds.
- The Environment Officer previously raised concerns that the applicant did not submit an Ecological Impact Assessment Report, which should include a bat survey. These issues have not been addressed in this current application.
- There is concern that the current application for 12 houses relates to the Irish Water report which can facilitate phase 1 of the development and that phase 2 will be sought at a later date.
- The proposed development does not comply with the provisions of the Draft 2022 CDP which places the site outside of the development boundary of the town.
- Planning permission was refused in 2012 for 1 house on the road on the basis that two additional cars onto the road was a hazard and would endanger public safety. Nothing has changed.

#### 3.1.5. **Other submissions:**

I note an email from the applicant to Cork County Councils SEP and SP noting that the Area Engineer had recommended a refusal of permission. The email requests that the receiver take into account all the work that has been done on the development and the positive aspects of the proposal. It is advised that the applicant is willing to work with the Council to address issues by way of further information.

## 4.0 **Planning History**

The following is the relevant planning history pertaining to the subject site:

**PA ref 21/5885:** Permission refused to the current applicant for the construction of 45 no. dwelling houses on the site for the following stated reasons:

1. The proposed development would endanger public safety by reason of traffic hazard because the road network in the area is inadequate to cater satisfactorily for the extra traffic movements likely to be generated by the

proposed development. The proposed development would also endanger public safety of traffic hazard because the road in the vicinity does not have any footpaths or public lighting to facilitate the pedestrian traffic which the proposed development would generate.

2. Policy Objective HOU 3-1(a) of the CCDP 2014 aims to ensure that all new development within the County supports the achievement of sustainable residential communities. Policy Objective HOU 3-2(a) of the CCDP 2014 aims to ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities. It is considered that the proposed development would result in an inappropriate layout which would not accord with the provisions of the Guidelines on Sustainable Residential Development in Urban Areas 2009 and the accompanying Urban Design Manual.

The proposed development would set an undesirable precedent for similar type development in the town and would be contrary to the objectives (HOU 3-1(a), HOU 3-2 (a)) in the current CCDP 2014 and would, therefore, be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy and Context**

### **5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018**

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.1.2. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.1.3. National Planning Objective 62 seeks to identify and strengthen the value of greenbelts, and green spaces at regional and city scale, to enable enhanced connectivity to wider strategic networks, prevent coalescence of settlements and to allow for the long-term strategic expansion of urban areas.

## **5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):**

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

**5.3. Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities, DoEHLG, 2007**

5.3.1. The purpose of these Guidelines is to assist in achieving the objectives for Delivering Homes, Sustaining Communities contained in the Government Statement on Housing Policy which focuses on creating sustainable communities that are socially inclusive in a variety of ways and to promote better homes, better neighbourhoods and better urban spaces. Section 5.3 of the guidelines deal with Internal Layout and Space Provision and Table 5.1 of the guidelines sets out the space provision and room sizes for typical dwellings.

**5.4. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

5.4.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (ie. cities, towns, and villages) and it sets out an integrated design approach.

## 5.5. Development Plan

- 5.5.1. The Board will note that the subject application was considered under the Cork County Development Plan 2014 and the provisions of the Fermoy Municipal District Local Area Plan 2017. In the interim, the Board will note that the Elected Members of Cork County Council adopted the Cork County Development Plan 2022-2028 at a full Council Meeting on the 25<sup>th</sup> of April 2022. The Plan came into effect on the 6<sup>th</sup> of June 2022. Therefore, the 2022 CDP is the relevant policy document pertaining to the subject site.
- 5.5.2. Volume 3 of the 2022 CDP deals with North Cork and identifies Charleville as a Main Town in the Kanturk Mallow Municipal District. The town has an allocated population target of 5,112 to 2028 with 456 new residential units required. The 2022 CDP identifies the subject site as being outside the settlement boundary of the town of Charleville and on lands zoned Town Greenbelt 1-1.
- 5.5.3. Volume 1 of the CDP presents the main policy material and notes that Town Greenbelts define the visual setting around the main towns and have been established to prevent sprawl and control linear roadside development. CDP Objective RP 5-4 is relevant in that it deals with Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1). Housing in such areas require that applicants must demonstrate compliance with one of a number of categories of housing need.
- 5.5.4. Other relevant objectives include:
- CDP Objective RP 5-12: Purpose of Greenbelt which seeks to:
    - (a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

- CDP Objective RP 5-14: Sustainability of Exceptions to Greenbelt Policies which seeks to:

Recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt.

- CDP Objective RP 5-15: Active Uses of Greenbelt Lands which seeks to:

Facilitate active uses of the County Metropolitan and Town Greenbelts generally and to encourage proposals which would involve the development of parks, countryside walks or other recreational uses within the Greenbelt. Any built development associated with such uses should not compromise the specific function and character of the greenbelt in the particular area.

- CDP Objective RP 5-20: Greenbelts around Main Towns GB 1-1 which seeks to:

Discourage strongly new individual housing from being located within the greenbelts around the Main Towns. This restriction is relaxed in principle for individuals who can demonstrate a genuine rural generated housing need based on their social and/or economic links to a particular rural area in accordance with RP 5-4, or in the circumstances referred to in objectives RP 5-16 and RP 5-17, which also apply to Greenbelts around the Main Towns.

## 5.6. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 3.6km to the south of the site. The Ballyhoura Mountains SAC (Site Code: 002036) lies approximately 7.9km to the south-east of the site and the Kilcolman Bog SPA (Site Code: 004095) lies approximately 12km to the south.



## 5.7. EIA Screening

5.7.1. The application was submitted to the Board after the 1<sup>st</sup> of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

5.7.2. Item (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:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a 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.)

5.7.3. The proposed development comprises the construction of 12 houses on a greenfield site of 0.76ha. The site is located outside the designated development boundary of Charleville on lands zoned Green Belt in the 2022 CDP. As such, I am satisfied that the development does not fall within the identified classes of development and does not require mandatory EIA.

5.7.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.7.5. Having regard to:

- (a) the nature and scale of the development,
- (b) the location of the site outside the development boundaries of Charleville,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal notes that permission was refused solely relating to the existing road network. The grounds of are summarised as follows:

- Cork County Council has actively improved the road network over the years through planning system with road widening being a condition on every planning permission granted. It is submitted that these improvements will continue.
- The proposed site area comprises only 5% of the total zoned development land in the area and the access road would be a requirement if a more substantial landholding was being developed with more houses.
- The number of houses is so minute, constructing the new access roadway would not be economically viable.
- The proposed development is designed so that when the roadway is constructed the development can connect directly.

- The MHL Consulting Engineers report is summarised as follows:
  - Modelling for the previous 45 units showed that nearby junctions were not diminished from a capacity perspective with negligible %RFC, traffic delay and queuing forming on these low trafficked local roads.
  - The reduced number of houses show that the development impact will be minor. The Councils reason for refusal in terms of traffic hazards due to traffic congestion attributable to the development is unwarranted.
  - The applicant proposes to include a new footpath along the full extent of the site, substantially improving the section of the local road.
  - Noting that CCC highlighted the lack of suitable road connection for the existing 107 properties on Harrison Place, irrespective of the proposed development, the council should develop carriageway improvement works to serve the existing property owners.
  - The proposed site provides 50m sight distance in both directions, in accordance with DMURS.
  - The site is located within the zoned area of Charleville and the Council should consider implementing a one-way system on Harrison Place.
  - The proposed development accords with the provisions of the LAP and the site layout takes account of the future link road.
- In terms of water services, a copy of the sewer survey completed is included. The report concludes that intrusions noted are not causing blockages and the engineer is satisfied that once jetted, the sewer is satisfactory to cater for the new connections.
- The applicant has a connection agreement with Irish Water for 45 houses, now reduced to 12.

- A small pumping station is proposed, and the development can discharge to the lower MH as indicated on the revised site layout plan should IW request same. This can be conditioned.
- In terms of environment, it is confirmed that the surface water runoff will be equal to greenfield runoff at 4.28l/sec. Point discharge can be avoided if required and conditioned.
- Letter from applicants' ecologist is also submitted addressing concerns raised by the PA, summarised as follows:
  - It is understood that the treatment of surface water from the development, including the attenuation tank has been specifically designed to avoid any effect on the hydrology of the wetlands.
  - In relation to the concerns raised regarding breeding birds, it is submitted that the site does not provide significant habitat for any wetland species or non-wetland bird species. It is submitted that there will be no significant residual impacts on bird species during construction or operational phases of the development.
  - Landscaping plans for the site will be finalised to ensure that all open space will be managed in a biodiversity friendly manner. The plan will be prepared with input from an ecologist.

The appeal includes a number of enclosures as follows:

- Traffic Assessment prepared by MHL Consulting Engineer
- Drain Survey prepared by Peter Donegan of Eco Drains
- Letter from MKO Planning & Environmental Consultants
- Construction Environmental Management Plan
- Revised Site Layout Plan showing sight distances at entrance and revised connections to the public sewer if required by IW.

It is requested that the Board grant permission for the development.

## 6.2. Observations

There is 1 observer noted in relation to the subject appeal. The observation indicates that it is being made on behalf of 67 properties at Harrison Place, Charleville, Co. Cork and supports the decision of the PA to refuse planning permission for the proposed development. The observation is summarised as follows:

- The proposed site is located on lands zoned greenbelt in the 2022 CDP.
- The development is not in accordance with the national planning strategy of more compact urban growth.
- Infrastructural deficiencies identified in the 2017 Plan have not been remedied to enable new development.
- The residential zoning is contingent on the construction of a new local access road which is no longer a stated planning objective in the current plan.
- The roads at Harrison Place are unsuitable for additional traffic and the two entrances are not wide enough to accommodate a significant quantum of additional two-way traffic.
- The site is located 800m from the centre of Charleville.
- The development would have a significant adverse impact on the established residential amenity of the area.
- The road improvements / widening referred to in the appeal do not run concurrently but rather are random throughout the estate and are on different sides of the horseshoe shaped road. The improvements are insignificant in the context of road widening.
- The proposal for a one-way system will result in increased speeds.

## 6.3. Planning Authority Response

Submission advises no further comments.

## **7.0 Planning Assessment**

### **7.1. Introduction**

7.1.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Material Contravention Question
3. Roads & Traffic Issues
4. Development Details
5. Water Services & Flooding
6. Ecology Issues
7. Other Issues

### **7.2. Principle of the development**

7.2.1. The proposed development seeks to construct a residential development comprising 12 houses connecting to public services to the south west of the centre of the town of Charleville, Co. Cork. The Planning Authority considered the proposed development under the provisions of the 2014 Cork County Development Plan and the Fermoy MD Local Area Plan 2017. The Board will note that the Elected Members of Cork County Council made the Cork County Development Plan 2022-2028 and adopted the Plan on the 25th of April 2022. The Plan came into effect on the 6th of June 2022. It is noted that the application, the subject of this appeal, was submitted under the provisions of the previous 2014 County Development Plan and the Fermoy

MD LAP. The Board will note that the adoption of the 2022 Cork County Development Plan replaces both of these policy documents.

- 7.2.2. In particular, the Board will note that the site the subject of this appeal, was previously included within the settlement boundary of Charleville, and comprises part of a landholding which was afforded the zoning CV-R-06 in the Fermoy LAP, and which stated as follows:

Medium B density residential development comprising serviced sites subject to the provision of a through road to serve the lands to the north west in the long term. This site is to be developed on a phased basis. Layout should provide for a range of generous site sizes and an informal layout with strong landscaping.

In addition to the above, the subject site was also affected by Objective CV-U-05 and the provision of a Local Access Road under the previous LAP.

- 7.2.3. The current CDP 2022 identifies that the subject site now lies outside the development boundary of Charleville and is now located within the Town Greenbelt area. As the National Planning Framework recognises that greenbelts in our cities, towns and villages play an integral role as part of the fabric of settlements, either through their use for community recreation and amenity purposes, supporting biodiversity or as a natural delineation of the settlement itself, forming the interface between urban and rural areas. The National Planning Framework also highlights that greenbelts adjoining urban areas also fulfil a strategic purpose, as a potential asset for future, planned development as an urban extension. It is a requirement under National Policy Objective 62 to identify and strengthen the value of greenbelts, and green spaces at regional and city scale, to enable enhanced connectivity to wider strategic networks, prevent coalescence of settlements and to allow for the long-term strategic expansion of urban areas.

- 7.2.4. The CDP 2022 recognises that development should be discouraged in the immediate surroundings of the settlements in order to prevent sprawl near towns and to control linear roadside development. In addition, the Plan indicates that within greenbelts, land is generally reserved for agriculture, open space or recreation uses

(Objective RP 5-19 refers) while Objective RP 5-20 strongly discourages new individual housing from being located within the greenbelts around the Main Towns.

- 7.2.5. Having regard to the location of the site now within the Town Greenbelt, the applicant is required to accord with one of five categories of rural housing need in accordance with Policy Objective RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts of the 2022 Cork County Development Plan. Objectives RP 5-16 or RP 5-17 of the Plan also provide examples of where development restrictions might be relaxed in terms of long-established uses (RP 5-16) and strategic and exceptional development (RP 5-17). Having regard to the nature of the proposed development, I would not consider that the scheme would be in accordance with any relaxation to the restriction in terms of the provisions of Objectives RP 5-4, RP 5-16 or RP 5-17 of the Plan.
- 7.2.6. While I acknowledge that the application the subject of this appeal was lodged under the previous policy framework for County Cork, the current situation would preclude a grant of planning permission as the development would contravene the policy objectives of the 2022 Cork County Development Plan as they relate to the protection of Greenbelts and the zoning objective afforded to the site. The principle, therefore, would materially contravene the provisions of the CDP and would be contrary to the proper planning and sustainable development of the town of Charleville.

### 7.3. **Material Contravention Question:**

- 7.3.1. Given the circumstances of the current appeal, having regard to the change of policy framework since the Planning Authority issued its decision to refuse permission, I consider it reasonable, in the interest of fairness, to consider the development in the context of a material contravention of the current relevant policy objectives. Section 37(2)(b) of the Planning and Development Act 2000, as amended, provides that the Board is precluded from granting permission for development that contravenes materially the development plan, except where it considers that:

- (i) The proposed development is of strategic or national importance;



- (ii) There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned; or
- (iii) Permission should be granted having regard to regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.3.2. In terms of the above, I would accept that the subject application seeks to provide residential units in the form of houses on the site. It is the stated policy of Government, as detailed in Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040, to fully support and reinforce the need for urban infill residential development on sites in close proximity to quality public transport routes and within existing urban areas. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

7.3.3. In addition, I note that the NPF signals the Government’s policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3a). Having regard to the nominal scale of the proposed development, together with the peripheral location of the subject site, at a remove of some 800m from the centre of Charleville, I do not consider that the proposed development might reasonably be considered as meeting the requirements of Section 37(2)(b)(i) of the Act.

7.3.4. Section 37(2)(b)(ii) and Section 37(2)(b)(iii) of the Act relates to instances where there are conflicting objectives in the Development Plan or where objectives are not

clearly stated as well as having regard to relevant guidelines and national policies. The Board will note that the current zoning afforded to the site conflicts with the previous residential zoning, however, I would not consider that there are any conflicting objectives in the current CDP as they relate to the protection of the Town Greenbelt. Having regard to the peripheral and rural nature of the wider area, together with the restricted and narrow access road servicing the site, together with the provision of other appropriately located residential zoned lands within the urban envelope of Charleville, I do not consider that any statutory guidelines would support a grant of planning permission in this instance. As such, I do not consider that the proposed development might reasonably be considered as meeting the requirements of Section 37(2)(b)(ii) or 37(2)(b)(iii) of the Act.

- 7.3.5. Section 37(2)(b)(iv) relates to the pattern of development in the area and permissions granted in the area since the making of the Plan. I would note that the wider area comprises low density residential development and substantial agricultural uses. I would not consider that the proposed development should be permitted in this context. I am therefore satisfied that the provisions of Section 37(2)(b) have not been met in order for the Board to consider a grant permission for the proposal.

#### **7.4. Roads & Traffic Issues**

- 7.4.1. In terms of roads and traffic issues, the Board will note that the Planning Authority refused planning permission for the proposed scheme for 3 reasons all relating to roads and traffic matters. I note that the Cork County Council Area Engineer raised significant concerns in relation to the proposed development from a roads and traffic viewpoint, and in particular, with regard to the capacity of Harrison Place to accommodate the proposed development. There is no doubt, but that Harrison Place is served by an old and substandard road, particularly in terms of the width of the road surface. There is no footpath or public lighting along the length of the horseshoe shaped road, which extends to approximately 1.2km in length, and which serves 100+ existing houses.

- 7.4.2. I note that the provisions of the previous LAP, identified the subject site, and a wider landholding comprising approximately 16ha in total, as being zoned for Medium B residential development. In this context however, the LAP also provided for the provision of a new local road to provide access to the residentially zoned block. The link road is noted in the previous LAP as providing a connection to the L1313 southwest of Mannix College Cross located to the south of the subject appeal site. This link road has not been constructed and the Area Engineer has indicated that no further development can be facilitated until such time as the link road has been provided to cater for traffic, and that the proposed development is premature pending the delivery of the link road.
- 7.4.3. I would note that the appellant does not consider that the proposed development should require the provision of the link road and would appear to disagree with the opinion of the AE in this regard. In addition to the above, I note the submission of the appellant which suggests that traffic management at Harrison Place should be changed with the introduction of a one-way system. I do not note such proposals from the Council.
- 7.4.4. Having regard to all matters relating to roads and traffic, I would find it difficult to disagree with the Cork County Council Area Engineer. Harrison Place is a narrow local road, which runs over approximately 1.2km, and which serves a significant number of houses without a footpath or public lighting. The capacity of the road is incapable of accommodating additional traffic without significant impact on existing residents by reason of traffic hazard and a grant of planning permission would, in my opinion, represent a significant traffic hazard, particularly for vulnerable road users. In addition, I would concur that the proposed development is premature pending the provision of an appropriate access as detailed in the former LAP. The Board will note, however, in addition to the change of zoning afforded to the subject site, the proposal for the provision of the link road to provide access to the subject site does not form part of the current County Development Plan 2022 as it relates to Charleville. In this regard, the omission of the previously intended local road strengthens the now greenbelt zoning afforded to this area of Charleville.

## 7.5. Development Details:

- 7.5.1. In terms of density, the Board will note the small scale of the proposed development and the proposed density of approximately 15.79 units per ha, which, on zoned and serviced land would be considered low. I note Circular Letter: NRUP 02/2021, as well as the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines 2018 as they relate to the future development of greenfield or edge of city/town locations for housing purposes. In the context of the subject site and having regard to the current policy framework applicable as detailed above, I would note that the site now lies outside the development boundary of Charleville and within the zoned greenbelt, and approximately 800m from the centre of the town. As such, the site might be considered as being located within a rural area, and given the greenbelt zoning afforded to the site, the principle of a residential development at this location contravenes the zoning objective for the site.
- 7.5.2. With regard to the proposed layout of the development, the residential development will be accessed via a single entrance, located centrally along the eastern boundary of the site. Two areas of public open space are proposed directly inside the proposed set back boundary with the 12 houses proposed in a curved line, all facing the public road. A proposed attenuation pond / wetlands area is proposed towards the southern area of the site. All houses provide car parking to the front and rear gardens which range between 11.083m – 12.295m in depth.
- 7.5.3. With regard to proposed unit mix, the Board will note that the 12-unit scheme proposes only houses. The break down of units include 2 x 4-bed detached houses, 4 x 3-bed semi-detached houses and 6 x 3-bed town houses in the form of two terraces. All houses rise to two storeys and range in floor area from 93.86m<sup>2</sup> to 132.04m<sup>2</sup>. The houses will be finished in plaster with areas of select stone and a slate roof.
- 7.5.4. The Board will note that the PAs Planning Officer raised concerns in terms of the internal space associated with the proposed houses and recommends that this should be addressed. In note the provisions of the 2007 Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining

Communities, DoEHLG, and in particular section 5.3 of the guidelines which deal with Internal Layout and Space Provision. Table 5.1 of the guidelines sets out the space provision and room sizes for typical dwellings and in this regard, the following is relevant:

DWELLING TYPE	TARGET GROSS FLOOR AREA	MINIMUM - MAIN LIVING ROOM	AGGREGATE LIVING AREA	AGGREGATE BEDROOM AREA	STORAGE
	(m <sup>2</sup> )	(m <sup>2</sup> )	(m <sup>2</sup> )	(m <sup>2</sup> )	(m <sup>2</sup> )
3BED/6P House (2 storey)*	100	15	37	36	6
3BED/5P House (2 storey)	92	13	34	32	5

\* I have included the 3BED/6P House here as the proposed 4 bed house proposed as part of the proposed scheme includes 2 double and 2 single bedrooms ie. 6P house.

In addition to the above, the guidelines provide that:

- the area of a single bedroom should be at least 7.1m<sup>2</sup>
- the area of a double bedroom at least 11.4m<sup>2</sup>
- the area of the main bedroom should be at least 13m<sup>2</sup> in a dwelling designed to accommodate three or more persons.

The recommended minimum unobstructed living room widths are 3.3 metres for one bedroom, 3.6 metres for two bedroom and 3.8 metres for three-bedroom dwellings, and the minimum room widths for bedrooms are 2.8 metres for double bedrooms and 2.1 metres for single bedrooms.

7.5.5. In terms of the proposed development, I note that a number of the units would appear to fall short in terms of the proposed bedroom, both single and double, areas, living room areas and storage provision, as well as room widths. Overall, and while I have no objections in principle to the general layout, design or unit mix proposed, I would concur that should the Board be minded to grant planning permission in this

instance, the above shortfalls should be addressed by way of a further information request and not by condition.

## **7.6. Water Services & Flood Risk**

- 7.6.1. In terms of the existing water services in Charleville, the Board will note that the CDP notes that there are significant watermain network leakage issues in the towns water supply and that further investment and water conservation is required in order to provide an adequate drinking water supply to service zoned lands in Charleville. The Board will note that Irish Water have advised that the proposed connection to the Irish Water Network in Charleville can be facilitated in terms of water supply.
- 7.6.2. In relation to wastewater management, the Plan notes that waste water in Charleville is conveyed via a largely combined sewer network to the Charleville Waste Water Treatment Plant (WWTP). Upgrading of the Charleville WWTP planned by Irish Water is required to accommodate the proposed development in Charleville. There are assimilative capacity issues in relation to the waters receiving the treated effluent. Irish Water advised the applicant that the existing foul sewer network has capacity only for phase 1 of the development (essentially the current application) being 12 units. However, the IW report advises that a survey of the existing foul sewer network will be required with regard to the total development (42 units).
- 7.6.3. In addition, the Board will also note that the current proposal included a waste water pump station, which does not appear to have formed part of the proposals sent to Irish Water. As part of the appeal documents, the first-party submitted details of the sewer survey and the report indicates that while there is some debris in the sewer which will require water jetting to clear, intrusions are not creating blockages. The report, prepared by Peter Donegan of Eco Drains, concludes that once the jetting has been completed, the sewer is in satisfactory condition to cater for the proposed development of the 12 units. The appeal submission also advises that the development can discharge into the lower MH should IW request same, and that this could be conditioned. In the event of a grant of planning permission, I would recommend that the matter relating to the proposed pump station, and discharge to

the public network should be addressed with Irish Water by way of further information.

- 7.6.4. In terms of surface water drainage, the Board will note that the sewers in Charleville are noted to be combined sewers which are at capacity in some areas at times of heavy rainfall. Separation of storm and foul sewers is required in parts of the town and the 2022 CDP requires all new development to address surface water disposal via sustainable urban drainage systems in line with surface water management policy.
- 7.6.5. Initially, the subject development proposed a connection to an attenuation pond / wetland area, which is located to the southern area of the proposed development site. The applicant amended the proposals to direct surface water through a silt trap and hydrocarbon interceptor before entering an attenuation tank. It is proposed that this water will discharge to the adjacent drainage ditch at a rate of 4.28l/s rather than into the wetland area. This is calculated to be the greenfield rate. I noted on the day of my inspection that there was water in the ditch and the site was wet underfoot.
- 7.6.6. The assimilative capacity of the ditch to accommodate the proposed surface water runoff, even with the use of the hydrobreak, is unclear. In addition, the Board will note that while the subject site does not lie within any area which is identified as being susceptible to flood risk, the wetland / swamp area to the south of the site is noted to be susceptible to pluvial flooding at times. In addition, I would also note the lack of detailed landscaping plans for the site which may include additional SUDs measures which might address the overall issues at the site. I consider that further information is required in this regard.
- 7.6.7. In the overall context of the proposed development, and as the principle of the proposed development is contrary to the current zoning objective afforded to the subject site, together with the roads and traffic issues discussed above, I do not consider it necessary to request further details from the applicant in relation to the management of surface water at the site.

## 7.7. Ecology

- 7.7.1. The Board will note that the subject site, while located outside any designated European Site, includes habitats which would have potential to be impacted upon as a result of the proposed development. The applicant submitted an Ecological Impact Assessment by way of unsolicited further information in support of the proposed development. The document describes the proposed development and presents details of the relevant habitats and species which were identified at the site during the site survey. The assessment also considers that detail of the proposed development, including the proposals to deal with surface water disposal, and Section 6 of the EclA sets out the suite of mitigation measures which are to be employed to minimise the impact on ecology.
- 7.7.2. The site lies just outside the settlement boundaries of the main town of Charleville, and adjacent to the low-density residential development of Harrison Place. There is little physical development in the area, and the subject site is noted to include wetland / marsh habitat. While no qualifying species or habitats of interest, for which the closest designated sites are so designated, occur at the site, the Board will note that the EclA noted the presence of snipe, which is a red-listed species, both nesting and foraging near and in the wetland areas to the south of the site. A flock was flushed from the swamp habitat during the survey and as such, the site is identified as being important for the species.
- 7.7.3. In addition, I note that the PAs County Ecologist included an assessment of the submitted AA Screening Report and Ecological Impact Assessment and concluded that the development does not pose a risk of significant effect on any Natura 2000 site. The report considers that the primary concern with the application from an ecological perspective is the potential for impact on habitats of ecological value and / or potential for impact on protected species. The Ecologists report concludes that in the absence of the mitigations outlined in the Ecological Impact Assessment, the risk of the proposed development to give rise to negative impacts on the wetland and swamp habitats, and disturbance related impacts on bird and bat species to be high.



- 7.7.4. In terms of mitigation, the applicant submits that the area of wetland and swamp habitats will be fenced off and will not be included within the construction area. The EclA submits that all surface water from the site will discharge into a drainage ditch to the south west of the site. Prior to discharge, it will pass through a silt trap and hydrocarbon interceptor, and into an attenuation tank with a capacity of 294m<sup>3</sup>. This will be fitted with a Hydrobreak system which will limit the outflow to the drain to 4.28l/s, which is the greenfield rate. The attenuation tank will be located approximately 4m from the mapped boundary of the wetland.
- 7.7.5. In addition, the Board will note the concerns raised regarding the presence of snipe, both nesting and foraging in and adjacent to the site. The presence of this species may add value to the adjacent habitats, which would include the wider site. I note that the EclA submits that as the subject site is located within an area which includes existing residential development and roads, the birds are likely to be accustomed to some levels of disturbance. As such, the impact of the development is deemed to be slight, negative and temporary. A similar conclusion is reached in relation to bats, as the EclA notes that while no potential roosting habitat will be lost to the proposed development, there is potential for disturbance to the species. Overall, the EclA concludes that the proposed development, following the implementation of best practice and mitigation, will have no significant impact on biodiversity.
- 7.7.6. In the context of the ecology of the site, I would note the concerns raised by the Cork County Ecologist in terms of the impact of the development, and in particular the installation of the attenuation tank, on the hydrology of the wetland habitat. The Cork County Ecologist considers that the mitigation measures regarding the wetlands to be insufficient and raises further concerns in relation to the impact on snipe using the site. I would also note the Ecologists concerns in terms of the lack of a detailed landscaping plan submitted. While the Ecologist requested further information in relation to the above issues, the Board will note that the PA refused outright and therefore did not seek further information.
- 7.7.7. The applicants' ecologist submitted a response to this concern in the appeal documents advising that it is his understanding that the treatment of surface water from the proposed development, including the attenuation tank has been specifically

designed to avoid any effect on the hydrology of the surrounding wetlands. As such, no such assessment has been put forward which specifically addresses this concern. In terms of the questions raised in relation to the impact on snipe and landscaping, the applicants' ecologist submits that following the site survey and ecological assessment, it is confirmed that whilst the wetland surrounding the site to the south provides high quality habitat for waterbirds such as Snipe, the site of the proposed development is dry underfoot and does not provide significant habitat for any wetland species. With regard to the landscaping plan for the site, it is submitted that the plan will be finalised to ensure that all open space onsite will be managed in a biodiversity friendly manner, and with input from an experienced ecologist.

- 7.7.8. Overall, and while I acknowledge the submission of the both the Ecological Impact Assessment and the Appropriate Assessment Screening Report, I would not consider that the significant matters relating to biodiversity at the site have been appropriately or adequately addressed. Should the Board be minded to grant planning permission in this instance, I would advise that the issues raised by the Cork County Council Ecologist should be addressed by way of further information. Alternatively, should the Board consider the lack of detail to warrant a reason for refusal, this would constitute a new issue.

## 7.8. Other Issues

### 7.8.1. Part V

The proposed development seeks to construct 12 residential units on a site covering 0.76ha on a site which lies outside of the development boundary of the town of Charleville. As the proposed development was considered by the PA under the previous policy framework, and where the site was zoned for residential purposes, the Board will note that the development was subject to the requirements of Part V of the Planning and Development Act 2000, as amended. The PA advised in this regard.

However, as the current CDP does not include a zoning which affords the development of the site as proposed, no condition relating to Part V should be included in any grant of planning permission.

#### **7.8.2. Development Contribution**

The subject development is liable to pay development contribution, and a condition to this effect should be included in any grant of planning permission.

### **8.0 Appropriate Assessment**

#### **8.1. Introduction:**

- 8.1.1. The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 3.6km to the south of the site. The Ballyhoura Mountains SAC (Site Code: 002036) lies approximately 7.9km to the south-east of the site and the Kilcolman Bog SPA (Site Code: 004095) lies approximately 12km to the south.
- 8.1.2. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.3. The Board will note that the applicant submitted an AA Screening Report and Ecological Impact Assessment as unsolicited further information. The AA Screening Report identifies 3 Natura 2000 sites within 15km of the site. The report includes a description of the baseline ecological environment, and the AA Screening Report concludes that no AA issues arise. The report concludes that the proposed development individually or in combination with other plans and projects will not have a significant effect on any European site.
- 8.1.4. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site

in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

8.1.5. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

## 8.2. Consultations

8.2.1. With regard to consultations, the Board will note that a number third-parties raised concerns with the Planning Authority with regard to AA, and the potential impact of the development on a number of protected bird species, as well as the wetland / marsh habitat which is present on the site. In addition, concerns were raised regarding the flood risk associated with the site.

8.2.2. I note that the PAs County Ecologist included an assessment of the submitted AA Screening Report and concluded that the development does not pose a risk of significant effect on any Natura 2000 site and considers that the primary concern with the application from an ecological perspective is the potential for impact on habitats of ecological value and / or potential for impact on protected species. I

have discussed the Ecological and biodiversity impacts above in section 7.1.1 of this report.

### **8.3. Screening for Appropriate Assessment**

- 8.3.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:
- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
  - b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.
- 8.3.2. The applicant submitted an Appropriate Assessment Screening Report as unsolicited further information. The site is not located within any designated site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 3.6km to the south of the site. The Ballyhoura Mountains SAC (Site Code: 002036) lies approximately 7.9km to the south-east of the site and the Kilcolman Bog SPA (Site Code: 004095) lies approximately 12km to the south. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site.
- 8.3.3. The subject site lies outside of the urban area of Charleville, outside the identified development boundaries of the town and adjacent to a primarily residential area of Harrison Place. The proposed development will comprise the construction of 12 houses, with associated entrance, roads and open space. The development will connect to public services and is not located within any designated site.
- 8.3.4. In terms of Qualifying Interests of the Natura 2000 sites identified above, the subject site is a greenfield site and the submitted Ecological Impact Assessment and AA Screening Report includes a description of the baseline ecological environment. The site does not appear to contain any of the habitats or species associated with any Natura 2000 site.

8.3.5. I am satisfied that in light of the above, the following Natura 2000 site can be screened out in the first instance, as although located within the 15km zone of influence, the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated site to the development site and therefore, I conclude that no significant impacts on the identified site is reasonably foreseeable. I am satisfied that the potential for impacts on the following Natura 2000 site can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Blackwater River Cork/Waterford) SAC	002036	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. <b>Screened Out</b>
Ballyhoura Mountains SAC	002036	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. <b>Screened Out</b>
Kilcolman Bog SPA	004095	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. <b>Screened Out</b>

## 8.4. Potential Significant Effects

8.4.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated.

8.4.2. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 3.6km from the boundary of any designated site. As such, there shall be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The site lies just outside the settlement boundaries of the main town of Charleville, and adjacent to the low-density residential development of Harrison Place. There is little physical development in the area, and the subject site is noted to include wetland / marsh habitat. While no qualifying species or habitats of interest, for which the closest designated sites are so designated, occur at the site, the Board will note that the EclA noted the presence of snipe, which is a red-listed species, both nesting and foraging near and in the wetland areas to the south of the site. The EclA include mitigation measures in relation to Snipe, and no Annex 1 bird species associated with an SPA were recorded at the site.

As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 site have been designated. I have discussed the Ecological and biodiversity impacts above in section 7.1.1 of this report.

- **Water Quality:** The proposed development relates to the construction of a residential scheme on lands outside the settlement boundary of Charleville. The development will connect to existing public water services. I note that there are capacity issues associated with the Charleville Waste Water Treatment Plant, which has resulted in a reduced number of houses proposed, in terms of the previously sought development at the site. Having regard to the scale of the proposed development together with the submission from Irish Water, I am generally satisfied that the principle of the proposed development is acceptable in terms of connections to the public water services network, and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the site due to connection to public services or during the operational phase of the development.

8.4.3. I am generally satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 sites can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

## 8.5. In Combination / Cumulative Effects

8.5.1. Given the nature of the proposed development, being the construction of a residential scheme, I consider that any potential for in-combination effects on water quality in proximate Natura 2000 sites can be excluded.

## 8.6. Conclusion on Stage 1 Screening:

I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or



projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

## 9.0 Recommendation

I recommend that permission for the proposed development be refused for the following stated reasons.

## 10.0 Reasons and Considerations

1. The site is located in an area zoned objective Town Greenbelt (GB 1-1) in the current development plan for the area. It is the stated objective of such zoning to strongly discourage new individual housing from being located within the greenbelts around the Main Towns, Objective RP 5-20 refers. Having regard to the nature of the proposed development, the Board is not satisfied that the scheme would be in accordance with any relaxation to the restriction in terms of the provisions of Objectives RP 5-4, RP 5-16 or RP 5-17 of the Plan.

The Board, therefore, considers that the proposed development would materially contravene the zoning objective, as set out in this plan. The Board pursuant to the provisions of section 37(2)(b) of the Planning and Development Act, 2000, is precluded from the granting of planning permission for the proposed development as none of the provisions of section 37(2)(b)(i), (ii), (iii) or (iv) of the said Act apply in this case. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site is located on a minor road which is seriously substandard in terms of width and alignment as well as having a lack of public footpaths or lighting. The traffic generated by the proposed development would endanger public

safety by reason of traffic hazard and obstruction of road users, would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists, and would be contrary to the proper planning and sustainable development of the area.

3. Taken in conjunction with existing development in the area, the proposed development would constitute an excessive density of suburban-type development in a rural area and within the town greenbelt, which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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A. Considine  
Planning Inspector  
27<sup>th</sup> October 2022