



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-313253-22**

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#### **Strategic Housing Development**

336 no. residential units comprising of 242 houses and 94 duplex/ simplex units, creche/ childcare facility, open space, undergrounding of overhead powerline and all associated site works. Application includes an EIAR and a NIS.

#### **Location**

Coolcarron, Fermoy, Co. Cork

#### **Website**

[www.fermoyshd.ie](http://www.fermoyshd.ie)

#### **Planning Authority**

Cork County Council

#### **Applicant**

Cumnor Construction Limited

#### **Prescribed Bodies**

1. Irish Water

**Observer(s)**

None

**Date of Site Inspection**

30<sup>th</sup> May 2025

**Inspector**

Paul O'Brien

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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 with a stated area of 11.75 hectares, comprises lands located to the south of Fermoy Town Centre, to the east of the Cork Road/ R639 within the townland of Coolcarron. The junction of the Cork Road/ R639 and the M8 motorway is approximately 1km to the south of the subject site, the motorway is located to the east of Fermoy.
- 2.2.** The subject lands are mostly in agricultural use and consist of a number of large fields under grass. To the east of the site, on the boundary, is an open channel and which is hidden by a wooded area. The site slopes from the public road/ west of the site downwards to the east towards the open channel.
- 2.3.** To the west of the site along the Cork Road are a number of businesses and houses. A fuel filling station, vehicle dealerships and light repair units are located along the boundary with the Dublin Road. To the south of these businesses is an ESB substation. To the south of this is a vehicle weighbridge with its own access route, though this site is somewhat overgrown and may not be used on a regular basis. To the south of that are a number of detached houses with associated domestic sheds/ stores/ garages. North of the filling station are two detached houses. The western boundary is therefore mostly screened by existing land uses. Lands to the east and south are in similar agricultural use. To the north is a public park that extends along the Cork Road and runs further north to be accessed from College Road, Fermoy. Lands to the north/ north west of this park are mostly in residential use, as are much of the lands to the west of the Cork Road.
- 2.4.** Public transport in Fermoy is limited to bus services by Bus Éireann on the 245 route operating between Fermoy/ Clonmel on an almost hourly basis with four buses a day on the 245X between Cork, Fermoy and Dublin. Local Link route 363 operates between Fermoy and Dungarvan seven times a day, this service was upgraded with a

new timetable on the 7<sup>th</sup> of July 2025, replacing the less frequent 364 route. These routes run along the Cork Road, but no formal bus stops were observed along the site boundary on the day of the site visit.

### 3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the provision of 336 dwellings in the form of 242 houses and 94 duplex/ simplex units, a childcare facility and all associated site works. The simplex units are own door apartment units.

The following tables set out some key elements of the proposed development:

**Table 1: Key Figures**

<b>Gross Site Area</b>	11.75 hectares
<b>Net Site Area</b>	11.23 hectares
<b>No. of Houses</b>	242
<b>No. of Apartments/ duplexes</b>	94
<b>Total Residential Units</b>	<b>336</b>
<b>Childcare</b>	587 sq m
<b>Density – Net Site Area</b>	30 units per hectare
<b>Public Open Space Provision</b>	1.7 hectares – 15.2% of the site area.
<b>Car Parking – Houses – 2 per unit Apartments – 1.25 per unit Total Residential</b>	 484 118 <b>602</b>
<b>Creche/ Childcare Facility</b>	<b>15</b>

**Table 2: Unit Mix - Houses**

	<b>Houses</b>
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<b>Bedrooms</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>5 Bed</b>	<b>Total</b>
	<b>10</b>	<b>182</b>	<b>46</b>	<b>4</b>	<b>242</b>

**Table 3: Unit Mix – Apartments/ Duplexes**

<b>Bedrooms</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>Total</b>
<b>Total</b>	<b>39</b>	<b>55</b>	<b>94</b>

- A single entrance is proposed from the Cork Road to the west of the site.
- Existing overhead powerlines are to be undergrounded as part of the development.
- Water supply and foul drainage connections to the existing public network will be provided.
- Public open space is proposed to be provided throughout the site area.
- The site is divided up into three-character areas. Denser area to the north adjacent to the town centre, central core area and area to the south of mostly semi-detached houses.

**3.2.** The application was accompanied by various technical reports and drawings, including the following:

- Response to An Bord Pleanála Opinion - McCutcheon Halley Planning
- Planning and Design Statement - McCutcheon Halley Planning
- Statement of Consistency - McCutcheon Halley Planning
- Part V Report - McCutcheon Halley Planning
- School Demand Report - McCutcheon Halley Planning
- Childcare Demand Report - McCutcheon Halley Planning
- Material Contravention Statement - McCutcheon Halley Planning
- Housing Quality Assessment and Schedule of Areas - Geraldine Coughlan Architects
- Architects Design Statement - Geraldine Coughlan Architects
- Response to Planning Authority Opinion - Geraldine Coughlan Architects
- Landscape Design Report - Cathal O'Meara Landscape Architects

- Tree Survey and Associated drawings - Arbor Care
- Photomontages - Innovision
- Engineering Drawings - Walsh design Group
- Civil Engineering Report (including Confirmation of Feasibility from Irish Water and Letter from Irish Water confirming development is in line with Standard Details and Codes of Compliance) - Walsh design Group
- Road Safety Audit - MHL Consulting Engineers
- Traffic & Transport Assessment - MHL Consulting Engineers
- Mobility Management Plan - MHL Consulting Engineers
- Engineering Drawings - MHL Consulting Engineers
- Public Lighting Report and Drawings - Walsh design Group
- Building Lifecycle Report Geraldine Coughlan Architects
- Universal Design Statement - Geraldine Coughlan Architects
- Construction Environmental Management Plan - Walsh design Group
- Construction and Demolition Waste Management Plan - Walsh design Group
- Sunlight, Daylight and overshadowing Report - Passive Dynamics
- Natura Impact Statement - Kelleher Ecology – Note: A separate Appropriate Assessment Screening Report was not submitted with the application.
- Environmental Impact Assessment Report - McCutcheon Halley Planning

## 4.0 Planning History

### Subject site:

**P.A. Ref. 05/4806** refers to an August 2007 decision to grant permission for a residential development of 305 dwellings and all associated site works on these lands.

**P.A. Ref. 08/803** refers to an October 2008 decision to grant permission for three additional units and alterations to the site layout.

Extension of duration of the permission was granted under **P.A. Ref. 13/6356** and **P.A. Ref. 13/6357**.

#### **Adjoining Lands:**

The Planning Report provides an extensive list of developments on adjoining lands. The most relevant is **P.A. Ref. 21/07241** which refers to an August 2022 decision to grant permission for the demolition of 2 No. dwelling houses and associated sheds/ outhouses and the construction of 28 No. residential units and all ancillary site development works, including access, car/bike parking, bin storage and amenity areas. This site is that of the two detached houses located to the north of the filling station. No works had commenced by the day of the site visit.

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

- 5.1.** Pre-planning consultation was held between the applicant and the Planning Authority in November 2019, for a development of 374 units on these lands.
- 5.2.** A Section 5 Pre-Application Consultation took place, remotely via Microsoft Teams due to Covid-19 restrictions in place, on the 27<sup>th</sup> of September 2021; Reference ABP-310351-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for 374 residential units consisting of 224 no. houses, 150 no. apartments, creche and all associated site works at Coolcarron, Fermoy, Co. Cork.
- 5.3.** An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

The following information, as summarised, was to be submitted with any application for permission:



1. Development Strategy –

- (i) Further justification/ consideration for a pedestrian/ cycle connectivity strategy to the north and north west of the site to/ from the R639/ Cork Road and Fermoy town centre.
- (ii) Further details on the proposed access and impact on the weight bridge/ lay-by.
- (iii) Need for a traffic impact assessment.

2. Residential Amenity –

- (i) Further justification/ consideration of residential amenity including number of single-aspect units, north facing units and daylight/ sunlight access. Refer to Section 3.16 – 3.19 of the Apartment Guidelines.
- (ii) Further assessment/ consideration of daylight/ sunlight access recommendations.

3. Infrastructure Services –

- (i) Clarification on upgrade works to increase the capacity of the stormwater drainage system to serve the development – details on timelines, and consent for wayleaves.
- (ii) Details on the upgrade of the Fermoy Wastewater Treatment Plant.

The response to the above may require amendments to the submitted documents and/ or the proposed design at application stage.

Furthermore, Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

- 1. An updated Architectural Design Statement providing a justification for the development, design considerations, linkages and demonstrate compliance with local and national policies. Need to address the issue of separation distances between blocks, interaction with existing development, in particular the existing

electricity substation and the statement should be supported with contextual plans, contiguous elevations and sections.

2. A detailed statement, if applicable, justifying all elements of the development that may contravene statutory plans for the area, other than zoning of the site having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
3. A Housing Quality Assessment setting out unit details and in the case of the apartments demonstration of compliance with the Apartment Guidelines.
4. A schedule of open space, communal and playground facilities.
5. Details of public lighting.
6. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of each of these.
7. Justification of quantum and quality of all types of open space.
8. Provision of daylight/ sunlight assessment considering the impact on proposed and existing units.
9. Provide a response to matters raised within section 4.3 'General Layout Considerations', of the PA Opinion submitted to ABP on the 16th July 2021.
10. Ecological Impact Assessment Report, AA Screening/ NIS as required to be submitted.
11. A site layout plan indicating the areas to be taken in charge.
12. Site specific construction and demolition waste management plan.

The submitted application is for 336 residential units and as per the applicant's Planning & Design Statement the reduction in unit numbers was made to ensure that the density was in accordance with guidance issued under Circular NRUP 02/2021 and as per the Sustainable Residential Density Guidelines. A full assessment of density is provided in section 10.2 of this report.

**5.4.** Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water

2. An Garda Siochana
3. ESB Networks
4. National Transport Authority
5. Transport Infrastructure Ireland.
6. Minister for Culture, Heritage and the Gaeltacht (natural heritage)
7. Heritage Council (natural heritage)
8. An Taisce — the National Trust for Ireland (natural heritage)
9. Fáilte Ireland
10. Cork County Childcare Committee

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

- 5.5.1.** A document titled 'Response to An Bord Pleanála Pre-Application Consultation Opinion' dated March 2022 was submitted with the application as provided for under Section 8(1)(iv) of the Act of 2016.

The following specific information, summarised, was provided in response to the opinion:

**Issue 1 – Development Strategy:** An updated Architectural Design Statement was prepared and submitted with the application. Particular reference was made to the interaction of the proposed development with the existing electricity substation on the adjoining lands. Allowance has been made for future connections to adjoining lands in the future. Details are provided on the impact of the access to the site on the existing weighbridge – this will be able to operate as at present. A Traffic and Transport Assessment has been provided and full details on junction/ road capacity have been provided.

**Issue 2 – Material Contravention Statement:** Prepared and included with the application.

**Issue 3 – Housing Quality Assessment:** Prepared and included with the application. All houses/ duplexes are dual aspect.

**Issue 4 – Schedule of Open Space:** Prepared and included with the application.

**Issue 5 – Public lighting:** Details provided.

**Issue 6 – Green Infrastructure/ Landscaping/ Engineering Plans and**

**Arboricultural details:** Prepared and submitted with the application.

**Issue 7 – Quantum and Quality of Open Space:** Prepared and submitted with the application. No communal open space is provided but overall 15.2% of the site is allocated as open space.

**Issue 8 – Daylight/ Sunlight Assessment:** Prepared and submitted with the application.

**Issue 9 – Response to PA matters on the general layout:** Response made and included with the application.

**Issue 10 – Environmental Reports:** EclA, AA Screening and NIS have been submitted in support of the application.

**Issue 11 – Plan of areas to be taken in charge:** Submitted with the application.

**Issue 12 – Site Specific Construction and Demolition Waste Management Plan:** Submitted with the application.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

#### **6.1.1. Project Ireland 2040 – National Planning Framework (NPF) – First Revision**

**Chapter 2** of the National Planning Framework (NPF) is entitled ‘A New Way Forward’ and sets out the role of the NPF.

National Policy Objective 11 states: ‘Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.’

National Policy Objective 12 states: ‘Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and

serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.'

**Chapter 4** of the National Planning Framework (NPF) titled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 12 seeks to '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 14 seeks to 'Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.'
- National Policy Objective 20 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Policy Objective 22 provides that "In urban areas, planning and related standards, including, in particular, 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".

**Chapter 6** of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 37 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 43 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 45 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’.

The Revised National Planning Framework’ was published in April 2025 and includes revised figures of 50,000 per annum in the years to 2040. The NPF was revised to allow planning for an additional 950,000 people in Ireland between 2022 and 2040.

**6.1.2.** The following are relevant:

- Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021,
- Climate Action Plan 2024 and Climate Action Plan 2025

**6.1.3. Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023). These were revoked and replaced with the Design Standards for Apartments, Guidelines for Planning Authorities, 2025 on the 8<sup>th</sup> of July 2025.
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities’ (DoEHLG, 2007).
- Childcare Facilities Guidelines for Planning Authorities’ (2001).

**Other Relevant Policy Documents include**

- ‘Design Manual for Urban Roads and Streets’ (2013) and updated in 2019.
- ‘Permeability Best Practice Guide – National Transport Authority’.

## **6.2. Regional Policy**

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

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (The Six Munster Counties plus Wexford, Carlow, and Kilkenny) including the Cork County area, and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas. Fermoy is located on the Cork Ring Network – a ring of towns including Mallow, Bandon, Kinsale, Fermoy, Macroom and Youghal and which have a strong relationship with the Cork Metropolitan Area.

These towns have potential for sustainable employment led growth as well as consolidation enhancement.

### **6.3. Local/ County Policy**

#### **6.3.1. Cork County Development Plan**

**6.3.2.** The Cork County Development Plan 2022 - 2028 is the current statutory plan for County Cork including Fermoy/ the subject lands. This plan came into force on the 6<sup>th</sup> of June 2022. The application was lodged on the 7<sup>th</sup> of April 2022 and is considered under the Cork County Development Plan 2022 – 2028.

**6.3.3.** Volume 1 provides the 'Main Policy Material' and relevant chapters to this development include Chapter 2 – Core Strategy, Chapter 3 – Settlements and Placemaking, Chapter 4 – Housing (provides details on housing mix, density), Chapter 6 – Social and Community, Chapter 11 – Water Management and Chapter 12 – Transport and Mobility (provides details on car parking and bicycle parking etc). Chapter 14 covers Green Infrastructure and Recreation and Chapter 18 – Zoning and Land Use. GI 14-4 provides the Recreation and Amenity Objective and under c) states

'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 Council's Recreation and Amenity Policy (Interim) and any successor policy and having regard to the Council's policy regarding the management of Green Infrastructure assets.'

**6.3.4.** The Core Strategy in Chapter 2 is supported with Appendix B which provides 'Core Strategy Tables'. Fermoy is designated as one of the Self-Sustaining Growth: Medium Towns with a population in excess of 5,000. I have extracted the following relevant information for Fermoy from Appendix B:

<b>2016 Census Population</b>	<b>2028 Target Population</b>	<b>Net New Units required for the Plan Period</b>
6,585	8,351	675



- 6.3.5.** Density is provided in Section 4.8 of the Cork County Development Plan 2022 – 2028. Under Medium Density B it states: ‘An increased minimum threshold is recommended from 12 to 20 units /ha in this category and the maximum threshold from 25 to 35 units /ha which will overlap with the Medium A category. This revised density range of 20-35 units/ha would not generally be applicable in the larger settlements >5,000 population other than for limited site specific reasons relating to sites with topography/ heritage constraints or where there is a specific market requirement. This revised Medium B density category would be generally applicable to suburban and greenfield sites of the smaller towns with a population <5000, providing for a tiered density structure and a mix of residential typologies.’
- 6.3.6.** Volume 3 of the plan covers North Cork, and which includes Fermoy. Fermoy is located within the Fermoy Municipal District and the population of the area is given as 36,406, which includes a number of settlements such as Mitchelstown, but Fermoy is the largest with a population of 6,585 according to the 2016 census data. Table 3.1.2 of the Plan indicates that Fermoy has water supply and foul drainage capacity. Section 1.2.3 of the Plan indicates that the River Blackwater has issues affecting water quality. The river is a designated Special Area of Conservation (SAC).
- 6.3.7.** Section 1.4 of the Plan provided the vision for the development of Fermoy and which is stated that ‘The vision for Fermoy over the lifetime of this plan is to increase the population of the town in line with the targets established in the Core Strategy chapter; optimise employment opportunities having regard to the location of the town adjacent to the M8; manage development in order to support the strengthening and rejuvenation of the retail function of the town; ensure all new development respects the significant built heritage of the town and its setting on the River Blackwater, and to deliver an enhanced natural and built environment and range of facilities to make the town a more attractive place to live.’ Sections 1.4.7 to 1.4.9 outlines housing provision over the lifetime of the plan. 675 units are required up to 2028. Section 1.4.13 list a number of Regeneration Sites, of which this site is not one.
- 6.3.8.** Social and Community Facilities are outlined under Section 1.4.14 to 1.4.19. Figure 3.1.2 provides the ‘Fermoy Green Infrastructure Diagram’ with lands to the north and east indicated to form part of the green network. General Objectives are provided in the table in Section 1.4.63 of the plan and Special Objectives under Section 1.4.64.
- 6.3.9.** The subject site contains two zonings:

- Northern section is zoned Existing Residential/ Mixed Residential and Other Uses. No specific density is applied to these lands.
- Southern section is zoned Residential/ Residential Additional Provision.

Objective FY-R-04 states: 'Medium B density residential development. The scheme should provide for development of active open space to include playing pitches.

Proposals should include provision for pedestrian and cycle connectivity from the development to link in with the open space and new residential lands to the north and north east. Existing habitats on site should also be protected/enhanced and incorporated into a new development. Consideration should also be given to the site's proximity to the River Blackwater & tributaries corridor local biodiversity area.' The site area for this objective is 7.4 hectares.

**6.3.10.** The details provided in the Cork County Development Plan 2022 – 2028 include relevant planning for the Fermoy area.

**6.3.11.** In the interest of clarity, the site is located within Flood Zone C. The Cork County Development Plan 2022 - 2028 clearly indicates the extent of Flood Zones A and B, and the site is not within or adjacent to these areas, though the River Blackwater is known to flood.

**6.3.12. Cork County Council Recreation and Amenity Policy Interim Approach to Implementation – June 2019.**

This interim policy was provided in June 2019 pending a full review of the Recreation and Amenity Policy. Section 14.5.3 to 14.5.5 of the Cork County Development Plan 2022 – 2028 sets out the background to this interim policy. The Cork Recreation and Amenity Policy was originally prepared/ adopted in 2006, and the interim policy would remain in place until a full review was undertaken. The interim policy was included in the Development Plan only relating to provisions of the policy as they relate to recreational infrastructure within new housing development, therefore relevant to the subject application.

This interim policy sets out a number of requirements, summarised as follows:

Usable Open Space: 12 – 18% of a site. High quality and linked to other open spaces. Spaces to be overlooked and provide for suitable play/ passive amenity.

On Site Recreation Facilities:

- Statement to be included indicating how the development meets resident's needs – for developments of 25 units or more.
- Scheme of 100 units or more – MUGAs in larger schemes and where they can be suitably located – 250 units minimum.

A contribution may be deemed appropriate by the Planning Authority in lieu of such facilities.

### **6.3.13. Cork County Council Draft Recreation and Amenity Policy 2024**

Reports that the open space requirements of the Cork County Development Plan 2022 – 2028 at 12% to 18% of the site area are far larger than the 10% to 15% of the Compact Settlement Guidelines. This draft policy was put on public display in June 2024, but at the time of writing of my report in July 2025, no final policy has been adopted or any details of an outcome from the consultation has been provided.

## **7.0 Third Party Submissions**

No third party submissions were received.

## **8.0 Planning Authority Submission**

- 8.1.** The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 1<sup>st</sup> of June 2022. The report states the nature of the proposed development, the site location and description, submissions received, details the relevant Development Plan policies and objectives and provides a planning assessment of the development.
- 8.2.** The Planning Authority through the Chief Executive's report recommend that permission be granted subject to a list of appropriate conditions.

**8.3.** The CE report also includes a summary of the views of the elected members of the Fermoy Municipal District Meeting held on the 25<sup>th</sup> of May 2022, and these are outlined as follows:

- Support given for the provision of housing on these lands.
- Preference for four/ five bedroom houses.
- Not happy with the provision of duplex units as they were not family friendly due to stairs and lack of outdoor space.
- Speed ramps will be the only form of traffic calming.
- Request that air to water heating systems, solar panels and electric vehicle charging points be provided for this development.
- Request that adequate car parking be provided for each unit with additional visitor parking provided.
- Need for adequate recreational space throughout the site.
- Query as to whether issues raised by An Bord Pleanála in their pre-planning report were addressed in the submitted application.
- Need for the design to be kept simple in order to allow for maintenance into the future.
- Clarification sought on changes to zoning as part of the County Development Plan review process.
- Noted a demand for one and two bedroom units in the area.

#### **8.4. Planning Assessment**

This is summarised as follows under the following relevant headings of the Chief Executive Report.

##### **Principle of the Development and Compliance with the County Development Plan 2014 and Local Area Plan 2017**

Provides the status of Fermoy, a Main Town under the Fermoy Municipal District Local Area Plan, 2017. Site is within Fermoy, is zoned FY R-08 and which allows for

medium density development, subject to provision of open space including playing pitches, a link to pedestrian walks shall also be provided. Medium density is a minimum of 20dph and a maximum of 50dph. Within the Development Plan Fermoy is one of the Ring Towns of settlements and which seeks for them to develop and to fulfil their economic potential whilst serving the local area. Fermoy is to grow in accordance with targets set out in the expired 2014 Local Area Plan with up to 938 units to bring the population up to 7,589; the proposal of 336 is considered by the Planning Authority to be in compliance with this. Other objectives are noted including the protection of water quality in the River Blackwater, improved pedestrian/ cycle provision, new developments to include SuDS and adequate storm water infrastructure.

### **Cork County Development Plan 2022 – 2028**

The Development Plan came into effect on the 6<sup>th</sup> of June 2022. The vision for Fermoy remains the same as that of the 2014 plan. 675 units will be required between 2022 and 2028 in order to achieve a population of 8,351. 280 units to be provided on residentially zoned lands and the balance within the built footprint of the town. The redevelopment of the existing urban area of Fermoy, with particular reference to infill development, vacant sites, upper floors of shop, are reported to be highly desirable within the Development Plan. The northern part of the subject site is zoned for existing residential/ mixed residential and other uses and is not subject to a specific objective. The southern part is zoned FR-R-04 – Medium B Density Residential development. This is defined as having a minimum density of 20dph and a maximum of 35dph. Any scheme to provide for open space that includes playing pitches. Proposals should also provide for pedestrian/ cycle connectivity from the development to link into the open space and new residential lands to the north/ north east. Protection of existing habitats on site which should be incorporated into the development and consideration to be given to the proximity of the site to the River Blackwater/ its tributaries.

### **Compliance with Zoning**

The proposed development is in compliance with the Medium Density A of the Cork County Development Plan 2014 and the Medium Density B range of the Cork County Development Plan 2022 – 2028. The Planning Authority note the need for the provision of playing pitches/ active open space. Four flexible open space areas are proposed but no pitches. Reference is made to the Material Contravention Statement and the opinion of the applicant that the provision of the pitches is a legacy issue.

Pitches are located to the north of the site.

The Planning Authority report that the pitches to the north are in private ownership and form part of the sports complex of St Colman's College. They state that no playing pitches are provided in this application and also refer to the Cork County Council Recreation and Amenity Policy, 2019, which forms part of the Development Plan, and policy also requires the provision of a Multi-Use Games Area (MUGA) for all developments of over 250 units; the Planning Authority report that this has not been complied with. The Planning Authority recommend that if the Board decide to grant permission that a condition be imposed requiring the applicant to submit details on the provision of playing pitches/ MUGA prior to the commencement of development.

The Planning Authority refer to the requirements for linkages to/ from the site. They note that the woodland coverage etc. to the east of the site makes such a connection difficult to achieve at present but do request that provision for future connections be made and this can be addressed by way of condition. Connection to the north/ north east are addressed through the nature of the site layout.

The proposed 98 units on the northern section of land is considered to be acceptable and the proposed 238 units on the southern section is also considered to be acceptable. The Cork County Council Ecologist considers that the proposed development is acceptable in terms of impact on habitats and biodiversity.

### **Quality of the Layout and Visual Impact**

The development of housing on these lands will be a significant change from the existing agricultural landscape of these lands. The Planning Authority report that the design of the development ensures a positive presence, and the open space allows for good residential amenity including privacy. Two and three storey units are

proposed in addition to the one/ two storey childcare facility. External finishes/ detailing is considered to be of a good quality and provides for variety throughout the site. The design is broken down by character areas thereby providing a sense of place. There is also a mix of typologies, and this allows for step down facilities for both the elderly and those with reduced mobility.

All units are provided with private open space and public open space including playgrounds are provided throughout the development site. Part of the open space to the east runs along a stream and it is recommended that suitable safety measures be provided here. Good passive surveillance is provided for the proposed pedestrian/ cycle routes and measures are provided to reduce road speeds. Improvements to pedestrian/ cyclist connectivity from the town centre is required to ensure that the development does not become car dominated. Revised details are required on the boundary treatment and full details on landscaping including tree protection measures are required prior to the commencement of development. The Cork County Architects report that the development is generally acceptable in terms of design and layout, subject to some amendment that can be agreed by way of condition.

### **Traffic & Transportation**

Reports from the Traffic and Transportation Engineer and the Area Engineer are provided in Appendix of the Cork County Council report. Pre-planning consultation indicated that a link to Devlin Street to the north of the site was proposed but this no longer forms part of the application. A development to the north east of the site was under consideration at that time and could form a connection with the subject site.

This refers to PA Ref. 21-7241 and which has since received permission.

A Traffic and Transport Assessment (TTA) was submitted as part of the application.

This does not include the cumulative effects of the development of lands to the east of the subject site. The proposed development does allow for access to these lands.

Three junctions were assessed as part of the TTA and modal shift of 40% is proposed.

Pedestrian/ cycle connectivity will be along the R639. A total of 602 car parking spaces are proposed and it is not expected that the proposed 22% modal shift for future traffic flows will be achieved. Reference is made to access to public bus

services, however the Planning Authority report that the nearest stop is over 650m from the entrance to the site and it is unlikely that residents will use this service. Bus stops nearer to the site would enhance the potential for use of the service. A Road Safety Audit was undertaken, details were accepted by the applicant, but no design details of mitigation measures have been provided. The development allows for access to adjoining lands but in so doing, it will have a negative impact on pedestrian/ cycle movement within the subject development.

The submitted information is deficient in terms of demonstrating that the development provides for pedestrian and cycle connectivity to the wider area and in terms of design measures to encourage use of the public bus service. Conditions are recommended to address these issues. Also, conditions in relation to access to the weigh bridge to the front/ west of the site.

### **Recreation and Amenity Policy**

15.2% of the site is proposed for open space including 4 flexible open space areas and the provision of a linear green route with a 3m wide shared surface along the eastern boundary. The Recreation and Amenity Policy requires that 12-18% of a site be for public open space and other requirements include a MUGA for developments in excess of 250 units. The subject zoning requires playing pitches on these lands. The Planning Authority recommend that a condition be included to agree the provision of these facilities prior to the commencement of development on the subject site.

### **Housing Mix**

The proposed unit mix is considered to be acceptable. A Housing Quality Assessment has been provided and indicates good quality internal space arrangements.

### **Part V**

33 units are proposed to be transferred as part of the Part V requirements. Requirements have been outlined by the Cork County Council Housing Officer in relation to the proposed unit transfer.

### **Ecology**

The Cork County Council Ecologist report is provided in Appendix A of the CE report. Details of the Surface Water Drainage proposal are outlined, and which will be



designed in accordance with SuDS principles. Foul drainage will be treated in the Fermoy WWTP and Irish Water raised no issues of concern in relation to this. The subject site has the potential to comprise of habitats of high natural value comprising of wet grassland and dry meadows in addition to mature trees/ hedgerows. The site is 800m from the boundary of the Blackwater River Special Area of Conservation and 1.6km to the south west of the Blackwater Callows Special Protection Area.

Treated wastewater will discharge to the River Blackwater at an existing discharge point. The WFD status for the river is good and is identified as being 'At Risk' upstream of the area of the discharge point but 'Not at Risk' downstream of this point. The 2020 AER for the Fermoy WWTP reported that it was not compliant with the Emission Limit Values (ELVs) set in the discharge licence. This is due to a secondary discharge area containing non-domestic wastewater and cooling water, and which discharge to the storm network rather than the foul drainage network.

The discharge from the WWTP does not have any observable impact on WFD status according to the AER. Additional loading on the WWTP may impact on QIS in the SAC such as Freshwater Pearl Mussel.

### **Natura Impact Statement (NIS)**

The Blackwater SAC and Blackwater Callows SPA are the only Natura 2000 sites within the Zone of Influence, and the Cork County Council Ecologist agrees with this. The NIS considers Surface Water Impacts from run-off, Water Quality Impacts due to the Fermoy WWTP, Disturbance and Displacement Impacts to QIS, Introduction of Invasive Species and Flooding Related Impacts; Cork County Council Ecologist is generally satisfied with the submitted information, however further consideration is recommended for the surface water drainage design and capacity in relation to waste water. This may need further consideration, and the Cork County Council Ecologist has provided suitable conditions in the event that permission is to be granted.

### **EIAR Biodiversity Chapter**

Details are provided on the nature/ character of the subject site as at present. No invasive species listed on the Third Schedule were identified and Cherry Laurel,

Winter Heliotrope and Butterfly Bush were identified on an adjoining site. Suitable measured for surveys etc. should be included in the CEMP. The open drainage channels on site are not suitable for fish and would be of a no to lower local value for fisheries.

In terms of birds, the site would be of a lower to higher local value. Measures are proposed to protect birds. A similar status applies to bats and, again, suitable measures will be taken to protect bats. Common frog was confirmed on site in February 2021 and suitable mitigation measures are proposed.

### **Landscaping and Green Infrastructure**

The Planning Authority through the CE report refer to the submitted Arboricultural Impact Assessment and that 45 out of 48 trees on site are Category B trees of Good Condition and which are proposed for retention. The submitted details indicate that a large number of trees, approximately 750 will be planted here.

A Green Infrastructure Strategy has been prepared and submitted with the subject application. A condition is recommended in relation to retention of boundary trees and hedgerows and a separate condition for landscaping/ green infrastructure. The Cork County Council Ecologist has raised no objection to the development subject to recommended conditions.

### **Parking Provision and Bicycle Parking**

602 car parking spaces are provided in accordance with the Cork County Development Plan standards. Staff numbers for the creche are not specified and a condition is recommended in relation to car parking. Similarly, a condition is recommended for bicycle parking.

### **Residential Amenity**

The development will be undertaken in five phases. Need for a comprehensive construction management plan which would include a designated point of contact for existing residents in the area. Also, there is a need for a CEMP. The Cork Area Engineer has recommended that a second construction entrance be provided, and which can be agreed by way of condition.

There are three adjoining residential units, and these are located to the south west corner of the subject site. Two are in excess of 44m from the nearest proposed units and the other is 18.18m from the western elevation of Unit 1. There is potential for overlooking and a condition is recommended to address this issue. One of the rooms, a bedroom in this unit 1, has a window in the west and north elevation, so revising one window to address overlooking would not have a detrimental impact on the amenity of this unit. No impact on daylight or sunlight is foreseen; any issues here were addressed through the proposed layout design. Boundary treatment to be agreed by way of condition and existing boundaries to be retained. Reference is made to the opinion issued by An Bord Pleanála seeking a noise report, this was not addressed and may be done by way of condition.

### **Community and Social Infrastructure**

Fermoy is reported to be generally well served by community and social infrastructure. No playing fields or MUGA have been proposed as part of this development.

### **Creche**

The proposed development will provide for a facility for 86 children which is in excess of the Childcare Guidelines requirement for 79 children. The facility is proposed to be provided in the third phase of construction.

### **Phasing**

Five phases are proposed, but the Planning Authority query why the development is to be constructed from the rural edge. It is recommended that the provision of amenity lands/ facilities and infrastructure be tied into the proposed phasing plan.

### **Environment**

Draft CEMP and CDWMP have been submitted in support of the application and are considered to be acceptable. Final details can be agreed by way of condition.

### **Public Lighting**

Details of the Cork County Council Public Lighting Engineer's report are provided in Appendix A of the CE report and included recommendations/ redesign as relevant.

### **Utilities/ Infrastructure**

### **Water**

Irish Water reported that there was capacity in the public water supply system to serve this development.

### **Wastewater**

Irish Water reported that there was capacity in the public system to serve this development. The Cork County Area Engineer raised an issue about the percolation area of the existing weighbridge and impact on this development; the weighbridge may need to be connected to the public foul drainage system.

### **Surface Water**

The development includes upgrades to the surface water drainage system to serve this development. The Cork County Council Environment Officer and Area Engineer have reported that the proposed system is acceptable subject to conditions.

### **Electricity**

The site is adjacent to an existing substation and overhead powerlines are proposed for undergrounding; conditions are recommended.

### **Naming of Development/ Internal Roads**

This can be addressed by way of condition.

### **Statement as to whether to recommend that permission be granted or refused:**

The Planning Authority recommend that permission be granted subject to conditions. The lands are suitably zoned for residential development, demonstrates compliance with the Cork County Development Plan 2014 and the Fermoy Municipal District Local Area Plan 2017 in addition to relevant Section 28 Guidance. The development would not seriously injure the visual or residential amenities of the area, is acceptable in terms of traffic and demonstrates conformity with the proper planning and sustainable development of the area.

A list of development and special contributions are provided and recommended conditions are also provided.

In addition to the Planning report, additional Cork County Council internal reports have been provided and are included in Appendix A of the CE report, summarised as follows:

- Area Engineer: No objection to the development though clarification is sought on a number of issues including the provision of a second construction access, revisions to boundary treatments, revised pathway widths, signing and lining modifications, weighbridge may need to be connected to the new public foul drainage system, query over the number of trees to be removed to facilitate this development, additional storm water proposals to be provided to the rear of houses 146 – 152, certainty over the provision of a Toucan crossing on the northern side of the R639 access, and clarity over powerlines. No special contributions are required by the Area Engineer.
- Environment Officer: No objection subject to recommended conditions.
- Housing Officer: No objection to the principle of Part V housing but final details to be agreed by way of condition. Note that the Council own a significant area of land to the north east of the site and request that provision be made for a future access here.
- Heritage Unit: No objection subject to recommended conditions.
- Senior Executive Architect: Recommend that further consideration be given to the design and demonstration of compliance with national guidance and best practice.
- Public Lighting: Lists a number of recommended amendments and revisions to the proposed lighting scheme.
- Traffic and Transport Engineer: No objection subject to recommended conditions.

## **9.0 Prescribed Bodies**

**9.1.** The applicant was required to notify the following prescribed bodies prior to making the application:

1. Irish Water
2. An Garda Siochana
3. ESB Networks
4. National Transport Authority
5. Transport Infrastructure Ireland.
6. Minister for Culture, Heritage and the Gaeltacht (natural heritage)

7. Heritage Council (natural heritage)
8. An Taisce — the National Trust for Ireland (natural heritage)
9. Fáilte Ireland
10. Cork County Childcare Committee

Only Irish Water made a response in relation to this proposed development in Fermoy.

#### **9.1.1. Irish Water:**

- A water supply connection can be provided to the existing 150mm watermain at the entrance to the site.
- A wastewater connection to service the proposed development can be provided, capacity was reported to be available in the Fermoy Waste Water Treatment Plant (WWTP) to serve this development.

Conditions are recommended if a grant of permission is issued; these are standard conditions for a development of this nature.

## **10.0 Assessment**

### **10.1. Application Issues**

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Zoning Requirements and Density
- Visual Impact, Design and Layout
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking

- Infrastructure and Flood Risk
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Comment on Submission/ Observations of Fermoy Municipal District
- Other Matters
- Material Contravention
- Appropriate Assessment Screening – Natura Impact Statement
- Environmental Impact Assessment

Note: This application was lodged on the 6<sup>th</sup> of April 2022, and the Cork County Development Plan 2014 was in force at the time, but this was replaced with the Cork County Development Plan 2022 – 2028 on the 6<sup>th</sup> of June 2022 and which was in place at the time of assessment of this application.

## **10.2. Principle of Development**

- 10.2.1.** Having regard to the nature and scale of proposed development which is in the form of 336 residential units in the form of houses and apartments, a creche, and is located on a stated area of 11.56 hectares and the lands are zoned for residential development, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 10.2.2.** The northern part of the site is zoned for ‘Existing Residential/ Mixed Residential and Other Uses’ and for which there is no density specified. The rest of the lands, to the southern part of the site, are zoned ‘Residential/ Residential Additional Provision’ and includes Zoning Objective FY-R-04, which provides for a Medium B density. The issue of density is considered in the next section of this report.
- 10.2.3.** No observations or objections were received in relation to this development and therefore no issues of concern were raised about the nature or principle of the development. The Planning Authority recommended that permission be granted for this development subject to conditions. The applicant submitted a letter dated 23<sup>rd</sup> November 2023 in support of their development, but this does not form part of the application.

**10.2.4.** Chapter 2 of the Cork County Development Plan 2022 – 2028 provides the Core Strategy for the county and full details are provided on population and housing targets in Table 2.9. The housing unit target for the period of the plan up to 2028 is given as 675 units, with 192 units on lands designated for ‘Compact Growth Residential Zoning’ and 280 units on lands designated for ‘Other Residential and Mixed-Use Zoning’. The proposed development of 336 units is provided on lands zoned for ‘Residential’ – medium density and ‘Existing Residential/ Mixed Residential and Other Uses’. The proposal would allow for the development of 136 more units in the Fermoy area on lands zoned for ‘Residential’ and ‘Existing Residential/ Mixed Residential and Other Uses’. Table 3.1.3 of Volume 3 of the Cork County Development Plan allows for an additional 140 units for the development of Fermoy over the plan period.

**10.2.5. Assessment of Principle of Development:**

**10.2.6.** I consider the provision of 336 units to be acceptable in terms of the Core Strategy of the Cork County Development 2022 – 2028, which allows for 675 units in Fermoy over this period, with an allowance for an additional 140 units. A permission for the proposed development would allow for an additional 136 units from the 675 allocated in the Core Strategy and the additional 140 units from the ‘Housing Supply from Residential Additional Provision Sites’, a total of 276 to be developed over the plan period, independent of the proposed development. The proposed development, if permitted, would use up a significant though not all of the allocation from the Core Strategy. I have no objection to the number of units proposed in consideration of compliance with the core strategy and no issue of material contravention arises here in relation to unit mix.

**10.2.7. Conclusion on Principle of Development:** I consider that the principle of development is acceptable. The number of units to be provided is in accordance with the core strategy and the zoning objective that applies to these lands. Further consideration of zoning requirements is provided in the next section of this report.

**10.3. Zoning Requirements and Density**

**10.3.1.** As reported, the zoning of this site allows for residential development of the nature proposed. Objective FR-R-04 allows for Medium Density in the range of 20dph minimum to 35 dph maximum. The proposed development of 336 dwellings on a site



area of 11.56 hectares would give a density of 29dph or a net density of 30dph on a site area of 11.22 hectares. These are within the range set by the Development Plan. I refer to the fact that the northern part of the site does not have a specified density, and the applicant is able to provide for a development on the overall lands within the specified density range of the Medium B Zoning for the southern portion of the subject lands.

- 10.3.2.** The second part of the zoning objective requires the protection/ enhancement of existing habitats on site and regard to be had to the River Blackwater, its tributaries and biodiversity area. These issues are considered further in this report under Appropriate Assessment and the Environmental Impact Assessment. I am satisfied that the applicant has retained and incorporated much of the woodland areas and trees in the proposed layout and measures have been taken to protect existing biodiversity/ incorporate them into the proposed development.
- 10.3.3.** I do have a significant concern with the remaining parts of the objective, which seeks for the development of these lands to provide for active open space and playing pitches as well as also making provision for pedestrian/ cycle connectivity from the subject lands to the lands to the north and north east of the subject site. The applicant has submitted a Material Contravention Statement indicating that the development would contravene the Fermoy Municipal District Local Area Plan 2017 – Zoning Objective FY-R-08, in not providing for any playing pitches. That plan is now expired, and the wording of the objective is similar though not the exact same as that applicable under FY-R-04 of the Cork County Development Plan 2022 – 2028, which includes the development of Fermoy. The applicant's justification for the material contravention is the existence of a number of playing pitches to the north of the subject site and which they consider would meet the requirements of FY-R-08 of the 2017 LAP. The site under the expired Fermoy Municipal District Local Area Plan 2017 was deemed to be within a Medium A Density and which allowed for 30dph.
- 10.3.4.** The layout of the subject development provides for a mix and hierarchy of open spaces to meet the varied needs of future residents of this site. Whilst some larger areas are proposed, such as to the centre of the site, I would not be in favour of conditioning the replacement of amenity spaces with playing pitches. The plan does not clearly state what is meant by playing pitch, the expected dimensions of same, or

how many pitches to be provided, but it can be inferred that a pitch should be of a size to enable a game of football/ Gaelic sports/ rugby and as it refers to 'playing pitches' I would expect that at least two pitches would be provided.

**10.3.5.** Whilst open space areas can be reconfigured, and units can be omitted, that would result in a significant revision to the site layout, a potentially significant loss of residential units and which could give rise to unintended consequences. I would be particularly cautious about the imposition of two playing pitches here without fully considering the impact on the proposed adjoining residential units in terms of amenity and appropriate layout, for example do the revisions result in units backing onto or facing the open space.

**10.3.6.** The Commission may consider it worthwhile to hold a limited agenda oral hearing to ascertain the views of the applicant and the Local Authority, and to allow them to suggest a way of addressing/ complying with the provision of playing pitches in terms of FY-R-04 of the Cork County Development Plan 2022 – 2028. I would not recommend that such an approach be taken, considering the potential complications in relation to the site layout/ impact on third parties and also the potential reduction in the number of units proposed resulting in a very different scale and density of development. As reported the density as submitted is acceptable but a reduction in the number of houses, may require the provision of more apartments/ duplexes to meet the required site density.

**10.3.7.** Whilst the provision of these playing pitches may be onerous on the applicant/ developer of these lands, that is the requirement of the current Cork County Development Plan and considering that the wording of the relevant objective has changed since the previous plan in 2017, it is obvious that the need for pitches in this part of Fermoy remains an objective of Cork County Council. Whilst there is a need for housing in Fermoy, the Development Plan process has also identified that these lands are to also provide for playing pitches to meet the amenity demands of Fermoy. I therefore recommend that permission be refused as the proposed development does not demonstrate compliance with Objective FY-R-04 of the Cork County Development Plan 2022 – 2028.

**10.3.8.** In addition to the above concerns, I would also like to draw attention to the Commission that the revisions to the site layout in order to accommodate the playing

pitches would likely require the applicant to have to prepare a revised Appropriate Assessment and a revised Environmental Impact Assessment Report. These would have to take account of the revisions to the site layout, provision of pitches and other necessary alterations to the proposed development. The documents as submitted would be unlikely to be sufficient for the scale of revision required to accommodate these pitches. There may also be potential issues in terms of the Water Framework Directive Assessment, as the provision of pitches may impact on water runoff rates through the greater area of grassland provided in lieu of hardstanding/ houses and which may in turn impact on water quality. In the absence of a revised layout that includes the pitches and in the absence of revised environmental documentation, there are significant unknowns that cannot be addressed by way of condition.

**10.3.9.** In relation to connectivity to adjoining lands, I consider that this may be addressed by way of condition. The applicant has the ability to provide for connections to at least the site boundary and although the full link would require access over third party lands, at least the footpath/ cycleway could be provided on the applicant's side of the boundary allowing for a future connection. Permission was granted for a development to the north west of the site and it would be desirable if this could be continued to connect to the subject site. I note the submitted site layout plan of this permitted development under PA Ref. 21/07421 indicates that such a 'Potential Future Connection' could be made. The Cork County Council Housing Department have also requested that provision be made for links to the north east of the subject site which would allow for access to their lands to the east of the site, these could also be conditioned in the event that permission was to be granted for this development. The provision of additional links would not give rise to material contravention issues.

**10.3.10. CE Report Comments:** The Planning Authority through the CE Report reported no objection to the proposed development but noted the lack of playing pitches and the lack of connectivity with adjoining lands. They considered that these issues could be addressed by way of condition.

**10.3.11. Conclusion on Zoning Requirements and Density:** Having regard to the zoning of the site and the density of units proposed, the development would be acceptable in terms of these requirements, however the proposal does not adequately demonstrate full requirements with the zoning objective specifically the need for playing pitches on

these lands. I therefore recommend that permission be refused as the proposed development would materially contravene an objective of the Cork County Development Plan 2022 – 2028 in failing to provide for Planning Pitches as required under Objective FY-R-04 of said plan.

#### **10.4. Visual Impact, Design and Layout**

- 10.4.1.** I have already commented on the issue of links/ connections to adjoining lands and I am satisfied that this can be achieved by way of condition. The proposed layout as submitted is acceptable, though clearly the failure to incorporate playing pitches into the design has resulted in a very different layout to that, that would be envisaged through the full implementation of Objective FY-R-04. This issue has already been considered under Section 10.3 of my report.
- 10.4.2.** The subject lands do not adjoin any public roads and could be described as backland development, infilling an area between a tributary of the Blackwater River to the east and located to the rear of existing commercial and residential development to the west. There is no requirement in terms of good design to provide for a specific street frontage on any side of the site. The difference in levels between the road to the west and the site ensures that the proposed scheme would not dominate when viewed from the Cork Road, though clearly there would be a change in character of the area from mostly agricultural use to urban development in the form of residential units, and this is demonstrated somewhat through the applicant's photomontages.
- 10.4.3.** The proposed childcare facility is located to the north of the proposed entrance, to the western part of the site. Whilst it would be preferable to locate this in a more central location, I am satisfied that this location is acceptable as it allows for easy vehicular access especially considering the comments of the CE report that the facility has excess capacity over what the proposed development would require. This issue is considered further in my report. Access is also good for future pedestrians/ cyclists who live within the subject development.
- 10.4.4.** The proposed development is characterised by mostly two storey houses and a relatively small number of three storey duplex units. The duplex units are located throughout the site, and I am satisfied that they will provide for an appropriate variety throughout the subject lands. The proposed design includes houses with dual

frontages and entrances located to the side which provides for improved passive surveillance of the residential streets.

- 10.4.5.** The general layout of the residential areas is considered to be acceptable. I note that some long straight sections of street are proposed but measures could be taken to ensure that road speeds are kept low, such as speed control ramps, chicanes/ build outs that would reduce driver speed. There are a number of shared streets with no dedicated footpaths and there would need to be a clear indication that the nature of the road/ street changes when entering/ exiting these areas.
- 10.4.6.** The layout also provides for good passive surveillance of public open space areas throughout the site. The central linear section of amenity space is directly overlooked by the houses to the south and the side elevations of the houses to the north face onto the open space. The east west pedestrian route also ensures that the central open space is an active area. The other areas of open space are also suitably overlooked.
- 10.4.7. CE Comments:** Subject to some amendments, the proposed design and layout is considered to be acceptable.
- 10.4.8. Conclusion on Visual Impact, Design and Layout:** In general, I consider the proposed layout to be acceptable. The character of this development is set by the density, and which allows for low rise mostly housing units. An increase in density would allow for the introduction of apartment blocks and more duplex type units. As reported, the applicant has not provided any playing pitches, and this allows for more detached/ semi-detached houses on this site.
- 10.4.9.** I am satisfied that the proposed visual impact, design and layout are acceptable, and I have no reason to recommend a refusal of permission to the Commission for these reasons.

## **10.5. Residential Amenity – Future Occupants**

- 10.5.1. Unit Mix:** The applicant has provided a 'Housing Quality Assessment' and a 'Schedule of Accommodation'. Full details are given on the housing mix, the floor area of units including room areas, storage provision and also private amenity space provision. The proposed development provides for a mix of houses (two, three, four and five bedroom units) and one/ two bedroom apartment units. 182 three bedroom

houses are proposed which equates to 54% of the total number of units. I have no objection to the unit mix as proposed and this demonstrates compliance with Objective HOU 4-6 of the Cork County Development Plan 2022 – 2028, and no material contravention issues arise here.

- 10.5.2. Quality of Units – Floor Area:** The proposed units provide for adequate floor space and all units are provided with storage that is easily accessible to the future occupants of the units. All apartment/ duplex units are provided with more than the recommended floor area and the vast majority are provided with floor areas in excess of 10% more than the minimum required.
- 10.5.3. Dual Aspect:** All apartments are dual aspect, and this demonstrates a high quality of development and is in compliance with SPPR 4 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.
- 10.5.4. Floor to ceiling heights:** The proposed apartments/ duplex units are all own door access. I note that floor to ceiling heights do not demonstrate compliance with SPPR 5 of the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ which requires ‘Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use.’ The ground floors of Duplex Type E1, E1.1, E3.1, E3.2 are indicated to be 2.6m, and Type E2, E2.1, E2.2 are indicated to be 2.5m. The Simplex Units, Type D4, have floor to ceiling heights of 2.7m. The proposed development does not comply with SPPR 5 and Table 2 of the Cork County Development Plan 2022 – 2028 which lists the relevant requirements of Section 28 Guidelines.
- 10.5.5. CE Report comment on Sections 10.6.1 – 10.6.8:** Report that the proposed development ‘feature good quality internal space arrangements’.
- 10.5.6. Conclusion on Section 10.6.1 – 10.6.8:** The proposed development provides for an adequate mix of unit types. The internal layout of these units is acceptable and complies with recommended requirements, except for the floor to ceiling height of the ground floor of the proposed duplex units which is between 100mm and 200mm below the requirements of SPPR 5 of the Apartment Guidelines. It should be possible to condition that the floor to ceiling heights be revised by way of condition. I am satisfied

that the increase in height of 200mm would not impact on the visual amenity of the area or on the residential amenity of third parties.

**10.5.7. Quality of Units – Amenity Space:** The submitted Housing Quality Assessment details the private amenity spaces to serve the relevant residential units. All houses are provided with adequate private amenity space and in some cases I note that very significant provision of open space is made, such as:

- House 47 – Semi-detached, three bedroom house: 143.5 sq m of private amenity space.
- House 100 – Detached, four bedroom house: 154.6 sq m of private amenity space.

**10.5.8.** The proposed duplex/ apartment units are provided with a mix of ground floor amenity spaces for the ground floor units and the upper floors are provided with balconies. The open space provision is acceptable for these units and again I note that a number of the units are provided with very generous areas of open space, that exceed the minimum requirements for such units.

**10.5.9.** The proposed public amenity space is dispersed throughout the site and all units would have easy access to an area of space within walking distance of their home. I note the comments made in the CE report regarding safety around areas of open space most evidently that to the east adjacent to the tributary. Four flexible open space areas are proposed but no MUGA has been included, in addition to no playing pitches as I have already reported.

**10.5.10.** A total of 1.7 hectares of amenity space is proposed, and the applicant indicates that this forms just under 15.2% of the total net site area, which is in accordance with the Cork County Development Plan 2022 - 2028. The Planning Authority through the CE Report did not report any issues of concern in relation to the provision of public open space to serve this development. I am satisfied that the proposed development provides for adequate and high quality public open space. This is accessible and the mix of area sizes and locations provides for a hierarchy of open spaces that meet different amenity needs.

**10.5.11. Conclusion on Sections 10.6.9 – 10.6.14:** The proposed development provides for adequate private and public open space areas in terms of meeting the minimum requirements of the Cork County Development Plan 2022 – 2028, though as reported,

no playing pitches are included in the proposed layout which is a requirement for the development of these lands. The non-provision of these playing pitches is a material contravention of the Cork County Development Plan 2022 – 2028 and is addressed under Section 10.3 of this report.

**10.5.12. Daylight and Sunlight – Future Residents:** The applicant has prepared a ‘Daylight, Sunlight & Overshadowing Report’ for the units/ open space within the development, as well as considering the impact on adjoining properties. This assessment is undertaken based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’ BRE, 2011 (BR209) and its most recent update.
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

The applicant also refers to ‘European standard EN 17037:2018 ‘Daylight in Buildings’ which was published in May 2019.

**10.5.13.** The submitted assessment undertook the following tests as follows, to ascertain the quality of amenity for future residents of the proposed development:

- Average Daylight Factor (ADF) – in accordance with BS8206:2008: which is a test applied to habitable rooms within residential units. The applicant has made assumptions in relation to the reflective qualities of the floor, walls and ceilings and the type of windows to be provided. Table 2 of BS8208 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)
  - Bedrooms 1%
  - Living Rooms 1.5%
  - Kitchens 2%

In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/ living and dining areas are effectively the one room.

- Spatial Daylight Autonomy in accordance with EN 17037:2018: Test for the lux received for over 50% of annual daylit hours.
  - 300 Lux over 50% of floor area for over 50% of annual daylit hours.



- 100 Lux over 95% of floor area for over 50% of annual daylight hours.
- Sunlight to amenity spaces – BRE Guidance BR209: Test to ascertain if at least 50% of the amenity space receives at least two hours sunlight on the 21<sup>st</sup> of March.
- Annual Probable Sunlight Hours (APSH)/ Winter Probable Sunlight Hours (WPSH) – BR209: Living rooms, which have at least one window that faces within 90 degrees of due south, at least the centre of one window should receive 25% of APSH and between the 21<sup>st</sup> of September and 21<sup>st</sup> of March the WPSH shall be at least 5%.

**10.5.14.** The test for Average Daylight Factor (ADF) and Spatial Daylight Autonomy (SDA) identified a number of rooms that did not pass the minimum standards. I have identified these units from the applicant's Appendix B and C in the following table:

Table 4: Rooms that do not comply with the recommended standard

Unit	Type	Room Type	Predicted ADF:	Predicted SDA – 300 Lux	Predicted SDA – 100 Lux
061	B2 – 4 Bed semi-detached house	Living	1.47	23.67	88.17
108	C6 – 3 Bed terraced house	Living		33.64	98.18
100	B3.1 – 4 Bed detached house	Living		30.23	97.09
125	B2 – 4 Bed semi-detached house	Living	1.47	24.26	93.49
055	B2 – 4 Bed semi-detached house	Living	1.44	22.49	85.21
048	B2 – 4 Bed semi-detached house	Living	1.49	22.49	87.57
001	B3 – 4 Bed detached house	Living		28.41	89.21

154	B9.1 – 4 Bed semi-detached house	Living	1.35	35.54	97.59
126	B9.1 – 4 Bed semi-detached house	Living	1.43	100	100
193	B2 – 4 Bed semi-detached house	Living	1.29	21.08	69.88
252	C10 – 3 Bed terraced house	Living		33.78	97.30
300	C11 – 3 Bed terraced	Living		32.11	98.17
304	C11 – 3 Bed terraced	Living		39.6	100
267	C11 – 3 Bed terraced	Living		33.62	100
170	C16 – 3 Bed semi-detached house	Living		33.04	99.13
079	C6 – 3 Bed terraced house	Living		33.62	99.14
080	C8 – 3 Bed semi-detached	Living		38.96	97.40
249	C9.1 – 3 Bed semi-detached	Living		37.91	98.69
260	C9.1 – 3 Bed semi-detached	Living		42.48	100
169	B10 – 4 Bed semi-detached	Sitting		36.91	100
169	B10 – 4 Bed semi-detached	Kitchen Dining		39.11	71.29
038	C1.1 – 3 Bed semi-detached	Living		43.32	96.79

047	C2.1 – 3 Bed terraced house	Dining	1.79	36.50	99.00
065	C1 – 3 Bed semi-detached	Living		39.04	99.47
006	C1.1 – 3 Bed semi-detached	Living		43.01	98.93
012	C1.1 – 3 Bed semi-detached	Living		44.92	100
042	C1.1 – 3 Bed semi-detached	Living		40.64	99.47
090	C1.1 – 3 Bed semi-detached	Living		40.21	98.94
052	C1.1 – 3 Bed semi-detached	Living		42.78	100
281	C12.1 – 3 Bed semi-detached corner house	Dining		47.48	100
298	C12.1 – 3 Bed semi-detached corner house	Dining		47.98	100
032	C2.1 – 3 Bed terraced house	Dining	1.98		
270	C13.1 – 3 Bed detached	Dining	1.91	38.89	97.98
095	C3 – 3 Bed mid terrace house	Living		47.46	99.44
101	C17 – 3 Bed end of terrace house			42.21	97.99

017	C1 – 3 Bed semi-detached	Living		45.75	100
236	E2.1 – 1 Bed/ 2 Bed Duplex	Bedroom		32.94	100
239	C20.1 – 3 Bed terraced corner	Dining		48.49	100
225	E2.2 – 1 Bed/ 2 Bed Duplex	Bedroom		33.72	79.07
217	E2 – 1 Bed/ 2 Bed Duplex	Bedroom		43.16	100
132	C17 – 3 Bed end of terrace house	Dining	1.73		
261	C20 – 3 Bed terrace corner house	Dining	1.82		
271	C20 – 3 Bed terrace corner house	Dining	1.60	29.80	91.92
292	D4 – 2 Bed simplex apartment	Bedroom 2	0.65		
292	D4 – 2 Bed simplex apartment	Sitting/ Kitchen/ Dining		41.75	93.15
169	B10 – 4 Bed semi-detached	Bedroom 1		39.88	99.41
193	B8 – 4 Bed semi-detached	Bedroom 2		37.35	98.80
065	C1 – 3 Bed semi-detached	Bedroom 1		39.42	100
047	C2.1 – 3 Bed terraced house	Bedroom 2		28.77	100

006	C1.1 – 3 Bed semi-detached	Bedroom 1		42.22	100
038	C1.1 – 3 Bed semi-detached	Bedroom 1		44.53	100
090	C1.1 – 3 Bed semi-detached	Bedroom 1		38.57	100
012	C1.1 – 3 Bed semi-detached	Bedroom 1		46.04	100
033	C1.1 – 3 Bed semi-detached	Bedroom 2		36.99	98.63
033	C1.1 – 3 Bed semi-detached	Bedroom 1		82.44	93.13
052	C1.1 – 3 Bed semi-detached	Bedroom 1		43.80	100
042	C1.1 – 3 Bed semi-detached	Bedroom 1		45.26	100
270	C13.1 – 3 Bed detached	Bedroom 2		18.31	98.59
143	C15 – 3 Bed semi-detached	Bedroom 2		26.36	100
130	C15.1 – 3 Bed semi-detached	Bedroom 2		15.46	100
175	C15.1 – 3 Bed semi-detached	Bedroom 2		23.64	100
161	C15 – 3 Bed semi-detached	Bedroom 2		19.09	100
185	C15 – 3 Bed semi-detached	Bedroom 2		14.45	100

189	C15 – 3 Bed semi-detached	Bedroom 2		17.23	70
139	C15 – 3 Bed semi-detached	Bedroom 2		30	100
132	C15 – 3 Bed semi-detached	Bedroom 2		44.44	100
132	C15 – 3 Bed semi-detached	Bedroom 1		82.58	94.70
101	C17 – 3 Bed end of terrace	Bedroom 2		41.10	100
245	C19 – 3 Bed terraced	Bedroom 3		31.67	100
017	C1 – 3 Bed semi-detached	Bedroom 1		48.20	100
271	C20 – 3 Bed terraced corner unit	Bedroom 2		27.40	93.15
261	C20 – 3 Bed terraced corner unit	Bedroom 2		28.77	97.26
261	C20 – 3 Bed terraced corner unit	Bedroom 1		80.92	90.08
027	C3 – 3 Bed mid terrace unit	Bedroom 2		16.82	59.81
095	C3 – 3 Bed mid terrace unit	Bedroom 2		44.66	100
032	C5 – 3 Bed end of terrace	Bedroom 2		58.11	94.60
061	B2 – 4 Bed semi-detached	Bedroom 2		38.46	98.08

055	B2 – 4 Bed semi-detached	Bedroom 2		42.31	98.08
193	B9 – 4 Bed semi-detached	Bedroom 2		40	100
252	C10 – 3 Bed terraced	Bedroom 1		40.95	100
001	B3 – 4 Bed detached	Bedroom 2		45.10	100
080	C8 – 3 Bed semi-detached	Bedroom 1		31.88	100
249	C9.1 – 3 Bed semi-detached	Bedroom 1		35.56	100
277	C9.1 – 3 Bed semi-detached	Bedroom 1		47.41	100
260	C9.1 – 3 Bed semi-detached	Bedroom 1		36.30	100
153	D2 – 2 Bed semi-detached	Bedroom 2		16.09	87.36
292	D4 – 2 Bed simplex apartments	Kitchen		46.77	100
292	D4 – 2 Bed simplex apartments	Bedroom 2		18.75	90.63
309	E4 – 2 Bed duplex	Bedroom 2		42.67	98
222	E2.2 – 1 Bed/ 2 Bed duplex	Bedroom 1		70.30	90.10
117	A1.1 – 5 Bed detached	Bedroom 5		48.42	100
019	E1 – 1 Bed/ 2 Bed Duplex	Bedroom 2		38.24	96.22

025	E1 – 1 Bed/ 2 Bed Duplex	Bedroom 2		43	97
334	E3.2 - 1 Bed/ 2 Bed Duplex	Bedroom 2		44.65	98.61
326	E3.2 - 1 Bed/ 2 Bed Duplex	Bedroom 2		38.63	96.57

The following are noted:

- 14 rooms did not demonstrate compliance with ADF when a Living/ Kitchen/ Dining area is to achieve 2.0%
- 8 rooms did not demonstrate compliance with ADF when a Living/ Kitchen/ Dining area is to achieve 1.5%
- 86 rooms did not demonstrate compliance with the Spatial Daylight Autonomy test.

The applicant refers to a number of compensating factors in Section 10 of their report. These include an internal lighting scheme to provide for balanced light levels throughout the relevant units, location of the site in relation to Fermoy and proposed biodiversity corridor, large gardens which achieve good sunlight, access to good quality public open space, units achieve an A2 energy rating and are not reliant on passive solar heating and the overall scheme is designed to a high standard in a location where existing natural features are retained as appropriate.

**10.5.15.** Tests for APSH and WPSH indicate a pass rate for all proposed units. This is to be expected considering that the majority of units are houses with rear and front gardens and windows would have access to good sunlight.

**10.5.16.** In terms of amenity/ open space areas that form part of the subject site, Sun On Ground (SOG) is assessed, and the recommended minimum is that 50% of the tested area receives at least two hours of sunlight on the 21<sup>st</sup> of March. As per Section 9 of the applicant's report, the proposed public amenity spaces will achieve adequate sunlight. Proposed private gardens may not achieve the minimum recommended hours of sunlight but as reported by the applicant this is due to the north facing aspect of these gardens and the amenity space is generally overshadowed by the house itself. I consider this to be acceptable, as such cases are likely to occur in a



development of this size and also in order to provide for an appropriate layout which I consider that the applicant has achieved.

**10.5.17. Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive development of this accessible and serviced site within the Cork County Council area, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

**10.5.18. CE Report comment on residential amenity:** The Planning Authority through the CE report did not raise any issues of concern in relation to impact on residential amenity.

**10.5.19. Conclusion on Residential Amenity:** Overall the proposed development will provide for a high quality of residential amenity in this part of Fermoy. Room sizes, amenity spaces and supporting facilities are of a good standard. The majority of the units are for standard type houses and are provided with front and rear gardens, though much of the front garden is in the form of in-curtilage car parking. The development complies with the requirements of National and Local policies in terms of providing for a high quality of residential amenity and I am satisfied that material contravention issues do not arise.

**10.5.20.** I have no reason, therefore, to recommend to the Commission that permission be refused due to the quality of proposed residential amenity to be provided on these lands in Fermoy.

## **10.6. Residential Amenity – Existing/ Adjacent Residents**

**10.6.1. Overlooking:** At present there are five existing residential units adjacent to the subject site. Three detached houses are located to the south west of the site and the submitted plans indicate a separation of 59.6m between the southernmost house and

Unit no. 10 of the proposed development, and 44m between the middle existing house and no. 5 of the proposed development. I consider that these two units are adequately separated from the proposed development. The other house is 27m from no. 3 and approximately 23m from no.2 of the subject development but only 18.18m to house no.1 (Type B3). The proposed house no.1 has a rear garden depth of 11.9m, so the separation is reduced by the short depth of rear garden to the eastern side of the existing house. The Planning Authority through the CE Report have recommended that a rear window in the western elevation, serving a bedroom in house no.1 be modified to reduce overlooking and I consider that this is an acceptable solution. This bedroom is also served by a window to the north elevation and the issue of overlooking can be addressed through the modification by condition of the western elevation window.

**10.6.2.** There are two houses to the west of the site, but the separation here is in excess of 97m, though permission has been granted for their demolition and replacement with a number of units. The proposed houses in the subject development would not directly overlook these units and any concerns could be addressed by way of condition in terms of boundary treatment etc.

**10.6.3. Potential Overshadowing:** Through the submitted 'Daylight, Sunlight & Overshadowing Report', there are no issues of concern in relation to existing units. The proposed development is a relatively low rise development and would not impact on adjoining units. I note the applicant's report. I have considered the impact of the proposed development on the existing house to the west of proposed units nos. 1 to 3. There is some possibility for overshadowing in the morning, but this would be limited to a couple of hours and would have an imperceptible impact on the residential amenity of this unit, considering its current layout. The existing house is provided with a large area of amenity space and only a very small area would be impacted for a short period of time.

**10.6.4. Conclusion on sunlight/ daylight impacts to neighbouring properties:** Existing units and their private amenity spaces will continue to receive adequate sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Commission that permission be refused on the basis of impact to the existing amenity of adjoining properties in terms of sunlight/ daylight.

**10.6.5. CE Report comment on residential amenity:** The Planning Authority through the CE report raised no issues of concern regarding potential impact on existing, adjoining residential amenity, other than recommending revisions to House no.1 to ensure that overlooking of the house to the west can be fully addressed. I agree that this issue can be addressed by way of condition.

**10.6.6. Conclusion:** Overall, I am satisfied that the development will not have a negative impact on the residential amenity of the area. The proposed development will provide for adequate separation distances that ensures that overlooking does not occur, and receipt of daylight/ sunlight for existing houses is protected. There are five houses immediately adjoining this site and I am satisfied that their amenity can be protected. The remaining adjoining sites to the west are mostly in commercial use and the development will not have a negative impact on these sites. There are, at present, no adjoining residential units to the east or south of the subject site. The lands to the north are in use as open space and the development will not negatively impact on this area.

**10.6.7.** I have no reason, therefore, to recommend to the Commission that permission be refused due to impact from the proposed development on the existing residential amenity of the area.

## **10.7. Transportation, Traffic and Parking**

**10.7.1.** The applicant has provided a Civil Engineering Report, a Traffic and Transport Assessment (TTA), and a Mobility Management Plan (MMP) in support of this application. A Stage 1 Road Safety Audit and Lighting Report have also been submitted. In addition, an EIAR has been submitted with Traffic and Transportation assessed within the Material Assets section.

**10.7.2. Traffic and Road Layout:** As already reported, no third party observations were received in relation to this development. The Cork Traffic and Transport Engineer did not raise any issues of concern in relation to the road layout or junction design, but did raise issues in relation to pedestrian/ cycle connectivity and in relation to the use of the public bus service. A special contribution was recommended for the sustainable active travel and public transport.

**10.7.3.** The proposed road layout is acceptable, with a hierarchy of streets proposed. As already reported, a second vehicular entrance would be desirable and there is potential for such through the permitted development to the north west of the site and longer term through the lands to the east of the site as recommended by the Cork County Council Housing Department. If permission were to be developed, then provision should be made for such future connections. Similarly, provision should be made for additional pedestrian and cycle connectivity, and this can be addressed by way of condition, and I again note the comments of the Cork Traffic and Transport Engineer in relation to this aspect of the development.

**10.7.4. Conclusion on Traffic and Road Layout:** I am satisfied that the proposed development will be adequately served by an appropriate road layout with a clear hierarchy of proposed streets. Further improvements to benefit pedestrians and cyclists can be undertaken by way of condition.

**10.7.5. Car Parking:** Car parking provision is set out in Table 12.6 of the Cork County Development Plan 2022 – 2028. These are maximum car parking standards.

**Table 5: Car parking requirements and provision:**

Type	Requirement	Proposed
Houses (242 units)	2 per unit	484
Apartments (94 units)	1.25 per unit	118
<b>Total</b>	<b>602</b>	<b>602</b>
Creche: Staff Children - 86	1 space per 3 staff + 1 space for every 10 Children	15
<b>Overall Total:</b>	<b>617</b>	<b>617</b>

**10.7.6.** The proposed development would have a car parking requirement of 617 spaces, and the applicant has proposed that this figure will be met in full. The houses are provided with in-curtilage parking and the apartment/ duplex units are provided with car parking that is accessible to the individual units.

- 10.7.7.** Objective TM 12-12 states that 'a) Infrastructure for Electric Vehicles will be integrated into developments in line with national requirements.' and d) 'All residential development should be constructed to be capable of accommodating future charging points as required within the curtilage of the dwelling where possible.' No specific details are given on how this be achieved; however it should be possible for this objective to be met, and a suitable condition can be provided in the event that permission is granted. The provision of ducting that allows EV charging to all parking spaces should be adequate to demonstrate compliance with Objective TM 12-12. I do not consider this to be a material contravention issue as I am satisfied that this objective can be met in full by the applicant.
- 10.7.8. Conclusion on Car Parking:** Adequate car parking is proposed, and the provision is in accordance with the Cork County Development Plan 2022 – 2028 with no material contravention issues arising.
- 10.7.9. Bicycle Parking:** The Cork County bicycle parking requirements are provided in Table 12.8 of the Cork County Development Plan. No specific bicycle parking is proposed for this development. The housing units can accommodate bicycles within the curtilage of each unit, and I satisfied that the requirements for houses can be met.
- 10.7.10.** In terms of the simplex/ duplex apartment units, the requirement is 1 space per bedroom with 1 visitor space per 2 units. 94 apartments units are proposed equating to 47 visitor spaces and 149 residential spaces. The applicant has indicated in the Mobility Management Plan that the required provision will be met in full. Secure bicycle parking storage will be located near the relative units. These are enclosed units with suitable access doors to the bicycles. I consider that the proposed details meet the requirements for bicycle parking.
- 10.7.11. Public Transport:** The Cork Traffic and Transport Engineer noted that the applicant indicated that a modal shift increase of 22% was indicated by the applicant. Considering the number of car parking spaces and location of the site relative to Fermoy, it is unclear how this can be achieved, and the development is likely to be car orientated. I agreed with the Cork Engineer. The bus service in the area is half hourly at best and provides for connections between Cork and Fermoy. The other service from Fermoy to Dungarvan is much less frequent and would probably not be used much by residents of this development. The assumption therefore is that a significant

number of people would travel to/ from Cork by bus and to/ from Fermoy by walking/ cycling. Whatever about bus usage, I would strongly recommend that suitable links for pedestrians/ cyclists be provided to encourage non car based travel to and from Fermoy town centre and retail areas to the west of the town centre.

**10.7.12.** The Cork Traffic and Transport Engineer sought a significant contribution towards sustainable active transport and public transport, also referencing that provision of bus stops closer to the site would be a benefit. No new bus stops are proposed along the access to the site and constraints exist for suitable lay-bys etc. Whilst I agree with the need to improve facilities, the current layout does not allow for this, constrained somewhat by the position of the weigh bridge and associated access to the front/ west of the site.

**10.7.13. CE Comment:** I have already referenced relevant aspects of the Cork Traffic and Transport Engineer's report including on cycle/ pedestrian links and on sustainable transport.

**10.7.14. Conclusion on Transportation, Traffic and Parking:** The development is to be provided with an adequate internal road network, adequate car parking and is within walking distance of Fermoy town centre. Access through the open space to the north of the site allows for easy walking/ cycle routes from the site to the edge of the town centre. Car and bicycle parking provision is appropriate to the scale and nature of development proposed.

**10.7.15.** I do not foresee that the proposed development will have a negative impact on the local network, though it would be desirable if at least one additional vehicular access was available to this site. This may be achieved by connecting to the permitted development to the north west of the site, which as reported allows for a future connection towards the subject lands. In the event that permission was to be granted, it is recommended that a condition be included to provide for such a connection. I note the report of the Cork County Council Housing Department and provision should be included for connections to the lands to the east of the site. I also recommend that provision be made for additional pedestrian/ cycle connections to adjoining lands and this would be especially important in the context of the applicant's proposed modal shift increase of 22%.

## **10.8. Infrastructure and Flood Risk**

- 10.8.1. Surface Water Drainage:** The Cork County Council Area Engineer raised no issues of concern though did propose that additional storm water proposals be provided to the rear of Dwellings 146 – 152 and to rear of the existing electricity infrastructure to the north west of the site. There is an existing open drain here.
- 10.8.2.** I note the submitted reports, and I have no issues of concern with the proposed development in terms of provision of suitable surface water drainage. In the event that permission is to be granted, the final design of the surface water drainage system can be agreed with the Planning Authority.
- 10.8.3. Flood Risk:** The applicant has considered flooding in the submitted Engineering Report in Section 1.2. Fermoy has a history of flood events; however, the subject site does not have any such history of flooding, and the site lies outside all flood zones indicated in the expired Fermoy Local Area Plan. Further information on flood sources was assessed through the use of OPW flood map information and Geological Survey Ireland (GSI) details.
- 10.8.4.** The subject lands are sufficiently elevated above river levels in the centre of Fermoy as to not be subject to flood events. The historical flood events are located towards the centre of Fermoy along the River and are distant from this site in Coolcarron. The Cork County Council Area Engineer confirms in their report that the site is not in a flood zone.
- 10.8.5. Conclusion on Flood Risk:** The submitted information is noted, and I am satisfied that the site would not be subject to flooding. The centre of Fermoy has been subject to Flooding in the past, but the site is elevated relative to the historical flood locations and no issues of concern arise here.
- 10.8.6. Water Supply:** Uisce Éireann report that the development can be connected to the existing 150mm watermain located at the entrance to the site.
- 10.8.7.** I checked the Uisce Éireann 10-Year Water Supply Capacity Register, on the 17<sup>th</sup> of July 2025, and for Fermoy it states that there is 'Potential Capacity Available – LoS improvement required'. From the available information I am satisfied that a public water supply can be provided to this development.

- 10.8.8. Foul Drainage:** Uisce Éireann report that there is adequate capacity in the Fermoy Waste Water Treatment Plant to serve the proposed development.
- 10.8.9.** I have checked the Uisce Éireann Wastewater Treatment Capacity Register, on the 17<sup>th</sup> of July 2025, and the Fermoy WWTP which serves the area is indicated as Green – has available capacity. I am therefore satisfied that the proposed development can be connected to the public foul drainage system.
- 10.8.10. Undergrounding of powerlines:** An aspect of the development is the undergrounding of existing powerlines which run through the site. I note the Cork County Council Area Engineer's report regarding the lack of detail on the location of the underground lines, though I am satisfied that this issue could be addressed through condition.
- 10.8.11. Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network, which have capacity to serve this development. Surface water drainage can be adequately catered for, and no issues of flooding arise on this site. Consent has been given from adjoining landowners to allow for the connection of proposed services to existing infrastructure.
- 10.8.12.** I am satisfied that the proposed development can be provided with adequate infrastructure in accordance with Cork County Council requirements and that no issues of material contravention arise in relation to the provision of adequate infrastructure.
- 10.9. Childcare, Social Infrastructure and Part V Social Housing Provision**
- 10.9.1. Childcare:** The proposed development includes a childcare facility with a stated area of 587 sq m and which can accommodate up to 86 children. This is located to the west of the site, north of the entrance to the development and I consider this location to be acceptable, whilst not centrally located, it is accessible to all units. The applicant has provided a 'Childcare Demand Report' in support of the application. Seven facilities are located within 2km of the subject site. At the time of preparation of the applicant's report, March 2022, these seven units had a total spare capacity of 10% or 30 spaces. The applicant has estimated that the proposed development could generate a demand for 59 spaces.



- 10.9.2.** The requirement under the ‘Planning Guidelines for Childcare Facilities (2001)’ was for one childcare facility for every 75 units, able to accommodate 20 children. Section 4.7 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ states ‘One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms. The PA reported no objection to this facility and recommended a condition regarding the phasing of this facility and also reported that the facility would provide for childcare for the existing area.
- 10.9.3.** In the interest of clarity, I have summarised the requirements for childcare provision for this development.

**Table 6: Childcare provision requirements**

	<b>2001 Childcare Guidelines</b>	<b>2020 Apartment Guidelines – without 1 bed</b>	<b>2023 Apartment Guidelines – without 1 bed and only 50% of 2 beds (2 Bed Apartments only)</b>
Number of proposed Units	336	297	270
1 Facility with capacity for 20 children for every 75 units	90	79	72

- 10.9.4.** The Childcare Guidelines (2001) specify a minimum floor area of 2.32sq m per child but this is age dependent. The proposed facility with 587sq m will adequately meet the expected demand on this site, as per the applicant’s supporting report.
- 10.9.5.** The applicant has provided a ‘Childcare Demand Report’ dated March 2022, in support of their application and this is noted. Table 1 of the applicant’s report identifies seven childcare facilities in the area within 2 km of the subject site; details are provided on six of these with capacity for 30 children. Combined with the proposed childcare facility on site, the area is well served with childcare.

- 10.9.6. Conclusion on Childcare Provision:** I consider that the proposed facility is acceptable and will meet the requirements for childcare for a development of this nature. In addition, the applicant has identified that there were 30 childcare places available in 2022 that serve the Fermoy area.
- 10.9.7. Social Infrastructure:** The applicant has provided a 'School Demand Report', dated March 2022, in support of their application. This has considered the existing provision of primary and secondary schools in the Fermoy area, and which will serve the proposed development. Table 2 of the applicant's report lists Primary Schools within 1.9km of the subject site and Table 3 lists the Post Primary Schools within 1km. The report found that there was capacity for 406 children in the primary schools and no capacity for the post primary schools, though it is reported that the individual schools would not confirm the numbers attending and what, if any, was the available capacity.
- 10.9.8.** The primary population expected as a result of this development would be 93 students, though this figure may only be reached over a number of years during/ following construction of this development. Post primary is calculated to be 66 students over a similar 5 year period. The applicant reports that the Department of Education have indicated that the post primary population will rise to 2024 and then start to decline. This will allow for free capacity to serve this subject development.
- 10.9.9.** I note the submitted information, and I also note the date of the report, and the figures provided may or may not be accurate today. Considering the nature of the development, primarily houses, it is likely that this development will be family orientated and would result in an increase in the primary age profile and take longer to impact on post primary capacity in the area. I consider the submitted details to be acceptable.
- 10.9.10. Part V and Social Housing:** A total of 33 units are proposed to be allocated for Part V housing and these consist of 11 houses and 22 duplex units. The Cork County Council Housing Officer has noted the provision and raised no issues of concern. They did request that the larger 154sq m three bedroom units be substituted with a smaller unit of no larger than 110sq m. The units are dispersed throughout the site, and this is considered to be acceptable to the Housing Officer.
- 10.9.11.** I note the '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 Commission decides to grant planning permission, 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.

**10.9.12. Conclusion:** I am satisfied that the proposed childcare facility will serve the demand generated by the proposed development. Adequate existing childcare provision is available in the area for those who require such a service off-site. Schools, community and other social infrastructure is also available in the area. Part V Housing provision can be addressed by way of condition, but no specific issue of concern arises here.

**10.10. Comment on Observations of the Fermoy Municipal District**

**10.10.1.** The views of the elected members were submitted alongside and included in the CE report. Having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below.

**10.10.2.** Support was given for the development of these lands for housing. Comment was made that there was demand for family sized houses and a preference was given for four/ five bedroom houses over the proposed duplex units. Also noted that there was demand for one and two bedroom units in the area.

**10.10.3.** Request that only soft ramps be used in traffic calming on the site. Request that adequate car parking be provided on site, including additional provision for visitors to the site.

**10.10.4.** Request that 'air to water' systems and solar panels be used and that suitable electric vehicle charging points be provided for visitors.

**10.10.5.** Need for road design and infrastructure including amenity spaces be correctly designed from the start.

**10.10.6.** Other issues included a clarification that points raised by An Bord Pleanála in pre-submission consultation were addressed in the submitted documents. Clarification was sought on changes to zoning in the County Development Plan.

**10.10.7.** I note the comments raised and no specific issues of concern were raised. I have reported on the unit mix, and I am satisfied that the development of the site will ensure that the scheme will meet a wide range of housing needs in the Fermoy area. Smaller units allow for downsizing and also provide for starter homes. The majority of the units on site are suitable for family needs. Issues relating to car parking provision have been addressed in the report.

## **10.11. Other Issues**

**10.11.1. Tree Survey:** An undated Tree Survey Report has been submitted in support of this development. In summary, a total of 48 trees were surveyed, 1 was classified a type A tree, 45 class B, 2 are Class C, and no type U were found. Appendix 1 of the applicant's report gives a full breakdown/ description of the surveyed trees. One Class C2 has been indicated as a potential for removal. I note the comments of the Cork County Council Area Engineer who was surprised about the relatively small number of trees to be removed. They have recommended that additional trees be removed due to their location relative to proposed houses.

**10.11.2.** The submitted details are noted, and I consider that final details can be agreed by way of condition with particular reference to the need to remove additional trees on site. Adequate tree protection measures have been proposed by the applicant.

**10.11.3. Lighting:** A Street Lighting Report dated March 2022 has been submitted in support of the application. The Cork County Council Lighting Engineer has raised a number of issues, mostly technical points relating to light types and location of lighting columns. I note the points made and I consider that final details can be agreed with the Planning Authority in the event that permission is to be granted for this development.

## **10.12. Material Contravention**

**10.12.1.** The applicant has prepared a 'Material Contravention Statement' in support of their application. The public notices make specific reference to a statement being submitted indicating why permission should be granted, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended. This should refer to the provisions of Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016. This section of the Act states that 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'.

**10.12.2.** The statement of Material Contravention has been prepared to acknowledge matters which may be considered to be a Material Contravention of the Cork County Development Plan 2014, and the Fermoy Municipal District Local Area Plan 2017.

**10.12.3.** A single issue has been identified in the applicant's Material Contravention statement as follows:

<b>Material Contravention Issue</b>	<b>Local Area Plan/ Development Plan Requirement</b>	<b>Proposal</b>
Playing pitch provision.	MW-R-09: Medium A density Residential Development. The scheme shall provide development of active open space to include playing pitches. A link to pedestrian walks through O-05 shall also be provided	<p>The development provides for 336 units at a density of 30dph and areas of open spare are provided.</p> <p>No playing pitches are provided.</p> <p>There are playing pitches to the north and this element of the objective is a legacy issue back to the Cork County Development Plan 2003.</p>

**10.12.4.** The development does not include playing pitches and the applicant has sought to justify this on the basis that there are pitches on the lands to the north of the subject site and which there is access proposed from the subject site. The requirement for

these pitches is a legacy issue back to the Cork County Development Plan 2003 and the development should be granted in accordance with Section 37(2)(b)(i)(iii) in that 'permission for the proposed development 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'.

The local area plan is no longer in place and a revised plan for Fermoy has been incorporated into the Cork County Development Plan 2022 – 2028.

**10.12.5.** As I have reported, the Cork County Development Plan 2022 – 2028 provides for two zonings on the subject lands:

- Northern section is zoned Existing Residential/ Mixed Residential and Other Uses. No specific density is applied to these lands.
- Southern section is zoned Residential and is governed by Objective FY-R-04 which states: 'Medium B density residential development. The scheme should provide for development of active open space to include playing pitches. Proposals should include provision for pedestrian and cycle connectivity from the development to link in with the open space and new residential lands to the north and north east. Existing habitats on site should also be protected/enhanced and incorporated into a new development Consideration should also be given to the site's proximity to the River Blackwater & tributaries corridor local biodiversity area.'

The site area for this objective is 7.4 hectares.

**10.12.6.** As I have reported, the proposed development and density of housing is acceptable. The failure to provide for playing pitches demonstrates a material contravention of the Cork County Development Plan 2022 – 2028. I note that the Planning Authority through the CE report, have recommended a condition that the provision of pitches be agreed prior to commencement of development. I have considered this and do not recommend that such an approach be taken. The Cork County Development Plan 2022 – 2028 does not specify what a playing pitch is, the size of one, the layout of one and no supporting details are provided. It could be considered that a playing pitch would be a pitch suitable for football, rugby and/ or GAA. The dimensions of these

vary greatly, but even the smallest size – football pitch could not be easily provided on site without requiring significant site layout revisions. The proposed open space areas are not suitable for amalgamation into providing for playing pitches. In addition, the location of a pitch may have unknown consequences for adjoining lands including a significant change of character and may be incompatible with a residential development of the nature proposed. I have considered this issue in depth in Section 10.3 of this report. In addition, the scale of revision is such that a revised AA Screening/ NIS and a revised EIAR would be required as the submitted documents would be incompatible with the scale of revision proposed. There may be potential issues for the Water Framework Directive Assessment also as the provision of pitches may impact on water runoff rates and in turn on water quality.

**10.12.7.** I have considered the issue of Material Contravention in accordance with the requirements of Section 37(2)(b)(i) of the Planning and Development Act 2000 as amended. Four points are to be considered, to determine if a material contravention is acceptable or not:

(i) the proposed development is of strategic or national importance – The development is of local and regional significance but not 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 – Objective is site specific and clear in its wording. There are no conflicting objectives in relation to this requirement in the Cork County Development Plan 2022 – 2028.

(iii) permission for the proposed development 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 – The development is consistent with the RSES and Section 28 guidelines. This objective is site specific and is required to provide for suitable residential amenity in the form of playing pitches. It is an obligation of Cork County Council to provide for adequate amenity space for the residents of the county.

(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. – The proposal would be in keeping in character with the existing form of development in the area but as reported, there is a site specific objective on this site for playing pitches, which is in addition to/ supports the provision of housing on this site.

I do not consider that the material contravention can be justified in the context of the requirements of Section 37(2)(b)(i) of the Planning and Development Act 2000 as amended.

- 10.12.8.** The issue of the provision of a MUGA, as required by the Cork County Council Recreation and Amenity Policy, 2019, and which has been adopted into the Cork County Development Plan 2022 – 2028, is noted. I would consider that the MUGA could be provided in conjunction with the playing pitches by way of condition, through use of a proposed area of open space, for such purposes. The provision of playing pitches indicates their use for ball games, the MUGA would be for a broader range of activity/ sports, and I could be provided through a reconfiguration of one of the proposed open space areas. There is also the option for a financial contribution in lieu of the MUGA.
- 10.12.9.** I therefore consider that the issue of the MUGA can be addressed by way of condition by agreement with the Planning Authority and may result in the reconfiguration of a proposed area of open space or in lieu of houses or a condition may be levied in lieu of the provision of this facility on this site. I consider the non-provision of the playing pitches to be the more significant issue as it is under an objective specific to this site, with no indication of an alternative to the actual provision and one that cannot be addressed by condition or through simple modification of the proposed development.
- 10.12.10.** In conclusion, I consider that a material contravention arises with respect to this application through the failure of the applicant to provide for playing pitches as required under Zoning Objective FY-R-04 of the Cork County Development Plan 2022 – 2028. As I have already reported, the Commission may decide to hold a limited agenda oral hearing on this issue, but I would not be recommending that such an approach be taken. I consider the failure to provide for these pitches is significant, is contrary to Objective FY-R-04 of the Cork County Development Plan



2022 – 2028 and fails to meet the needs of the area and recommend that permission be refused.

## **11.0 Water Framework Directive (WFD) – see Appendix 3**

- 11.1.** The subject site is located approximately 0.9km south of the River Blackwater, Fermoy, Co. Cork. The site is located within the Glenville Groundwater Catchment.
- 11.2.** The proposed Strategic Housing Development comprises of the construction of 336 no. residential units (242 houses and 94 apartments), creche, open spaces and all associated site works on lands at Coolcarron, Fermoy, Co. Cork.
- 11.3.** I have assessed the SHD development at Coolcarron, Fermoy and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix 4 after my report. This assessment considered the impact of the development on the:
- Blackwater (Munster) River
  - Groundwater – Glenville Catchment
- 11.4.** The impact from the development was considered in terms of the construction and operational phases. Surface water is proposed to be discharged at the greenfield rate. Through the use of best practice and implementation of a CEMP at the construction phase, and through the use of SuDS during the operational phase, all potential impacts can be screened out.

### **Conclusion**

- 11.5.** I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **12.0 Appropriate Assessment – Natura Impact Statement**

### **Appropriate Assessment – Screening Determination – (see Appendix 1 & 2)**

**12.1.** The proposed residential development on lands in Great Coolcarron, Fermoy, Co. Cork have been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended, see Appendix 1. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development may have a significant effect on the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

**12.2.** Following an Appropriate Assessment, see Appendix 2, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA subject to the implementation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA.

**12.3.** I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that

the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Blackwater River (Cork/Waterford) SAC and the Blackwater River Callows SPA.

Full details of my assessment are provided in Appendix 1 and Appendix 2 attached to this report.

## **13.0 Environmental Impact Assessment**

**13.1.** This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

**13.2.** The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000, as amended and Schedule 5 of the Planning and Development Regulations 2001 as amended.

**13.3.** Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

The development proposes 336 residential units, creche, and has a stated area of 11.56 hectares. The site area exceeds the threshold for EIA for urban development. The proposed development therefore requires mandatory EIA, and an EIAR has been submitted with the application. The List of Consultants and Responsibility are provided in Table 1.1 of the EIAR in relation to the relevant chapter that they contributed to.

**13.4.** The EIAR, dated April 2022, is laid out as follows:

Volume I – Non-Technical Summary

Volume II – Environmental Impact Assessment Report

Chapter One – Introduction to EIAR

Chapter Two – Project Description

Chapter Three – Alternatives Considered

Chapter Four – Landscape and Visual Impact Assessment

Chapter Five – Material Assets: Traffic and Transportation

Chapter Six – Material Assets: Services, Infrastructure and Utilities

Chapter Seven – Soils and Geology

Chapter Eight – Hydrology and Hydrogeology

Chapter Nine – Biodiversity

Chapter Ten – Noise and Vibration

Chapter Eleven – Air Quality and Climate

Chapter Twelve – Cultural Heritage and Archaeology

Chapter Thirteen – Population and Human Health

Chapter Fourteen – Significant Interactions of the Foregoing

Chapter Fifteen – Schedule of Mitigation & Monitoring

Chapter Sixteen – Risk of Major Accidents or Disasters

Volume III– Appendices

**13.4.1.** Chapter 1 includes details on the applicant, methodology to be used, guidance followed, and structure of the EIAR. As reported Table 1.1 provides a ‘List of Consultants and Responsibility’. A formal S.247 meeting was held with Cork County Council in November 2019 and was also informed by the ABP Inspector’s report and ABP Opinion. A list of 14 bodies that were consulted is also provided, and five of these responded, details provided in Appendix 1.1 of the EIAR, with the main points

included in Chapter 1. Table 1.2 provides the 'Projects considered for Cumulative Impacts' and refers to planning applications in the vicinity of the subject site.

- 13.4.2.** Chapter 2 provides a detailed site description with suitable location plans, details on the site location/ context, a description of the proposed development and existing services in the area that may serve the proposed development. The area is served with public water supply, foul drainage, roads, electricity and telecommunications. As reported under Section 2.1.3 of the EIAR, no difficulties were encountered in the compilation of the required information in order to prepare the EIAR. Details are also provided on proposed earthworks, construction traffic management, and construction surface water management. There are no records of any flooding in this area of Fermoy. Fermoy is susceptible to flooding but not in the area of the subject site as it is significantly above the river level.
- 13.4.3.** Chapter 3 provides full details on the 'Alternatives Considered' and considers the do-nothing alternative, alternative locations, alternative designs and alternative processes. Section 3.1.4 refers to Difficulties Encountered and reports that the design has gone through different versions, the location of the site has required various changes, and the design has had to provide for a suitable density in terms of the zoning of the site. The need to underground an existing overhead powerline has impacted on the design of the development.
- 13.4.4.** The following options were considered and are detailed in Chapter 3 of the EIAR:
- Do-nothing scenario: The site is suitably zoned for residential development and to do nothing would result in the site becoming overgrown. The non development of these lands would result in the objectives of the Local Area Plan not being complied with, and in turn may result in pressure to develop other less suitable sites. 'A 'do nothing' approach would likely result in a neutral impact on the environment in respect of material assets, land, water, air, climate, cultural heritage, biodiversity and landscape.' Note: The reference to Local Area Plan, should now refer to Cork County Development Plan.
  - Alternative Location: The site is suitably zoned for residential development of the type proposed. The site is located adjacent to Fermoy town centre and residents would have easy access to existing shops and facilities in the area. As this site is

considered to be a suitable one for development of the nature proposed, the applicant did not consider alternative sites.

- **Alternative Layouts and Designs:** Full regard was had to the existing character of the area and the layout/ design was based around that. Under Section 3.5 of the EIAR, four alternative layouts that were considered are provided. Options provided for different layouts, different unit numbers, different unit mixes, different unit types and also considered what the environmental effects of the alternatives would be. Consideration was also given to the ABP Opinion and comments made by Cork County Council.
- **Alternative Processes:** The proposed units are designed to be highly energy efficient and to achieve a BER of A2. Units are to be low maintenance, and brick will be used in the finish of the apartments and a mix of brick/ render for the proposed houses. I note that no alternative processes are listed here however this is acceptable considering the nature of the development.

**13.4.5.** The proposed development will not give rise to any adverse environmental impacts, and the submitted development provides for better results in terms of impact on the environment than the alternatives. The proposed layout includes a biodiversity corridor and is less car dependent than alternatives. No specific mitigation measures were required for this chapter.

**13.4.6.** I consider the proposed alternatives demonstrate compliance with the requirements of the EIA Directive.

**13.4.7.** The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters, in the order provided in the EIAR, which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Biodiversity (Flora and Fauna)
- Land, Soil, Water, Air and Climate
- Material Assets, Cultural Heritage and the Landscape
- Interactions

- Mitigation and Monitoring

- 13.4.8.** I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR, and supplementary information provided by the applicant, adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended. Each chapter demonstrates the competency of the assessor, relevant guidance that they have considered, and the assessment criteria.
- 13.4.9.** I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out already in this report. This EIA has had regard to the application documentation, including the EIAR, the observations received, and the planning assessment completed above.
- 13.4.10. Consultations:** Details of the consultations carried out by the applicant as part of the preparation of the application and EIAR are set out in the documentation submitted and these are considered to be adequate. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. No submissions were received in relation to the EIAR.
- 13.5. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001**
- 13.5.1.** Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

**Table 12.1 Article 94 information**

The information specified in Paragraph 1 of Schedule 6		
	Description of proposed development:  Site, design, size and other relevant features	See Chapter 2 for Existing Site Description and Chapter 1 and 2 for Project Characteristics. This includes details on

		<p>the site, proposed design, number of units/ size and relevant features. Also includes full details of all associated site works.</p> <p>The description is adequately detailed to allow assessment of the likely effects on the environment.</p>
	Likely significant effects on the environment	<p>See Chapters 4 – 14 and 16. Each of these chapters describes the relevant significant effects on the environment.</p> <p>Chapter 14 provides full details on 'Interactions of the Foregoing'.</p>
	Design and mitigation measures to avoid, prevent and reduce significant adverse effects	<p>Mitigation measures are provided in each of the relevant chapters 4 – 14 and 16. Chapter 15 provides a 'Schedule of Mitigation and Monitoring Measures'.</p>
	Reasonable alternatives and main reasons for the option chosen, taking into account effects on the environment	<p>See Chapter 3.</p> <p>Alternatives include do-nothing, alternative location, alternative layouts and design and alternative processes.</p>



Any additional information specified in Paragraph 2 of Schedule 6 relevant to the specific characteristics of the development concerned and the environmental features likely to be affected and methods of assessment		
(a) Description	Description of location	See Chapter 2
	Physical characteristics including where relevant demolition and land use requirements during construction and operation	See Chapter 2. No units are proposed for demolition. The site area is given as 11.56 hectares and is mostly in agricultural use.
	Main characteristics of the operational phase	The development of a residential scheme of 336 units in the form of houses and apartments, a creche, car parking, amenity space and all associated infrastructure provision on lands to the south of Fermoy town centre.
(b) Reasonable Alternatives		See Chapter 3. The main alternatives would be in terms of location and design/ layout. The site is suitably zoned, and the layout is determined by geography, topography and planning requirements.
(c) Baseline scenario and 'Do Nothing'		The baseline context is provided in Section 2.2 of

		the applicant's report. The 'Do-Nothing' scenario would leave the lands in agricultural use and the lack of development may result in the lands becoming overgrown in time.
(d) Factors likely to be significantly affected	Climate	See Chapter 11 (includes Air)
	Land & Geology	See Chapter 7
	Water	See Chapter 8
	Biodiversity	See Chapter 9
	Air	See Chapter 11 (includes Climate)
	Population & Human Health	See Chapter 13
	Population & Human Health – Noise & Vibration	See Chapter 10
	Landscape & Visual Impact	See Chapter 4
	Archaeology, Architecture & Cultural Heritage	See Chapter 12
	Material Assets: Site Services	See Chapter 6
	Material Assets: Traffic & Transport	See Chapter 5
(e) Significant effects		See Chapters 5 – 14, 16

(i) Description of:	(I) Construction and existence of proposed development and demolition	See Chapter 2
	(II) Use of natural resources	See Chapter 2, 7 and 8
	(III) Emissions	See Chapter 8, 10 and 11
	(IV) Risk from accidents or disasters	See Chapter 16
	(V) Cumulative effects with existing or approved developments	Considered under main chapter headings
	(VI) Impact on Climate and vulnerability to Climate Change	See Chapter 11 and individual chapters.
	(VII) Technology and Substances used	See Chapter 1 - Methodology
(ii) Likely Significant Effects	Direct	Considered under main chapter headings
	Indirect / Secondary	Considered under interactions
	Cumulative	Considered under main chapter headings
	Transboundary	Not relevant
	Short term	Most effects are temporary or short term
	Medium Term	Not generally relevant
	Long Term	Considered under relevant chapters.

	Permanent	Permanent development of the site including the provision of a residential development, infrastructure and open spaces.
	Temporary	Construction effects are temporary or short term, operational effects are permanent and generally positive.
	Positive	Development of new housing, and biodiversity is enhanced through the proposed landscaping plan/ biodiversity corridor.
	Negative	Most effects are temporary or short term.
(f) Forecasting methods, evidence, difficulties encounters and main uncertainties		Yes
(g) Measures to avoid, prevent, reduce or offset adverse effects, monitoring during construction and operation		Yes
(h) Significant adverse effects arising from vulnerability to risks of major accidents and/or disasters, mitigation measures and preparedness and response to emergencies arising from such events		No
Non-Technical Summary		Yes – the Non-Technical Summary accurately reflects the chapters in

	the main volume of the EIAR.
Reference list of sources	This is provided for each chapter.
List of experts and their competence	This is provided for each chapter and summarised in Chapter 1 – Section 1.4.

Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects under the following sections below.

### **13.6. Assessment of Likely Significant Direct and Indirect Effects:**

**13.6.1.** This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

Note: I will be assessing the EIAR under each of the chapter headings of the applicant's report but in line with the above topic headings, hence why the assessment may not be in the chronological order of the submitted EIAR.

**13.6.2.** In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following listed headings:

- Issues raised in the application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

## **13.7. Population and Human Health – Chapter 13.**

### **13.7.1. Issues Raised**

No issues were raised in relation to this chapter by third parties.

### **13.7.2. Examination of the EIAR**

#### **Context**

Chapter 13 of the EIAR deals with Population and Human Health and separately Chapter 10 deals with Noise & Vibration. The assessment is undertaken in accordance with government and industry best practice guidelines. Section 13.1.3 provides the 'Methodology' for this chapter and includes a number of issues for consideration including Economic Activity, Social Consideration, Land-Use, Tourism and Health. Relevant guidance, information sources and consultations are detailed within Section 13.1.3. The HSE submitted a response to the issued consultation letter and raised a number of points for consideration. The impact on surrounding sites/

homes, community facilities/ services, schools/ childcare facilities and local amenities were considered in this chapter.

The applicant reports that no limitations were encountered in the preparation of this chapter, and none are evident in the assessment.

## **Baseline**

The 'Existing Environment' is detailed in Section 13.2 of the EIAR and for the site description the EIAR refers back to Chapter 2. Demography is outlined under Section 13.2.1 of the EIAR and notes the Cork County Development Plan 2014 – 2021, which has now been replaced with the Cork County Development Plan 2022 – 2028. Figure 13.2 provides the location of the Fermoy electoral division.

CSO data indicates that the population of Ireland is projected to grow from 4.74 million in 2016 to 6.69 million by 2051. The National Planning Framework indicates that Cork will be the fastest growing City Region in Ireland with a projected 50% to 60% increase in population up to 2040. The population of Fermoy is expected to increase in line with these projections with a need for 938 additional housing units in the period to 2021. The population of Fermoy was 6,585 in 2016 which increased by 2% from 2011. Household size was 2.9 in rural areas and 2.3 in the urban areas of Fermoy. Further details are provided in Table 13.2 'Average Household size in 2016'. Table 13.3 provides a 'Demographic Breakdown of School-Going Children' from Census 2016. Commuting is a strong feature of the area with details provided in Table 13.4 for the Fermoy Urban ED and Table 13.5 for the Fermoy Rural ED. Table 13.6 provides the 'Demographic Breakdown for Household Tenures' and Table 13.7 provides details on 'Vacancy Levels'. The urban area has a high vacancy rate at 16.4% compared to the National figure of 9.1% or 9% for the Cork County area. Economic Activity data is provided under Section 13.2.2 with labour force survey details outlined in Table 13.8 and 'Labour Force Participation Rate' in Table 13.9. Details on the existing 'Land Use and Amenity' are outlined under Section 13.2.3 and the site area is indicated through Figure 13.3.

Section 13.3 provides an 'Identification of Principal Potential Receptors' including residence adjacent to the site, community facilities/ services – detailed under Table 13.10 for childcare, Table 13.11 for Primary Schools and Table 13.12 for Post Primary Schools. The location of childcare is indicated through Figure 13.4 and for schools through Figure 13.3 (may be a typo and should be Figure 13.5). Other potential receptors are detailed under Sections 13.3.3 and 13.3.4. Section 13.3.5 refers to 'Temporary Receptors' which mostly refers to drivers on the R639 who are passing the site.

### 13.7.3. Potential Effects

The following potential impacts are identified:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>This is detailed in Section 13.3.6 of the EIAR. In the absence of development, there would be no impact on the population or economic activity of the area, but the development of the land in accordance with relevant plans would not be achieved and population projections may not be met.</p> <p>The site is suitably zoned for residential use and there is no requirement to consider alternative sites for this development. Failure to develop the lands would result in them becoming unkept and overgrown in time.</p> <p>The impact would be neutral in terms of the 'do nothing' scenario.</p>
Construction	<p>May give rise to air/ surface water emissions and also noise/ vibration. The following are considered:</p> <p>Population and Settlement Patterns: Short term and not likely to have any impact on these. There may be an impact on visual amenity, noise, air quality and transport. These</p>



	<p>are considered in the relevant chapters of this EIAR with appropriate mitigation measures to be used. No significant negative impacts are anticipated.</p> <p>Economic Activity: Temporary boost to the local economy through employment and use of retail/ services. Loss of agricultural lands would have a neutral effect. This phase would have a likely positive short term moderate effect on the local area and the wider Fermoy area.</p> <p>Land Use and Amenity:</p> <p>Health: Potential risks due to health and safety issues on site including the use of equipment/ machinery and through processes. Suitable mitigation measures are outlined in the preliminary CEMP and the in Chapter 10 in terms of Noise and Vibration. The public will be prevented from accessing the site by a range of measures including fencing, security and site lighting/ camera systems. Through the implementation of these measures, adverse impacts would be unlikely, neutral and short term.</p>
Operational	<p>There are few hazards associated with the operational phase of the proposed development.</p> <p>Population: The development will provide for additional homes, meeting the needs of the area, will provide for a childcare facility and would meet the requirements of the Cork County Development Plan. The overall impact is expected to be moderate, positive and permanent impact.</p> <p>Economic Activity: Benefits through the use of local service by residents of this development. This will have a positive, slight, long-term impact on local services.</p> <p>Land Use and Amenity: The proposed development is in accordance with the medium density residential zoning on</p>

	<p>this site. Suitable landscaping will be provided on site including play areas, walking and activity routes as well as passive amenity spaces. Impacts are expected to be long term, neutral and not significant.</p> <p>Health: No significant effects and it is expected that the impact will be long term, and moderate positive. The development will incorporate the principles of Universal Design and noise impacts will not give rise to offsite impacts.</p> <p>Daylight and Sunlight: An assessment has been undertaken, and the development meets best practice guidelines.</p> <p>Building Life Cycle Report: Measures have been taken in the design to reduce the operating costs of the development/ individual residential units.</p>
Risks of Major Accidents and Disasters	Considered in Chapter 16 of this EIAR. No major accidents and disasters have been identified for this element of the proposed development. The site has been identified as outside of the known flood zones in Fermoy.
Decommissioning	Not referenced and not relevant to this project.
Cumulative	All relevant assessments took account of the development on adjoining lands/ in the greater Fermoy area, and it was found that cumulative impacts would be limited.

#### 13.7.4. Mitigation/ Monitoring

The applicant has outlined these in Section 13.5 of the EIAR. In summary these include:

- Population: No likely impacts and therefore no mitigation measures are required.
- Impact on Amenities: The development has been designed to avoid negative impacts on local amenities by the provision of a childcare facility on site, making

provision for amenity spaces on site and through the provision of walking/ cycling routes. No further mitigation measures are required.

- **Health and Safety:** Potential impacts during the construction phase and measures are outlined under Section 13.5.1 of the EIAR, and through the submitted EIAR. A Project Supervisor will be employed during the construction phase to oversee safety on site. Traffic safety measures for construction traffic will be detailed in the Traffic Management Plan and will be implemented in full. No significant risks during the operational phase were identified and no specific mitigation measures were required.

No specific monitoring measures are proposed in addition to those required under the Building Regulations and in compliance with Health and Safety requirements.

#### **13.7.5. Cumulative Impacts:**

All relevant assessments took account of the development on adjoining lands, however the permitted/ proposed developments were limited in nature and would not give rise to cumulative impacts in conjunction with the subject development.

#### **13.7.6. Residual Impacts:**

The EIAR indicates that the mitigation measures will avoid/ prevent or reduce impact on the human environment during the construction and operational phases of the subject development. The development may give rise to significant, positive overall economic and social benefits for the local community and the Fermoy area. The provision of additional housing will have a likely significant, positive effect for the local area.

#### **13.7.7. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 13 of the submitted EIAR, all of the associated documents and submission on file in respect of Population & Human Health. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect

of likely effects on Population & Human Health, as a consequence of the development have been identified. No Third Party Observations were raised.

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a perceptible negative impact on Population & Human Health.

#### **13.7.8. Conclusion: Direct and Indirect Effects on Population & Human Health**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development/ distance from sensitive receptors, there is no potential for significant negative environmental effects on Population & Human Health. Positive effects including the provision of additional housing, amenity spaces and a childcare facility.

### **13.8. Population and Human Health – Noise & Vibration – Chapter 10.**

#### **13.8.1. Issues Raised**

No third party issues were raised.

#### **13.8.2. Examination of the EIAR**

##### **Context**

Chapter 10 of the EIAR deals with Noise & Vibration. Section 10.1 lists the ‘Guidelines Relevant to Preparation of EIAR’ and Section 10.2 provides the ‘Methodology’. Section 10.2.1 considers the Construction Phase in relation to Noise and Section 10.2.2 considers Construction Phase – Vibration. Section 10.2.3 considers Operational Phase – Noise including mechanical plant and traffic noise and Section 10.2.4 does the same for the Operational Phase – Vibration.

No limitations are identified in this chapter, and none were evident in the assessment.

##### **Baseline**

Section 10.3 provides a Description of the Existing Environment including a Baseline Noise Environment, with details of relevant noise surveys that were undertaken. The

site is located to the southern side of Fermoy, Co. Cork and Figure 10.1 indicates the location of 'Noise Monitoring Locations'. Details of survey periods, equipment and Survey Results and Discussion are provided in Section 10.3.1.1 of the EIAR. Full description of the proposed development is provided in Section 10.4, and the impacts of potential noise and vibration are considered separately for the Construction/ demolition phase and for the Operational Phase of the development.

### 13.8.3. Potential Effects

The following potential impacts are identified under Section 10.5 of the EIAR:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No change in the environment in terms of noise.
Construction	<p>Noise:</p> <ul style="list-style-type: none"> <li>Plant and vehicles will give rise to increase noise. A daytime noise threshold of 65dB LAeq,T. will be set. No nighttime threshold is required as no works will take place at night. Suitable measures will be provided to control noise levels.</li> <li>Table 10.12 of the EIAR indicates that noise levels may be exceeded at distances of up to 30m from the relevant works. Appropriate mitigation measures are required and are detailed later in this report.</li> <li>Increase in vehicular traffic would not be sufficient to give rise to a significant noise impact.</li> </ul> <p>Vibration:</p> <ul style="list-style-type: none"> <li>Ground breaking is likely to give rise to vibration but would be below threshold for building damage on adjoining sites.</li> <li>Tests on equipment/ machinery to be used on site indicates that vibration levels would be below the</li> </ul>

	<p>recommended acceptable limits set out in Table 10.4 of the EIAR, indicating the acceptability of the equipment to be used on site.</p> <ul style="list-style-type: none"> <li>The impact from vibration is expected to be short-term, negative and not significant.</li> </ul>
Operational	<p>Mechanical Plant:</p> <ul style="list-style-type: none"> <li>This will be primarily through plant/ mechanical services for the creche. Final details will be agreed later in the process but will be designed to not negatively impact on sensitive receptors in the area.</li> <li>The effect will be negative, imperceptible and permanent.</li> </ul> <p>Traffic Noise:</p> <ul style="list-style-type: none"> <li>There will be an increase in traffic associated with the operational phase of the development. Noise level increases will be minor at 0.2 dB.</li> <li>The impact will be imperceptible and permanent.</li> </ul>
Decommissioning	Not referenced and not relevant to this project.
Cumulative	<ul style="list-style-type: none"> <li>There is potential for a second project to commence at the same time as the subject development, and which would give rise to potential cumulative noise impacts. These impacts would be negative, moderate to significant and short-term at times of activity on both sites.</li> <li>In terms of the operational phase, permitted developments are included in the traffic impact assessment and the result would be negative, imperceptible and permanent.</li> <li>Large scale residential developments, similar to the subject development, would require EIA and noise/</li> </ul>

	vibration would be considered as part of the assessment process.
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#### **13.8.4. Mitigation**

The applicant has outlined these in Section 10.6 of the EIAR under the Heading 'Mitigation Measures'. In summary these include:

- Construction Stage:
  - Noise: Best practice would be utilised and would consider the use of quiet plant, noise control at source, screening, liaison with the public and monitoring. These are all detailed under Section 10.6.1 of the submitted EIAR.
  - Vibration: The levels of vibration would be limited to those set out in Section 10.2 of the EIAR, and which will ensure that adjoining/ existing residential amenity is protected.
- Operational Stage:
  - Noise: No negative impacts are foreseen to off-site sensitive receivers and no further mitigation measures are proposed.
  - Traffic: No additional mitigation measures are required.
  - Vibration: As no vibration sources are expected during this phase, no further mitigation measures are required.

#### **13.8.5. Cumulative Impacts:**

The following is reported in the submitted EIAR:

- Potentially a second similar residential project could commence at the same time as the subject development, and which would give rise to potential cumulative noise impacts. These impacts would be negative, moderate to significant and short-term at times of activity on both sites.

- In terms of the operational phase, permitted developments are included in the traffic impact assessment and the result would be negative, imperceptible and permanent.

Large scale developments, similar to the subject development, would require EIA and noise/ vibration would be considered as part of the assessment process.

#### **13.8.6. Residual Impacts:**

Construction Stage: There is potential for slight to moderate impacts on nearby sensitive noise/ vibration receptors due to the proposed development. Control on working hours, noise generated, and provision of suitable mitigation measures will ensure that noise/ vibration impacts are reduced.

- Receptors greater than 20m from the works will have a negative, slight and short-term impact on commercial receptors.
- Receptors less than 20m would have a negative, moderate to significant and short-term impact.
- Noise from construction vehicles would have a negative, not significant and short-term impact.
- Vibration from construction activity would have a negative, not significant and short term impact.

Operational Phase:

- Mechanical Services/ Plant: Noise levels will be within recommended standards and residual noise impacts would be negative, imperceptible and permanent.
- Additional Traffic: Noise levels associated with traffic would be negative, imperceptible and permanent along the local road network.

#### **13.8.7. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 10 - Population and Human Health – Noise & Vibration of the submitted EIAR, all of the associated documents and submission on file. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key



impacts in respect of likely effects on Population & Human Health - Noise & Vibration, as a consequence of the development have been identified. No third party observations were raised in relation to this chapter of the EIAR.

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a perceptible negative impact on Population & Human Health - Noise & Vibration subject to the full implementation of the recommended mitigation measures.

#### **13.8.8. Conclusion: Direct and Indirect Effects on Population & Human Health - Noise & Vibration**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development, distance from sensitive receptors, and implementation of recommended mitigation measures, there is no potential for significant environmental effects on Population & Human Health - Noise & Vibration.

#### **13.9. Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).**

##### **13.9.1. Issues Raised**

No specific issues were raised by third parties about the impact of the development on biodiversity.

##### **13.9.2. Examination of the EIAR**

###### **Context**

Chapter 9 of the EIAR deals with Biodiversity. Section 9.3 'Methods' details the desktop review and site surveys undertaken. Field surveys took place in October 2019 and in March 2022 with full details provided in Appendix 9.1 of the EIAR. A Natura Impact Statement (NIS) has been prepared in support of the application and this is a separate document to this EIAR. Background information, including information/ data sources are detailed in Section 9.3 of the EIAR. Assessments were

undertaken for Habitats & Flora, Aquatic Features, Birds, Mammals including bats, and for other Taxa such as butterfly, amphibians, reptiles and insects. Figure 1 indicates the location of bat detectors and mammal trail cameras as well as indicating the location of bird transects relevant to the bird surveys.

No limitations are identified in this chapter, and none were evident in the assessment.

## **Baseline**

The 'Existing Environment' is detailed in Section 9.4 of the EIAR. The site is not within or adjacent to any designated site, does not require resources from any such site and it can be ruled out that there is any direct habitat loss/ damage of such conservation sites. The Blackwater (Munster) SAC is the nearest designated site and is approximately 0.5km from the subject site. There are no nature reserves, refuges for fauna or similar within or close to the subject site.

Section 9.4.1.1 of the EIAR considers 'Potential Impact- Receptor Pathways: Overview'. The EIAR identifies a potential impact-receptor pathway via surface-water links between the subject site and the Blackwater River (Cork/Waterford) SAC, Blackwater River Callows pNHA and Blackwater Callows SPA. The connection is by way of surface water run-off from the site into the Blackwater River. Stormwater outfalls are located between 1km and 3.1km downstream of the study lands to these designated sites. The potential for indirect hydrological impacts on designated sites is considered further in this EIAR.

There are two other identified aquatic related sites, downstream and which are potentially linked to the study site; these are the Blackwater River and Estuary pNHA and the Blackwater Estuary SPA. No significant adverse effects related to surface water run-off are associated with this development as there is a large separation distance of 25km between the subject and these locations. The tidal impact on these sites results in significant water throughput and would have a major impact on water quality here.

There will be no impact from construction stage foul drainage and the operational stage will include the connection of the proposed development to the public foul

drainage system. This is discharged to the Blackwater River and therefore there is a potential impact-receptor pathway which is assessed further in the EIAR.

Consideration is given to disturbance/ displacement of fauna including wintering waterbirds. The site is not adjacent to the designated sites and is not suitable for wintering birds with none observed during the site surveys. There is therefore no impact on ex-situ species. Similarly no impact on otters or other fauna and there is no impact-receptor pathway in relation to disturbance/ displacement impacts on the Blackwater River (Munster) SAC.

The EIAR states that 'Daubenton's Bat *Myotis daubentonii* is a mobile qualifying species of Cregg Castle pNHA, located c. 3.9km from the study site' and this species is associated with watercourses and riparian corridors especially where trees are located along the watercourse and there is no artificial light present. The open channel is not suitable for this species as there is a lack of a direct over-ground connection to the Blackwater River. Considering the separation distance of over 500m, no significant, adverse disturbance/ displacement impacts on Daubenton's Bat from the Cregg Castle pNHA is likely.

No concerns in relation to Invasive Plants were raised, species found on site where not located in close proximity to watercourses on site. The site is not located within a floodplain.

In conclusion, the only identified potential impact-receptor links between the subject site and designated sites were via potential construction/ operational phases surface water run-off and potential operational phase waste-water discharge. The location of designated sites is provided through Figure 9.2 of the EIAR and Table 9.1 provides details on 'designated nature conservation sites with a potential link to the study site.' Section 9.4.2 considers 'Habitats and Flora'. The subject sites is not in an area of rare, legally protected or invasive non-native plant species. There are records of non-native plant species in the area of the proposed stormwater drain connection to the northern part of the site and which 'are listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (i.e. species of which it is a legal offense to disperse, spread or otherwise cause to grow in any place)'.

No Annex 1 habitats were located within the subject site and no protected botanical species were recorded here. Habitats recorded within the subject area are located on Figure 9.3 and include:

- Improved Agricultural Grassland (GA1)
- Wet Grassland (GS4)
- Hedgerow (WL1)
- Treeline (WL2)
- Scrub (WS1)
- Wet Willow-Alder-Ash Woodland (WN6)
- Drainage Ditch (FW4)
- Stone Walls and Other Stone Work (BL1)
- Amenity Grassland (GA2)
- Scattered Trees and Parkland (WD5)
- Recolonising Bare Ground (ED3)
- Buildings and Artificial Surfaces (BL3)

Full details of these habitats are provided in the EIAR. A small area of wet willow/ alder/ ash woodland is of a higher local importance and will be retained as part of the proposed development.

Section 9.4.3 provides full details on 'Aquatic Features: Drainage Channels' found on site. This primarily consists of a drainage channel to the eastern boundary of the site and into which five land drains flow into. The applicant reports that these drains have little or no visible flow and full details of their condition are provided in the EIAR. The northern three drains contain standing water and the other two are raised above the water table. The drainage channel to the east is considered to have a very limited fisheries value with a number of reasons provided in the EIAR such as inconsistent and low water flow, part of the drain is overgrown with a mat of dense grass, the water has a low oxygen level and would also be unlikely to contain eel. The EIAR summarises the situation here that 'the open drainage channels at the study site lack conditions to support a viable fish/lamprey population in general and are considered to be of no to lower local value for fisheries overall.'

Section 9.4.4 of the EIAR considers Birds. A total of 27 species, listed in Table 9.2 of the EIAR were recorded within 50m of the survey point. No Annex 1 species of the EU Birds Directive were recorded here. Three red-listed species were recorded during the winter survey only and include Meadow Pipit, Redwing and Snipe. Four amber listed species of medium conservation concern were recorded here – Goldcrest, Starling, Swallow and Willow Warbler. Full details of all birds recorded as part of the site survey are provided in Table 9.2 of the EIAR and Table 9.3 provides a ‘Summary of additional bird species recorded >50m or flying over during the transect survey study or casually outside of the transect study.’ Additional bird types such as the Kestrel have historically been recorded in the area and would be expected in this area.

Three non-volant mammal species, fox, rabbit and hare, were confirmed in this area and one additional species, red squirrel, has been historically recorded. No badgers were recorded, and the area is too wet for them, though they may forage on drier parts of the site. The lands are not suitable for otters.

Section 9.4.6 considers bats, and three species were confirmed to be using the site by the passive detector surveys – these are the Soprano Pipistrelle, Common Pipistrelle and Leisler’s Bat. Further details are provided in Table 9.4. There are no buildings/ structures that would be used by bats and some of the mature trees may potentially provide for transient roosting opportunities for bats during the summer. An Ash tree and some 9 Beech/ Polar trees proposed for removal were assessed and found to have a low suitability for bat roosts. The site only has a moderate suitability for commuting/ foraging bats on site. The recorded bats are considered to be relatively widespread and common nationally. Bats are protected under the Wildlife Act. The applicant reports through the EIAR that the study site is considered to be of lower to higher local value for bats overall.

Section 9.4.7 considers other Taxa such as amphibians, bees and butterflies. The common front is protected under the Wildlife Act. The applicant reports through the submitted EIAR that the site is considered to be of lower to higher local value for other taxa overall.

The applicant concludes on the study area that ‘the study site is considered to be of lower to higher local biodiversity value overall, where the higher local value is driven by the presence of woody habitat features (hedgerows, treelines, wet woodland) along with areas of marshy wet grassland.’

### 13.9.3. Potential Effects

A number of potential effects are identified during the construction and operational phases of this development. The site is not within or adjacent to any designated conservation site and does not use any resources from such a designated site. The nearest designated conservation area to the study site is the Blackwater River (Cork/Waterford) SAC, which is located approximately 0.5km from the study site boundary. There is a potential impact-receptor link between the study site and the Blackwater River (Cork/Waterford) SAC, Blackwater River Callows pNHA and Blackwater Callows SPA via potential construction/ operational surface-water run-off impacts and secondly from potential operational waste-water discharge impacts.

The following potential impacts are identified:

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No change in the environment and would be or lower to higher local importance for biodiversity. Potential for scrub areas to expand. Location and planning status would indicate that development of this site is likely.
Construction	<p>The following are considered in the EIAR, Surface-Water Run-Off:</p> <ul style="list-style-type: none"> <li>• Potential for construction works to give rise to silt release and other contamination into the open drains and channel and to enter the Blackwater River and its associated designated areas.</li> <li>• The development of the site will give rise to increased discharges from the subject site.</li> </ul>

	<ul style="list-style-type: none"> <li>• Standard measures will be taken to control run-off and full details are provided in the EIAR.</li> <li>• The overall impact from the construction phase on surface water run-off is considered to be neutral.</li> </ul> <p>Other Impacts:</p> <ul style="list-style-type: none"> <li>• As already reported, impacts from habitat loss/ damage, foul drainage, disturbance and spread of invasive species are not relevant and the impact would be neutral.</li> </ul> <p>Habitats and Flora:</p> <ul style="list-style-type: none"> <li>• Change in the character of the area would have a neutral effect.</li> <li>• Works related to drainage within the open space to the north of the site would be neutral and not permanent.</li> <li>• Loss of wet grassland would be slight to moderate negative effect on the semi-natural habitat and flora.</li> <li>• 10 trees to be removed and hedgerows to be retained. Site to be landscaped with native/ non-native pollinator friendly trees/ shrubs with a slight positive effect on the semi-natural habitat and flora on site.</li> <li>• Measures to be taken to ensure that invasive plants do not be inadvertently spread. Details to be included in the CEMP. Management/ eradication of invasive species would have a positive effect on the study and surrounding areas of the site.</li> </ul> <p>Off-Site Aquatic Links:</p> <ul style="list-style-type: none"> <li>• Potential impacts through increased siltation, nutrient release and/ or contaminated run-off during the construction phase. A CEMP to be put in place to address any such potential issues on site. Other wastes to be collected and removed off site by suitably licensed</li> </ul>
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	<p>operators during the construction phase of this development.</p> <p>Birds, Non-volant Mammals, Bats, Other Taxa and Aquatic Species:</p> <ul style="list-style-type: none"> <li>Existing habitats are considered to be of a lower value and not of ecological significance. The impact through their loss would be neutral imperceptible to negative but not would not have a significant effect.</li> <li>Higher value habitats include the woody features and wet grasslands. Other than the removal of 10 trees, there are no other impacts on the woody features. Site landscaping will include the planting of trees and shrubs which will compensate for the loss of any trees here. The successful dominant planting of native/ non-native pollinator friendly trees/ shrubs as part of the proposed landscaping plan will result in a slight positive effect on fauna overall.</li> <li>There will be a permanent loss of wet grassland, but this has a limited presence on the wider area. Regard has been had to this in the landscape plan and other measures to be taken in this regard. The applicant considers that the loss of wet grassland habitat will result in a slight to moderate negative effect on fauna overall.</li> </ul> <p>Disturbance/Displacement:</p> <ul style="list-style-type: none"> <li>Such impacts could occur during the construction phase through noise and/ or visual impact. Nearby woods provide for a location for fauna to move to if impacted by noise/ visual disturbance. Impact would be considered negative but not significant.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Bats could similarly be affected with particular reference to lights on/ around the site. Work will be done during the day and nighttime lighting would not be an issue of concern and if lights are used, suitable measures to control their output can be put in place.</li> <li>• Removal of trees could impact bats and suitable measures to be deployed to reduce the impact to neutral at worse.</li> <li>• Similarly, the removal of woody vegetation could impact on birds; such impacts could be avoided by removing such vegetation outside of the bird nesting season.</li> <li>• Checking should be undertaken for the Common Frog and suitable fencing provided during the construction phase of the proposed development.</li> <li>• Other fauna could be trapped or injured and again suitable measures should be put in place to prevent this.</li> </ul>
Operational	<p>Surface-Water Run-Off:</p> <ul style="list-style-type: none"> <li>• A suitable surface water drainage network will be provided on site, and which will include SuDS measures.</li> <li>• A cleaning and maintenance schedule will be put in place for the drainage system during the operational phase of the development.</li> <li>• The operational phase impact on surface water run-off is considered to be neutral.</li> </ul> <p>Waste-Water/ Foul Effluent:</p> <ul style="list-style-type: none"> <li>• Foul water will be directed to the public system and will be treated in the Fermoy WWTP before discharge to the Blackwater River.</li> <li>• In terms of foul drainage, the Fermoy WWTP was considered to be compliant in 2020. A secondary</li> </ul>

	<p>process undertaken here resulted in the 2020 emission being deemed non-compliant. Uisce Éireann have reported no objection to the proposed development and use of the Fermoy WWTP for treating of foul water. Full details of the proposed foul drainage system are provided in Appendix C of the Civil Engineering Report prepared in support of this application.</p> <ul style="list-style-type: none"> <li>• The WFD status of the Blackwater River is considered to be good both upstream and downstream of the WWTP discharge point and the watercourse is not at risk downstream of the discharge point. It is not expected that the Fermoy WWTP would contribute negatively to the WRD status and significant adverse effects on the qualifying interests of the Blackwater River (Munster) SAC, Blackwater Callows SPA and the Blackwater River Callows pNHA related to operational phase generated waste-water discharge are considered unlikely in this case. The potential operational phase effects on designated sites in relation to treated waste-water discharge are considered neutral.</li> </ul> <p>Other Impacts:</p> <ul style="list-style-type: none"> <li>• Not relevant and the impact would be neutral.</li> </ul> <p>Habitat Loss/ Change:</p> <ul style="list-style-type: none"> <li>• No additional removal of habitat or flora is proposed during the operational phase of this development.</li> <li>• Landscaping and planting plans to provide for native/ non-native pollinator friendly planting on site.</li> <li>• Will be a net loss of wetlands to the eastern side of the site, this will only have a slight to moderate negative effect during this phase of the development.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The successful implementation of the landscaping plan will result in a maximisation of the biodiversity effects.</li> </ul> <p>Disturbance/Displacement:</p> <ul style="list-style-type: none"> <li>• There will be on-going disturbance during this phase of the development, though fauna may move to different locations around or within the subject site. The potential operational phase effects are considered to be neutral/imperceptible.</li> <li>• Suitable lighting to be provided to be bat friendly and reduce light spillage to adjoining lands.</li> <li>• Mammal access points to be considered and provided throughout the site.</li> </ul> <p>Invasive Plants:</p> <ul style="list-style-type: none"> <li>• May require management into the operational phase of the development. In the event that this fails, there would potentially be slight to moderate negative impact during the operational phase.</li> </ul> <p>Off-Site Aquatic Links:</p> <ul style="list-style-type: none"> <li>• Potential impacts through increased siltation, nutrient release and/ or contaminated run-off from the operational development. The proposed surface water strategy and management of this will control run-off. The potential operational related effects on fauna associated with downstream water-features in the wider area via surface-water run-off and waste-water discharge impacts are considered neutral.</li> </ul>
Decommissioning	Not referenced and not relevant to this project.

Cumulative	<ul style="list-style-type: none"> <li>• Potential for collective reduction of biodiversity through habitat change/ loss due to other development in the Fermoy area.</li> <li>• Increase in run-off issues from foul drainage and through siltation.</li> </ul> <p>Reference is made to other developments in the area.</p> <ul style="list-style-type: none"> <li>• No significant adverse cumulative effect in relation to loss/ change of habitats and other flora/ fauna are considered likely as a result of the proposed development in combination with other development.</li> <li>• The proposed development will include adequate surface water drainage measures including SuDS measures.</li> <li>• Capacity is available in the Fermoy WWTP for the proposed development and with capacity for other developments in the area. Significant adverse effects on off-site water-features related to cumulative/ in-combination effects are not considered likely in this case.</li> </ul>
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#### 13.9.4. Mitigation

The applicant has outlined these in Section 9.6 of the EIAR under the heading 'Mitigation' measures. These are divided up under the headings of Designated Nature Conservation Sites, Habitats and Flora, and Fauna. In summary these include:

- Construction Phase: Implement in full the Construction Environmental Management Plan (CEMP) which has been prepared in support of the application, by the Walsh Design Group. Details are provided in Sections 9.6.1.1, 9.6.2.1, and 9.6.3.1 of the EIAR.
- Operational Phase: Details of mitigation measures are provided in Sections 9.6.1.2, 9.6.2.2 and 9.6.3.2 of the EIAR, with further details provided in the CEMP and the Civil Engineering Report by the Walsh Design Group.

#### **13.9.5. Monitoring:**

Construction Phase: Section 9.7.1 details the proposed Construction Phase Monitoring and which includes the employment of a suitably qualified/ experienced Ecologist in the role of Clerk of Works and who will undertake/ manage a range of monitoring procedures on site. These include the clear definition of the site area/ areas to be protected, implementation of the CEMP processes as relevant to monitoring, checking of areas prior to works commencing, checking for inadvertent trapping of mammals, review of lighting on site and ensuring that suitable mammal accesses are provided in appropriate locations.

Operational Phase: This is detailed under Section 9.7.2 of the EIAR and included the following in summary; Ongoing management and maintenance of habitats/ landscaped areas under the supervision of an ecologist, and implantation of a cleaning/ maintenance programme for the surface water drainage network.

#### **13.9.6. Cumulative Impacts:**

The EIAR considers potential cumulative impacts with regard to other development and plans in the immediate area of the subject site. There is potential for collective reduction of biodiversity through habitat change/ loss due to other development in the Fermoy area and an increase in run-off issues from foul drainage and through siltation. It is considered that there would be no significant adverse cumulative effect in relation to loss/ change of habitats and other flora/ fauna likely as a result of the proposed development in combination with other development and the proposed development will include adequate surface water drainage measures including SuDS measures.

There is available capacity in the Fermoy WWTP for the proposed development and with capacity for other developments in the area. Significant adverse impacts on off-site water-features related to cumulative/ in-combination effects are not considered likely in this case.

#### **13.9.7. Residual Impacts:**

These are considered under Section 9.8 of the EIAR. The subject site and study area is considered to provide for a lower to higher level biodiversity value, with the higher levels confined to the eastern part of the site with the marshy wet grasslands. The development provides for landscaping that will be a net gain for biodiversity and wildlife corridors are included in the landscape design. Whilst some of the wetland will be lost, areas will be retained on site.

The development would have a neutral impact on designated sites in the area, neutral impact for downstream water features/ Blackwater River, slight to moderate impact for wet grassland habitats but slight to positive impact for semi-natural habitats/ flora and fauna, but positive in terms of management of non-native invasive species and neutral for fauna including bats in relation to the provision of a suitable lighting scheme on site.

#### **13.9.8. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 9 of the submitted EIAR, all of the associated documents and submission on file in respect of Biodiversity. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is fully comprehensive and that the key impacts in respect of likely effects on Biodiversity, as a consequence of the development have been identified. No specific Third Party Observations were raised in relation to Biodiversity.

I note a relatively minor issue in that bunding is proposed for domestic fuel tanks, however no oil or gas based heating systems are proposed to serve the residential units. I would suggest that the applicant has proposed this bunding on the basis that such heating systems could be provided in the future and which would be independent of what the applicant/ developer has proposed. This issue has no impact on the overall findings/ conclusion on Chapter 9 of the EIAR.

#### **13.9.9. Conclusion: Direct and Indirect Effects on Biodiversity**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development/ distance from sensitive receptors,

there is no potential for significant environmental effects on Biodiversity subject to the full implementation of the Mitigation Measures in the EIAR, with particular reference to best practice construction methods, provision of suitable lighting and landscaping schemes and ensure that as much trees/ vegetation as possible are retained in the proposed site layout.

## **Land, Soil, Water, Air and Climate -**

### **13.10. Air Quality and Climate – Chapter 11**

#### **13.10.1. Issues Raised**

No specific third party concerns were raised in relation to Climate.

#### **13.10.2. Examination of the EIAR**

##### **Context**

Chapter 11 of the EIAR deals with Air Quality and Climate. Section 11.1.2.1 provides details on relevant guidance for Air Quality and 11.1.2.2 provides details for Climate. Reference is made to the Climate Action Plan 2019 and that of 2021. The relevant Climate Action Plans are now those of 2024 and 2025. Section 11.1.3 provides the 'Construction Stage Methodology' and 11.1.4 the 'Operational Stage Methodology'. Reference is made to the Institute of Air Quality Management (IAQM – UK) guidance. Issues identified for the construction stage include construction traffic, demolition/ earthworks/ construction and again traffic for the operational stage. Construction traffic would not meet the relevant criteria as to impact climate, and no further assessment was required. Similarly operational stage traffic would not impact climate. No limitations are identified in this chapter, and none were evident in the assessment.

##### **Baseline**

Section 11.2 provides a 'Description of Existing Environment' and included under this heading is weather records from the Cork Airport Meteorological station. On average there is rainfall of over 0.2mm for 204 days in the year (recorded over a 30 year

period) and it was determined that for 50% of the time dust generated would be reduced. In terms of air quality, the site is in a Zone D location – towns with a population of less than 15,000 or rural locations. Baseline levels of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> (based on EPA data) are well below the air quality values in the vicinity of the subject development site. ‘Baseline Climate’ is detailed under section 11.2.3 and considers agriculture and energy sources. Section 11.2.4 details the ‘Sensitivity of the Receiving Environment’ and includes relevant tables for impacts of dust on people and property (Table 11.6) and human health impacts (Table 11.7). As there are no designated ecologically sensitive sites within 50m of the site boundary, no sensitive ecology will be impacted by this development.

### 13.10.3. Potential Effects

The following potential impacts are identified:

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	Baseline is that if there is no development, there will be no change to air quality and the impact would be neutral in terms of air quality and climate.
Construction	<p>Air Quality: Four major sources of impact as follows:</p> <p>Demotion: None proposed and is scoped out.</p> <p>Earthworks: Can be considered ‘Large’ as per IAQM guidance. In the absence of mitigation there is potential for short-term, localised, significant dust related impacts to air quality.</p> <p>Construction: Can be considered ‘Large’ as per IAQM guidance. In the absence of mitigation there is potential for short-term, localised, significant dust related impacts to air quality as a result of construction.</p> <p>Trackout (movement of heavy vehicles): Can be considered ‘Large’ as per IAQM guidance. In the absence of mitigation</p>



	<p>there is potential for short-term, localised, significant dust related impacts to air quality.</p> <p>Table 11.11 provides a 'Summary of Dust Impact Risk used to Define Site-Specific Mitigation' – Dust Soiling is found to be Medium Risk and Human Health would be at Low Risk. Construction Traffic would have an Imperceptible, Neutral and Short-Term impact on air quality. Impact on climate is unlikely to be significant, and the development would have an Imperceptible, Neutral and Short-Term potential impact. Potential impact on Human Health would be short-term localised, significant dust related impacts as a result of trackout, construction traffic impacts would be imperceptible, neutral and short term and the other impacts sources would be low risk in terms of human health.</p>
Operational	<p>Air Quality: The impact of the development on air quality would be long-term, localised, negative and imperceptible.</p> <p>Climate: Measures have been taken in the design to address potential climate change impacts, and the impact would be long-term, localised, neutral and imperceptible. Increases in traffic may impact climate change and the potential impact would be negative, long-term and imperceptible. Measures have been taken to reduce the impact on climate such as the buildings will be Nearly Zero Energy Buildings (NZEB), careful control will be taken on material use in the development, and measures will be taken to reduce energy use. Table 11.15 of the EIAR provides a 'Climate Impact Assessment' and the production of greenhouse gases would be imperceptible in terms of national targets.</p>

Decommissioning	Not referenced and not relevant to this project.
Cumulative	Table 11.16 of the EIAR provides a summary of other relevant applications/ developments in the area. The EIAR finds that subject to appropriate mitigation, the predicted cumulative impacts on air and climate would be short-term and not significant. Changes in traffic levels would result in an imperceptible impact to air quality during the operational stage. As reported in the EIAR, other applications of this scale in the Fermoy would require their own EIAR in order to consider the impact on the environment.

#### 13.10.4. Mitigation

The applicant has outlined these in Section 11.4 of the EIAR and in summary these include:

- Construction Stage:
  - Dust - Appropriate dust control measures will be provided in the Construction Environmental Management Plan (CEMP) and a number of these are listed in the EIAR under Section 11.4.1. If dust levels off site become a nuisance, sources of dust generation will be curtailed and measures put in place to rectify the problem.
  - Climate – Although impacts were found to be imperceptible, good practice will be incorporated into the construction phase such as control of vehicles, maintenance of plant/ machinery and minimise waste of materials on site.
- Operational Stage: Impact of the development on air quality and climate is predicted to be imperceptible during the operational phase in the long term and no specific additional mitigation measures are proposed.
- Monitoring: During the construction phase there will be monitoring of dust generation along the site boundary. No such monitoring is required for the operational phase of this development.

#### **13.10.5. Cumulative Impacts:**

All relevant assessments took account of the development on adjoining lands. Table 11.16 of the EIAR provides a summary of other relevant applications/ developments in the area. The EIAR reports that subject to appropriate mitigation, the predicted cumulative impacts on air and climate would be short-term and not significant. Changes in traffic levels would result in an imperceptible impact to air quality during the operational stage.

#### **13.10.6. Residual Impacts:**

The proposed mitigation measures will result in the dust impacts from the construction phase been localised, imperceptible, negative and short term and will not pose a nuisance to nearby receptors. Best practice will be employed and the impact of the development on human health would be negative, short-term and imperceptible during the construction phase. In terms of the operational phase, the impact of operational traffic on air quality and climate would be imperceptible in the long term and no specific site mitigation measures are required. The development has been designed to comply with NZEB standards.

#### **13.10.7. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 11 – Air Quality and Climate of the submitted EIAR, all of the associated documents and submission on file. I am satisfied that the applicant's understanding of the baseline environment, by way of surveys, is comprehensive and that the key impacts in respect of likely effects on Air Quality and Climate, as a consequence of the development have been identified. No specific third party observations were raised in relation to this chapter of the submitted EIAR.

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a perceptible negative impact on Air Quality and Climate subject to the full implementation of the

recommended mitigation measures, specifically those of the Design Phase of the development.

#### **13.10.8. Conclusion: Direct and Indirect Effects on Air Quality and Climate**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development, distance from sensitive receptors, and implementation of recommended mitigation measures, there is no potential for significant environmental effects on Air Quality, and in terms of Climate and the production of Greenhouse Gas Emissions, these would be imperceptible in terms of Ireland's 2030 targets.

### **13.11. Soils & Geology – Chapter 7**

#### **13.11.1. Issues Raised**

No specific third party concerns were raised in relation to impact to Soils and Geology.

#### **13.11.2. Examination of the EIAR**

##### **Context**

Chapter 7 of the EIAR deals with Soils and Geology. Section 7.1.2 provides a 'Reference to Guidelines Relevant to Discipline' including EU and EPA guidance. Section 7.1.3 provides the 'Methodology' and includes details on sources of information, site visits background information. The EIAR recommends that this chapter be read in conjunction with Chapter 2 for the project description, Chapter 8 – Hydrology and Hydrogeology and Chapter 14 for Significant Interactions as well as the Civil Engineering Report and the Construction and Demolition Waste Management Plan.

No difficulties in the compilation of this chapter were identified, and none were evident in the assessment.

##### **Baseline**

Section 7.2 provides the Development Description and refers back to the description in Chapters 1 and 2 of the EIAR. The site of 11.46 hectares is relatively flat, gently sloping from west to east, and is located to the east of the Cork Road to the south of Fermoy town centre. A drainage channel which follows an existing hedgerow is located to the east of the site. The site is mostly in agricultural use and is under grass. Fields are separated by mature hedgerows with some stone wall sections running east to west.

Section 7.2.3 provides details on 'Soils and Subsoils' including those found on the subject site.

Mapping from the 'Soil Map of Ireland, (1980)', indicates that this part of Cork is defined by Rolling Lowland Physiography and the entire site area is underlain by very common Brown Podzolics with Acid Brown Earths and Gleys, including a parent material of Sandstone, Lower Avonian Shale Glacial Till. Further details are provided in Appendix 7.4 of the EIAR. On-line GSI Quaternary Physiography Mapping indicates that the subject site occupies an area of Rolling Ice Moulded Sediments in a Rolling Ice Moulded Topography with Glacial Sediments located between the Mountain to Hill Topography to the west of the site and the Hill to Rolling Lowland Bedrock Ridge Topography to the east. Further details are provided in the GSI Physiography Mapping presented in Appendix 7.4 of the EIAR. Brown Podzolics are described as moderately drained acidic soils formed in hilly areas with a good mix of mineral and organic matter towards the surface layer, while Acid Brown Earths are described as mature well drained soils with a uniform brown horizon, capable of high fertility. The on-line databases of the GSI Quaternary and EPA Subsoil Map Data, indicates that the subsoil at the site comprise of variable undifferentiated Lacustrine Sediments, derived from Glaciolacustrine deposits. These deposits are identified to occur in a small pocket and are more or less represented by the extent of the site area, surrounded by Glacial Till and/or areas of Bedrock Exposure/Rock Close to Surface. Further details are provided in the GSI and EPA Subsoil Maps included in Appendix 7.4 of the EIAR. The Ross Carbury Soil Association, described as 'Coarse

loamy drift with siliceous stones' is indicated to be present in the site area and details are again provided in Appendix 7.4 of the EIAR.

A site-specific Site Investigation took place in October 2004 and a total of 27 trial pits were dug. Table 7.1 provides a 'Summary of SI Trial Pit Logs – October 2004' and further details are provided in Appendix 7.5 of the EIAR. None of the trial pits recorded any areas of made ground or fill material. No record of any quarries or historical excavations were found.

Section 7.2.5 provides details on the 'Bedrock Geology'. No large geological faults or bedrock structures or rock outcrop are mapped by the GSI within the study area and further details are provided in the GSI Geology Map in Appendix 7.7 of the EIAR.

There are no active or historical landfills, quarries or mines in the area (within the 5km study area) and no Geological Heritage Sites in this part of County Cork.

The trial pit assessment found four locations to the east of the site where there is potentially soft unstable 'black peat' material, and which is identified to a depth of between 0.3m and 1.1m below ground level. These could be unstable if built on/ over and the submitted plans indicate that it is not proposed to build on or immediately adjacent to this area of the site. There are no limestone karst risk geo-hazards associated with the site and no landslide events on or within the vicinity of the subject site. In terms of Radon, the Coolcarron area is in a 'Moderate Radon Area'. All new houses are fitted with radon barriers to prevent the radon entering a house. The River Blackwater is 1km to the north of the subject site and is designated as a Salmonoid River as well as being a Special Protection Area (SPA – Site Code 002170), downstream of Fermoy town is the proposed Blackwater River Callows National Heritage Area (pNHA – 000076).

The subject lands are interpreted to have a 'Type A - Passive Geological/ Hydrogeological Environment.' Table 7.2 provides a 'Rating of Land/Geological Site Attribute Importance' and based on the site qualities, 'the soil profile is identified as having a medium to low importance as it represents an area of moderately to poorly drained moderately fertile soils on a local scale.'

As part of the development of the site, there will be cut and fill operations undertaken here as well as stripping of soil. Soils removed from the ground can be used to backfill green space areas and to be used as topsoil where necessary. Details of volumes of soil, stone and other materials are provided in Section 7.2.17 of the EIAR. The design has sought to reduce the need to import/ export materials for the development of this site. In terms of the operational phase, there will be no interaction with the land and geology on completion of the development. Air to heat pumps rather than the use of gas/ oil heating will reduce the potential for oil spills which may impact the soil, bedrock and aquifers.

### 13.11.3. Potential Effects

Section 7.3.1 provides an 'Impact Assessment and Determination' and includes Table 7.3 – 'Criteria for Rating Land/Soil Impact Magnitude at EIS stage, (NRA Guidance Box 5.1)' and Table 7.4 – 'Describing the Significance and Quality of Potential Effects for EIARs'. Table 7.5 of the EIAR provides a 'Rating of Significant Environmental Impacts at EIA Stage' based on NRA Guidelines from 2009.

Predicted Impacts are identified in Section 7.4 of the EIAR, and the following are noted.

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	Baseline is that if there is no development, there will be no impact on land and geology, but considering the location of the site to Fermoy, it is expected that development would occur here at some time.
Construction	<p>The following direct and indirect construction phase impacts could occur on the geological environment:</p> <ul style="list-style-type: none"> <li>the removal of the existing unconsolidated topsoil – Impact would be permanent, small and adverse and considered to not be significant, with a neutral impact on the soil attribute.</li> </ul>

	<ul style="list-style-type: none"> <li>the sterilization of the underlying bedrock – Impact would be permanent, imperceptible and neutral.</li> <li>the proposed backfilling works, especially increases in ground heights on the eastern side of the site – Impact would be permanent, imperceptible and neutral.</li> <li>potential occurrence of areas unstable peat or soft clay subsoils – Impact would be temporary, negative and more detailed investigations would be carried out during the construction phase.</li> <li>fuel spills from construction machinery working on the site or during re-fuelling – Impact would be temporary or short term negative.</li> <li>uncontrolled sediment runoff – Impact would be brief to temporary negative.</li> </ul>
Operational	None foreseen due to the nature of the development.
Decommissioning	Not referenced and not relevant to this project.
Major Accidents or Disasters	<p>Accident resulting in the loss of fuel or chemicals such as bulk cement during the construction phase or collapse of a soil stockpile or foundation collapse due to soft subsoil during the operational phase of the development.</p> <p>Suitable bunding and fuel storage to be put in place on this site. The issue of a stockpile collapse is unlikely as suitable site management will be put in place.</p> <p>The collapse of foundations is also unlikely as remedial works would be put in place if any sign of subsidence was identified.</p>
Cumulative	Consideration is given to a Part 8 Housing scheme at Uplands, Fermoy, Works to a school in St Colman's College, demolition of two house and construction of 28 units to the



	<p>north west of the subject site, and other relatively minor works in the immediate area.</p> <p>No concerns arise due to the nature of the geology and topography of the area.</p>
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#### 13.11.4. Mitigation

The applicant has outlined these in Section 7.5 of the EIAR under the Heading 'Mitigation Measures'. The applicant reports that the 'magnitude of the potential long term impact on the land and soil, (geology), from the development are considered to be negligible there are potential brief to temporary or short term impacts that may arise, especially during the development/construction stage, which could cause environmental risks and there are a number of mitigation measures that would help eliminate and/or reduce the occurrence of these potential impacts.' In summary the mitigation measures include:

- Construction Stage:
  - Control of exaction of soils and subsoils is to be put in place. The area of soil to be exposed will be kept to a minimum and work areas will also be kept to a minimum.
  - An exclusion zone will be put in place along the eastern drainage feature, and silt fences should be placed between it and the work areas to protect this surface water system from sediment runoff from the construction works.
  - Implement in full a completed construction waste management plan.
  - Designated haul roads and internal routes to be fenced off to prevent tracking of construction vehicles across the site in order to limit the amount of land to be disturbed.
  - Dust may be damped down on site.
  - A suitable contractor compound will be provided for the different phases of development.

- Stockpiling and storage to be in designated areas. Fuel areas to be bunded and suitable maintenance areas provided on site. Spill kits and suitable training to be provided on site.
- Best practice and suitable house keeping be employed to ensure that proper use of storage and disposal facilities for fuels and oils are used.
- Best practice guidance to be followed.
- Operational Stage: The use of heat pumps in the residential units will prevent oil spills into the soil and water courses in the immediate area.
- Monitoring: A banksman will oversee topsoil and subsoil excavation works. A soil management plan will be put in place and other suitable management processes will be put in place.

#### **13.11.5. Cumulative Impacts:**

Consideration is given to a Part 8 Housing scheme at Uplands, Fermoy, works to a school in St Colman's College, demolition of two house and construction of 28 units to the north west of the subject site, and other relatively minor works in the immediate area. No concerns arise due to the nature of the geology and topography of the area.

#### **13.11.6. Residual Impacts:**

Table 7.6 of the EIAR outlines the Residual Impacts. With the importance of the land and soils/ geology attribute's being 'Medium to Low' and the potential Magnitude of Impact as 'Negligible' then the potential impacts arising from this development are rated as 'Imperceptible'. Suitable mitigation measures are proposed for the development of this site. No significant residual operational phase impacts are anticipated, and no significant residual impacts are predicted for the land and soils/ geology aspects of the proposed development. The consideration of cumulative projects does not change the residual impact rating. A summary assessment of the predicted impacts, proposed mitigation measures, monitoring and residual impacts during the construction and operational phases of this development are provided in Table 7.6 of this EIAR.

#### **13.11.7. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 7 – Soils and Geology of the submitted EIAR, all of the associated documents and submission on file. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on Soils and Geology, as a consequence of the development have been identified. No specific third party observations were raised in relation to this chapter of the EIAR.

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a perceptible negative impact on Soils and Geology subject to the full implementation of the recommended mitigation measures, specifically those of the Design Phase of the development.

#### **13.11.8. Conclusion: Direct and Indirect Effects on Soils and Geology**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development, and implementation of recommended mitigation measures, there is no potential for significant environmental effects on Soils and Geology.

### **13.12. Hydrology and Hydrogeology – Chapter 8**

#### **13.12.1. Issues Raised**

No party issues were raised. Uisce Éireann raised no issues of concern in relation to the provision of a water supply to this development or in terms of provision of a foul drainage network to serve the development.

#### **13.12.2. Examination of the EIAR**

##### **Context**

Chapter 8 of the EIAR deals with water under the heading of Hydrology and Hydrogeology. Section 8.1.2 lists the 'Reference to Guidelines Relevant to Discipline' and which includes European and National requirements. Section 8.1.3 provides the

'Methodology' and includes details on site survey and desktop survey of the subject site. Consultation was held with ABP, Inland Fisheries Ireland (IFI), Cork County Council and the EPA, the EIAR includes full details on consultations in Chapter 1 and in Appendix 1.

No limitations are identified in this chapter, and none were evident in the assessment.

## **Baseline**

Section 8.2 provides the 'Description of Existing Environment' including the site description, the 'Land Use and Topography' is detailed under Section 8.2.2 and details of the 'Local Hydrological Catchments' are provided in Section 8.2.3. The site area of 11.56 hectares is located to the south of Fermoy town centre, consist of fields in agricultural use/ under grass, the land is bobby/ wet to the east and there is a drainage channel, which flows northwards, located to the eastern boundary. There is a gentle slope from west to east. Full details of contours/ ground levels are provided in the EIAR, and a detailed topography map is provided in Appendix 7.3 of the EIAR. The site is located within the Blackwater (Munster) River Catchment Area, identified as Hydrometric Area 18 (HA18) which is within a large area of 3,310km<sup>2</sup>. Further details are provided through supporting maps in Appendix 8.1. The site is located within the eastern end of the WFD Sub-Catchment Blackwater (Munster)\_SC\_110 (sub-catchment ID code 18\_14), further details are provided in Appendix 8.2 of the EIAR. The EIAR reports that the drainage channel to the east of the site is not identified as a stream or watercourse by WFD or EPA mapping. The Blackwater River is classified as being 'good' and is 'at risk' due to Urban Runoff and hydro morphological pressures. It is not listed as a High-Status Objective Waterbody and further details are provided in Appendix 8.1 of the EIAR.

The site includes a number of surface water drainage ditches which flow towards the east of the site. The drainage channel to the east flows northwards along the eastern side of St. Colman's playing pitches to the north of the site to a stone culvert drain that flows under an astro turf pitch and down into Fermoy town centres and to the

Blackwater. Full details of existing site drainage are provided in Appendix 8.4 and 8.5 of the EIAR.

In terms of hydrogeology and aquifer classification, the site is within the Glenville Groundwater Body (EPA Code Ref – IE\_SW\_G\_037). Quality designation is good but the Ground Waterbody Quality Risk Projection is 'At Risk' due to agricultural pressures and further detailed in Appendix 8.6. Further details are provided on the geology of the area in Section 8.2.5 and also in the previous Chapter 7 of the EIAR. The bedrock is classified as a 'Locally Important Aquifer' and is moderately productive only in local zones.

In terms of Site Hydrogeology (Section 8.2.6 of the EIAR), no boreholes were found on site and no springs or rises were identified here. Details of local wells are provided in Appendix 8.7 of the EIAR. Groundwater Vulnerability is considered under Section 8.2.7 of the EIAR and Table 8.1 provides 'GSI Groundwater Vulnerability Mapping Guidelines (DoELG, 1999). The Coolcarron area has a Moderate (M) Vulnerability rating specifically for the study area. Groundwater is expected to flow towards the northeast, and no groundwater abstraction/ dewatering is proposed on the subject site. Attenuation tanks are proposed to be used on site. Rainfall information is provided in Section 6.2.10. and flooding information in section 8.2.11, there is no history of flooding on the subject site. Storm Water Management is detailed under Section 8.2.12, six attenuation tanks are to be provided and full technical details are included in this section of the EIAR. A Conceptual Site Model (8.2.13) has been prepared and is detailed in the EIAR. Risks to water during the construction phase include pollutants, fine sediments and entering the drainage channel. Pollutants could include hydrocarbons. Operational phase impacts could include leaks from sewage drainage and changes to surface water drainage due to topographical changes or increase in the extent of hard surfacing on site. Full details on 'Type of Environment' are provided in Section 8.2.14. Details on phasing of development are provided in Chapter 2 of the EIAR.

### **13.12.3. Potential Effects**

‘Rating Site Attribute Importance’ is provided under Section 8.3.1 and which includes Table 8.2 – ‘Criteria for rating Site Importance for Hydrological Elements at EIS stage.’ The ‘Impact Assessment Methodology’ is provided under Section 8.3.2 of the EIAR. The following predicted impacts are identified in Section 8.4 of the EIAR, and the following are noted.

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>Baseline is that if there is no development, there will be no change in the agricultural character of the site and no changes to the hydrological and hydrogeological regime. However, water runoff could potentially have elevated nitrate and phosphates due to agricultural activity and which could cause nutrient enrichment and an increased eutrophication risk to the River Blackwater.</p>
Construction	<p>The following potential direct and indirect construction phase impacts could occur:</p> <ul style="list-style-type: none"> <li>• <b>Suspended Sediment Runoff During Earthworks</b> – Potential for suspended sediments in rainfall from runoff due to earthworks. Impact would be brief to temporary, negative impact on receiving waters. The impact on the Blackwater River would be Negligible at a regional scale. Suitable mitigations will be provided.</li> <li>• <b>Construction and Plant Activity</b> – Potential for fuel spills or chemical leaks (cement) and the impact would be temporary to short term negative impact. The impact on the Blackwater River would not be significant and the impact would be negligible.</li> <li>• <b>Changes to Ground Levels and Site Topography/ Changes to Surface Water Runoff Characteristics</b> – The proposed development would not have significant</li> </ul>

	<p>changes to the topography, but minor alterations could impact on the rate/ direction of surface water runoff. Mitigation would be provided through the use of a hydrobrake and attenuation tanks. The impact would be permanent, but the quality impact would be neutral, negligible.</p> <ul style="list-style-type: none"> <li>• Groundwater quality and aquifer potential – No groundwater abstractions or dewatering works are proposed as part of the development. In the context of the overall catchment, the site is insignificant. Changes to percolation rate would be permanent, but would be a neutral, negligible quality impact.</li> </ul>
Operational	<p>The following potential direct and indirect operational phase impacts could occur:</p> <ul style="list-style-type: none"> <li>• Removal of protective soils and possibly some subsoil's – The removal of soils could impact aquifers, however the replacement with hard standing would result in a permanent change in vulnerability with a positive negligible quality impact.</li> <li>• Changes to the ground levels and site topography – would change the rate/ direction of surface water runoff. The impact would be permanent, and the quality impact would be neutral, negligible.</li> <li>• Changes to the aquifer re-charge rates – Development of the site would impact on permeability. Impact would be long term/ permanent and would be a neutral/ negligible quality impact.</li> <li>• Changes to the groundwater quality – Risk of sewage pipe leaking which would have a temporary to short-term negative impact on groundwater. The magnitude would</li> </ul>

	<p>be small adverse in the short term to negligible in the long term due to dilution and dispersal of pollutants.</p> <ul style="list-style-type: none"> <li>• Changes to the surface water quality – potential for fuel/ fluid leaks from vehicles/ road maintenance. The magnitude would be brief to short term and small adverse in the short term to negligible in the long term.</li> <li>• Changing the direction and volume of storm water runoff – Storm/ surface water to be discharged at a greenfield rate. Any change would be brief to temporary with a negligible impact in the long term.</li> </ul>
Risk of Major Accidents and Disasters	Pollutants from sewage or hydrocarbons could impact on water supply and in turn on public health. Impact on the Blackwater River is not foreseen to be significant.
Decommissioning	Not referenced and not relevant to the subject development.
Cumulative	A number of other construction projects are identified in Section 8.4.5, and it is acknowledged that other such schemes may take place in the area. Control of surface water and attenuation would be at greenfield rates and would ensure no impact to the local drainage channel or the Blackwater River.

Section 8.4.6 of the EIAR provides a 'Rating of Significant Environmental Impacts' and Table 8.6 provides the 'Criteria for rating hydrogeology impact magnitude at EIS stage'.

#### 13.12.4. Mitigation

The applicant has outlined these in Section 8.5 of the EIAR under the Heading 'Mitigation Measures'. In summary these include:



- **Construction Stage:** A wide range of mitigation measures are included including the use of best practice on site, control of sediment release, runoff rates and good housekeeping on site. Full details are provided in Section 8.5.1.
- **Operational Stage:** The proposed development will use air to heat systems instead of gas/ oil systems thereby reducing the potential for fuel leaks. Interceptors and storm water attenuation will be provided on site.
- **Monitoring:** Control will be taken of stockpiling of materials on site, contractor will monitor any potential for runoff issues. The stormwater drainage system will be monitored to ensure that greenfield runoff rates are maintained.

#### **13.12.5. Cumulative Impacts:**

A number of other construction projects are identified in Section 8.4.5 of the EIAR, and it is acknowledged that other similar developments may take place in the area. Control of surface water and attenuation would be at greenfield rates and would ensure no impact to the local drainage channel or the Blackwater River.

#### **13.12.6. Residual Impacts:**

The surface water attributes are extremely important and low and the groundwater attribute being moderate and the potential magnitude or impact as small adverse to negligible. The potential impacts are rated to be slight to imperceptible. Proper maintenance of infrastructure will ensure no significant residual operational phase impacts are anticipated here.

A summary of the residual effects is provided in Table 8.7 of the EIAR.

#### **13.12.7. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 8 – Hydrology and Hydrogeology of the submitted EIAR, all of the associated documents and submission on file. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on Hydrology and Hydrogeology, as a consequence of the development have been identified. No specific third party observations were raised in relation to this

chapter of the EIAR, and Uisce Éireann reported no objection to this development and I have no reason to believe that adequate services cannot be provided to this area.

I am satisfied that the issues raised are adequately considered and addressed in this section of the submitted EIAR and I am also satisfied that the development will not have a perceptible negative impact on Hydrology and Hydrogeology subject to the full implementation of the recommended mitigation measures, specifically those of the Design Phase of the proposed development.

#### **13.12.8. Conclusion: Direct and Indirect Effects on Hydrology and Hydrogeology**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development, and implementation of recommended mitigation measures, there is no potential for significant environmental effects on Hydrology and Hydrogeology/ Water.

#### **Material assets, cultural heritage and the landscape.**

### **13.13. Cultural Heritage and Archaeology – Chapter 12**

#### **13.13.1. Issues Raised**

No third party issues were raised.

#### **13.13.2. Examination of the EIAR**

##### **Context**

Chapter 12 of the EIAR deals with Cultural Heritage and Archaeology. Section 12.2 describes the proposed development and Section 12.3 provides the Methodology. Details of Desktop Study, relevant documentation/ sources, information sources/ guidance and Field Surveys are provided. Site inspections were undertaken on a number of days in 2020 and 2021.

No limitations are identified in this chapter, and none were evident in the assessment.

## **Baseline**

Section 12.4 provides the 'Description of Existing Environment' and refers back to the description in Chapter 2 of the EIAR. The 'Legal and Planning Context' is provided under Section 12.4.2 and 'Relevant Archaeological Legislation and Planning Policies' are set out under Section 12.4.2.1. and reports that there are no National Monuments or recorded archaeological sites within the study area. There are no listed Record of Monuments and Places (RMP) within the subject lands and there are eight such site within 500m of the subject sites. Full details are given of relevant objectives of the Cork County Development Plan 2014, as was applicable at the time of lodging of the application.

Section 12.4.2.2 provides the 'Relevant Architectural Legislation and Planning Policies' and there are 93 protected structures and 97 NIAH structures within the study area of the EIAR. Relevant Cork County Development Plan objectives are listed in the EIAR under this section.

Section 12.4.3 provides details on the 'Desktop Study' and notes the presence of a ruined country house some 200m to the east and there is also potential for unrecorded sub-surface archaeological features within the study area. Table 12.1 provides a summary list of recorded archaeological sites in the study area, and which are located through Figure 12.1. The EIAR provides some detail on the different historical periods and archaeology as relevant to this development/ the Fermoy area. None were found on the lands of the subject site. The Excavations Database found no archaeological entries within the subject lands, but multiple findings were located 1km to the east associated with the development of the M8 motorway in the early 2000s.

Appendix 12.2 of the EIAR provides full details on the protected structures and NIAH structures within the subject area and the NIAH structures are located through Figure 12.2 of the EIAR. Full consideration was given to available cartographical sources of information and extracts of relevant maps are provided in Figures 12.3 to 12.7 of the EIAR. There are no undesignated cultural heritage assets within the study/ subject lands. The EIAR includes an assessment of Placenames in the area and Table 12.2

provides a 'Translations Of Townland Names Within The Environs Of The Study Area', with information from [www.loganim.ie](http://www.loganim.ie).

Details of the 'Field Survey' are provided under section 12.4.4 of the EIAR and which were undertaken in March 2020 and September 2021. No potential unrecorded cultural heritage sites/ features were identified during the site inspection. The field survey results are provided in Table 12.3 and extracts of the photographic record are provided in Appendix 12.1. Section 12.4.5 of the EIAR provides a summary of the archaeological and architectural heritage of the subject site and adjoining lands forming the study area.

### 13.13.3. Potential Effects

The following potential impacts are identified in Section 12.5 of the EIAR, and the following are noted.

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Baseline is that if there is no development, the preservation of recorded and potential cultural heritage features will continue as is.
Construction	<p>This is considered under different headings as follows:</p> <p>Archaeology:</p> <ul style="list-style-type: none"> <li>• None on site and eight within 500m of the site boundary – the impact on these would be imperceptible. Full details provided in Table 12.4 of the EIAR.</li> <li>• No evidence of unrecorded archaeology on site, it may exist, and ground works would have a negative, direct, significant, permanent impact on any such archaeological material.</li> </ul> <p>Architectural Heritage:</p> <ul style="list-style-type: none"> <li>• None on site, but 97 designated architectural heritage sites within the study area, mostly towards the north of</li> </ul>

	<p>the site within Fermoy town centre, and which is mostly within a designated Architectural Conservation Area.</p> <p>There are no undesignated cultural heritage areas within or adjacent to the subject site. The proposed development in terms of architectural heritage would have an imperceptible impact during the construction phase.</p>
Operational	<p>There are no designated architectural or archaeological heritage sites within the subject site and there would be a likely imperceptible impact on cultural heritage during this phase of the development.</p>
Decommissioning	<p>Not referenced and not relevant to this project.</p>
Cumulative	<p>There are no designated architectural or archaeological heritage sites within the subject site. Full consideration has been given to other developments in the area. The EIAR refers to the development of the M8 motorway and which had significant negative impacts on unknown archaeology. A number of planning applications are referenced, and no archaeological assessment or conditions were included with these. In conclusion, it is reported that the proposed development would not give rise to any significant cumulative impacts on the cultural heritage of the area.</p>
Worst Case Scenario	<p>If development were to proceed without suitable mitigation measures, then the construction works could result in permanent, direct, significant, negative impacts to unrecorded, sub-surface archaeological features that exist within the subject site.</p>

#### 13.13.4. Mitigation

The applicant has outlined these in Section 12.6 of the EIAR under the Heading 'Mitigation and Monitoring of Process'. In summary these include:

- Archaeology: Surveys and archaeological investigations to take place prior to commencement of construction and in accordance with National Monument Services requirements. Results will be submitted to the National Monuments Service and Cork County Council as well as the National Museum.
- Architectural Heritage: There are no protected structures or structures listed on the NIAH on the subject site. Works are proposed to the very north of the site to provide for a surface water drainage pipe beside a ruined building and a full photographic, drawn and written survey of this will be submitted to Cork County Council.
- Undesignated Cultural Heritage Features: A drainage channel to the east of the site forms a townland boundary and this will be investigated as part of the proposed archaeological mitigation measures.

#### **13.13.5. Cumulative Impacts:**

The proposed development is considered in the context of existing development in the immediate area. If development were to proceed without suitable mitigation measures, then there is potential for the construction works to result in permanent, direct, significant, negative impacts to unrecorded, sub-surface archaeological features that exist within the subject site.

#### **13.13.6. Residual Impacts:**

The proposed mitigation measures will ensure that recording and/ or avoidance of any sub-surface archaeological features that exist on site will take place prior to commencement of development on site. No residual impacts are foreseen.

#### **13.13.7. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 12 – Cultural Heritage and Archaeology of the submitted EIAR, all of the associated documents and submission on file. I am satisfied that the applicant's understanding of the baseline environment,

by way of surveys, is comprehensive and that the key impacts in respect of likely effects on both Cultural Heritage and Archaeology, as a consequence of the development have been identified. No specific third party observations were raised in relation to this chapter of the EIAR.

There are no recorded monuments, protected structures or structures listed on the RPS on, or immediately adjacent to the subject site. I did not see any structures of importance on my site visit. I note the reference to the derelict structure to the north of the site and I agree with the assessment in the EIAR that there is not much left in situ here.

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a perceptible negative impact on Cultural Heritage and Archaeology subject to the full implementation of the recommended mitigation measures.

#### **13.13.8. Conclusion: Direct and Indirect Effects on Cultural Heritage and Archaeology**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development, and implementation of recommended mitigation measures, particularly those of the design phase, there is no potential for significant environmental effects on Cultural Heritage and Archaeology.

### **13.14. Material Assets – Services, Infrastructure and Utilities – Chapter 6**

#### **13.14.1. Issues Raised**

No issues of concern were raised by third parties.

#### **13.14.2. Examination of the EIAR**

##### **Context**

Chapter 6 of the EIAR considers Material Assets – Services, Infrastructure and Utilities. Section 6.1.2 provides the Methodology and includes a list of resources/information used in the preparation of this chapter of the EIAR. The applicant

submitted details of the proposed wastewater sewer and water mains to Irish Water (now Uisce Éireann) with a pre-connection enquiry. In response, Irish Water reported that the water connection could be made but the wastewater treatment plant (WWTP) would require upgrades which would be funded by the developer. Following further consultation Irish Water confirmed that a connection to the WWTP could be made with only minor works undertaken by Irish Water. A statement of design acceptance has since been issued by Irish Water.

The applicant has reported that the exact location of a stone culvert to the north of the site was unknown as it passed under third party lands, but the applicant was able to carry out a CCTV and GPS survey of this structure as well as providing a condition survey of it and its route towards Fermoy town centre and the River Blackwater. No other difficulties were identified with Chapter 6.

## **Baseline**

Section 6.2 of the EIAR provides a description of the proposed development. The subject lands are confirmed to be within the ownership of the applicant. Vehicular access is proposed from the R639 to the west of the subject site; further details on access are provided in Chapter 5 of the EIAR.

**Surface Water Drainage:** There is no surface water drainage network within the existing site and drainage is provided by way of small, open, agricultural drains which fall from west to east to join the north-south drainage channel along the eastern site boundary. Any other drainage of rainwater is directly to groundwater. The channel along the eastern boundary runs through the sports ground to the north of the site and flows into a stone culvert under College Road and the grounds of the convent. Figure 6-1 provides a 'Satellite Image of Greenfield Site Overlaid With the Application Boundary'.

**Wastewater Drainage:** There are no records of any wastewater network within the subject site. The applicant has designed a wastewater network in accordance with Uisce Éireann requirements/ standards.



Watermain: It is proposed to connect the development to an existing 150mm watermain that runs along the R639 to the west of the site.

Natural Gas: Whilst there is an existing gas main to the west of the site, it is not proposed to connect the proposed development to this. Full consultation will be had with Gas Networks Ireland prior to any works in the vicinity of the gas network.

Electricity Supply: There are existing powerlines crossing the site and which are proposed to be relocated underground. These are a mix of 10kV/ 20kV powerlines and a 38kV line. The applicant has been in consultation with the ESB regarding the works to underground the powerlines and full details are provided in the EIAR.

Communications: From the applicants consultations with service providers, there are no telecommunication service routes through the subject site.

Waste: There are no waste facilities on or serving the subject site at present.

### **13.14.3. Characteristics of the Proposed Development**

The applicant has described the proposed development. The following infrastructure is to be provided to serve the proposed development:

Surface Water Network: The surface water network will be designed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS) and other relevant guidance. Full details of this network are provided in the EIAR and includes details on various SuDS measures to be used. It is proposed that surface water will be discharged to the channel to the east of the site, and eventually into the River Blackwater. Works will be undertaken to increase the capacity of pipes through the playing pitches to the north of the site – locations of these works are indicated through Figure 6.4 of the EIAR.

Wastewater Network: It is proposed that this system will utilise a gravity sewer which will flow to a wastewater pumping station to the east of the site and in turn will be pumped via a rising main to the existing public wastewater sewer in the R639.

Locations are indicated through Figures 6.5 and 6.6 of the EIAR. The system will be designed in accordance with the latest standards. The foul sewer will be separate

from the proposed surface water sewer. Full calculation details are provided in the EIAR.

**Watermain Network:** A connection is to be made to the existing public watermain located in the R639 to the west of the site. Full details of connections and calculation details are provided in the EIAR, and Figures 6.7 and 6.8 provide location and layout details of the proposed watermain network.

**Road Network:** A single vehicular connection is proposed to the west of the site to connect to the R639. The road network has been designed in compliance with DMURS and the Recommendations for Site Development Works for Housing Areas – DOE, 1998.

**Estimated Earthwork Volumes:** Full details of the volume of earth to be stripped/moved off site is proposed in Section 6.3.5 of the EIAR. Approximately 33,900 m<sup>3</sup> of soil to be stripped, subsoil strip is 15,340 m<sup>3</sup> and 40,360 m<sup>3</sup> of stone will be required to fill under structures. Further details are provided in the supporting preliminary Construction and Demolition Waste Management Plan.

#### **13.14.4. Potential Effects**

The following potential impacts are identified in Section 6.4 of the EIAR, and the following are noted.

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	Not stated, but in the absence of development, there would be no impact on utility services, but also no upgrades to existing services in the area.
Construction	Development is proposed to take place in five phases, each taking approximately 1 year complete – details provided in the Architect's Development Phasing Plan. There will be some temporary disturbance to the surrounding area, but this will be minimised through measures outlined in the Construction and Environmental Management Plan (CEMP).

	<p>This is considered under different headings as follows:</p> <p><b>Surface Water Drainage</b></p> <ul style="list-style-type: none"> <li>• Surface water networks will be connected to the drainage channel during the construction phase; this will not impact existing surface water drainage in the area. There may be a temporary, moderate increase in runoff from the site and in increase in suspended particles in the surface water drainage runoff to the drainage channel. In mitigation, temporary silt fences and settlement swales will be provided throughout the site area, and which will reduce the significance of impact to slight. Fuels etc. will be bunded to prevent spillages.</li> <li>• The provision of the 750mm diameter pipeline from the site to the existing network in Devlin Street, will result in disruption to those who use the playing pitches and the local streets during the construction of this pipe. Suitable access routes will be provided during the construction phase.</li> </ul> <p><b>Foul Drainage</b></p> <ul style="list-style-type: none"> <li>• A new connection will be provided to the existing system on the R639, taking a week to provide the connection in the public roadway. The impact will be negative, moderate and temporary for road users. Best practice and suitable traffic management plan will be put in place. The impact on the existing foul drainage network will be brief, neutral and imperceptible with no long term impacts.</li> </ul> <p><b>Watermain</b></p> <ul style="list-style-type: none"> <li>• During construction there will be a brief disruption to the quality of water supply in order to provide the connection</li> </ul>
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	<p>to the public system. These short term impacts will be agreed with Uisce Éireann.</p> <ul style="list-style-type: none"> <li>• There is potential for contamination of the existing water supply when the connection is being made. All water mains will be cleaned and tested prior to connection.</li> <li>• There will be a minor demand for water during the construction phase.</li> <li>• Any impact to water supply will be brief, neutral and imperceptible.</li> </ul> <p>Natural Gas</p> <ul style="list-style-type: none"> <li>• No works are proposed to the local network, but Gas Networks Ireland will be informed of works in the vicinity of their infrastructure.</li> </ul> <p>Electricity</p> <ul style="list-style-type: none"> <li>• Existing overhead lines to be undergrounded. This may result in a temporary disruption of power and will be agreed with ESB Networks in advance.</li> </ul> <p>Communications</p> <ul style="list-style-type: none"> <li>• Telecom ducting and cables will be laid during the construction phase. Impact on the local network will be brief, neutral and imperceptible.</li> </ul> <p>Waste Management</p> <ul style="list-style-type: none"> <li>• Mostly construction related waste and will be short term/moderate. Further details are provided in the Construction and Demolition Waste Management Plan (CDWMP).</li> </ul>
Operational	<p>Ownership and Access</p> <ul style="list-style-type: none"> <li>• A single vehicular access is proposed from the R639. As per the submitted Traffic Impact Assessment, there will be no impact to the existing road network.</li> </ul>

	<p>Surface Water Drainage</p> <ul style="list-style-type: none"> <li>• Runoff will be attenuated and limited to greenfield runoff rates.</li> <li>• Hydrocarbon interceptors will be provided to ensure that runoff is free from pollutants. The network to be provided in accordance with current standards.</li> <li>• The new network will result in a reduction of flows through the stone culvert on Devlin Street and will reduce located flood events caused by limited capacity. This will result in a positive, significant and permanent impact on the local network downstream of the proposed development.</li> </ul> <p>Wastewater Drainage</p> <ul style="list-style-type: none"> <li>• Increase in the quantity of foul drainage to be treated by the public system; Uisce Éireann have confirmed that the connection is feasible subject to minor upgrades to the existing system. Significant impacts to the existing system are not likely.</li> </ul> <p>Water Supply</p> <ul style="list-style-type: none"> <li>• There will be an increase in the volume of water to be treated and supplied from the public system. Uisce Éireann have confirmed that the connection is feasible without a need for upgrades to the existing system. Significant impacts to the existing system are not likely.</li> </ul> <p>Natural Gas</p> <ul style="list-style-type: none"> <li>• Houses will be fitted with heat pumps and there will be no use of gas – no impacts.</li> </ul> <p>Electricity</p> <ul style="list-style-type: none"> <li>• Will be an increase in demand on the existing supply.</li> </ul>
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	<ul style="list-style-type: none"> <li>The existing network has capacity and there will be no impacts to be considered.</li> </ul> <p>Communications</p> <ul style="list-style-type: none"> <li>No impact on the operational phase of the telecoms network and the existing networks have capacity for the proposed development.</li> </ul> <p>Waste Management</p> <ul style="list-style-type: none"> <li>Mostly from domestic sources and will be removed by Cork County Council approved operators.</li> <li>Will be an increase in demand on the public waste disposal system, but the impact is likely to be negligible.</li> </ul>
Decommissioning	Not referenced and not relevant to this project.
Cumulative	Impacts have been considered in terms of other development in the area. Details are provided in Table 1.2 of the EIAR. Cumulative impact is likely to be short term, neutral and imperceptible with no significant impacts anticipated.

#### 13.14.5. Mitigation

The applicant has outlined these in Section 6.5 of the EIAR under the Heading 'Mitigation Measures'. In summary these include:

- Construction Stage:
  - The proposed development to comply the provisions of the Construction and Demolition Waste Management Plan in relation to construction waste and will also comply with the Construction Environmental Management Plan.
  - Water metering will be provided to record consumption.
  - New roads/ services to be provided in accordance with relevant codes of practice.
- Operational Stage:

- New foul and surface water drainage pipes are to be pressure tested and will undergo a CCTV survey to identify any potential defects in the pipes/connections.
- Watermain pipes to be cleaned and pressure tested in accordance with Uisce Éireann standards.
- Water conservation measures will be incorporated into the development, as listed in the EIAR.
- Hydrobrakes will be designed to ensure that flow of water will be at greenfield rates.
- Monitoring: Water consumption will be monitored during the construction phase and a bulk water meter will monitor water consumption during the operational phase of the development allowing Uisce Éireann to monitor any potential leaks. Surface water monitoring will also be undertaken during the construction phase of the proposed development.

#### **13.14.6. Cumulative Impacts:**

Cumulative impacts have been considered in terms of other similar development in the area. Details are provided in Table 1.2 of the EIAR. Cumulative impact is likely to be short term, neutral and imperceptible with no significant impacts anticipated.

#### **13.14.7. Residual Impacts:**

Construction stage – Development will take place over five phases. Impact on material assets are likely to be temporary and cause minor disturbances. Subject to the implementation of mitigation measures there is unlikely to be adverse impacts on material assets during this phase of the development. Residual impacts on the existing water supply, foul and surface water drainage networks would be temporary and slight.

Operational stage – Positive impact through the provision of much needed housing in the area to meet the growing population. Loading on wastewater and water supply

systems will be accommodated through Uisce Éireann networks. Surface water will be discharged at greenfield rates and there will be no impact on existing networks.

#### **13.14.8. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 6 – Material Assets – Services, Infrastructure and Utilities of the submitted EIAR, all of the associated documents and submission on file. I am satisfied that the applicant's understanding of the baseline environment, by way of surveys, is comprehensive and that the key impacts in respect of likely effects on site services, as a consequence of the development have been identified.

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a perceptible negative impact on Material Assets – Services, Infrastructure and Utilities subject to the full implementation of the recommended mitigation measures. The site is located to the south of Fermoy and suitably zoned for residential development of the nature proposed. The area is served by existing water supply, foul drainage, electricity and telecoms. Surface water drainage can be accommodated on site and I note that discharge to the channel to the east of the site will be at greenfield rates.

#### **13.14.9. Conclusion: Direct and Indirect Effects on Material Assets – Services, Infrastructure and Utilities**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development, and implementation of recommended mitigation measures, particularly those of the construction phase, there is no potential for significant environmental effects on Material Assets – Services, Infrastructure and Utilities.

### **13.15. Material Assets – Traffic & Transportation – Chapter 5**

#### **13.15.1. Issues Raised**

No third party submissions were received and therefore no issues of concern were raised in relation to Traffic and Transportation.



### **13.15.2. Examination of the EIAR**

#### **Context**

Chapter 5 of the EIAR considers Material Assets – Traffic & Transportation. Section 5.2 provides the Methodology for this chapter and includes details on relevant guidance as well as how this chapter has been prepared. Turning count surveys were undertaken in the area in December 2021. Details of background data are also provided. As the surveys were undertaken at a time of Covid restrictions, a growth factor has been applied to the results. The EIAR notes that traffic volumes for a tested location in December 2021 were 95.14% of those recorded in 2019. Figure 5.2.1 Traffic of the EIAR locates the 'Count Survey Locations' one to the west of the site on the Cork Road and other on the R639 between Exit 15 of the M8 and Rathcormac, to the south of the subject lands. Section 5.3 provides details on the 'Existing Use' of the subject lands and lists different land uses and services within 10 minutes and 20 minutes from the site. Details are provided on public transport in the area.

#### **Baseline**

Existing traffic conditions are provided in Section 5.3.1 of the EIAR and provides details on traffic movements, RSA Collision Data (one minor collision in 2009 approximately 350m to the south of the proposed site entrance) and Figure 5.3.8 provides details on collisions in the wider area. Section 5.4 provides the Development Description, and states that access to the site will be from a new entrance onto the R639. It was proposed that the development would be constructed over phases between 2023 and 2027 and this is illustrated through Figure 5.4.2 'Proposed Development Phasing'.

To ascertain the impact on the road network the Traffic Impact Assessment includes the base year (2021), the design year 2027 (full scheme complete), the design year +5 (2032), and the design year +15 (2042).

### **13.15.3. Potential Effects**

The following potential impacts are identified in Section 5.5 of the EIAR under the heading 'Impact Assessment', and the following are noted.

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Local road network/ junctions assessed under the 'Without Development' modelling and provides the current situation in the various assessments/ tables allowing for a clear indication of what the impact of the development will be.
Construction	<ul style="list-style-type: none"> <li>• A Construction Environment Management Plan will be put in place, which will include a Construction Stage Traffic Management Plan providing for optimum route and times for construction access to the subject site.</li> <li>• Operational traffic impacts will be greater at the tested junctions than during the construction phase. HGV traffic at the two tested junctions will increase from 3% to 3.4%, 15 vehicles or 30 movements per day. 20 staff with 4 car movement each, allowing for lunch break, gives a total of 110 additional vehicular movements per day or an increase in the AADT by 1.14%.</li> <li>• Full details are provided of vehicular movements associated with importation of fill to the site – a total estimated to be 1,700 HGV trips over the five year construction period. These are included in the 30 movements per day, listed above.</li> <li>• Mitigation measures are proposed to address construction related traffic issues.</li> </ul>
Operational	<ul style="list-style-type: none"> <li>• Key junctions have been assessed for traffic movements for the period pre-development, full operation in 2027, 5 years later in 2032 and 15 years later in 2042.</li> <li>• TII Guidelines have been followed and Table 5.5.2 of the EIAR gives 'Background Traffic Growth Rates Per Annum'.</li> </ul>

	<ul style="list-style-type: none"> <li>• Modal shift details are provided in Table 5.5.3 of the EIAR, and a modal shift of 40% (due to anticipated increase in public transport and/ or active travel in the area by 22%) for the future year models is considered to be reasonable by the applicant.</li> <li>• Trip generation details are provided in Table 5.5.4.</li> <li>• Junction details are provided in Tables 5.5.5 to 5.5.25.</li> <li>• Junction 1 (R639/ L-1542) will in future years show a steady degrading of capacity with some queuing but this would occur with or without the subject development.</li> <li>• Junction 2 (R639/ M8 interchange) will operate within capacity up to and including the design year 2042.</li> <li>• Junction 3 (R639/ site entrance) will operate within capacity during the peak periods for all future years.</li> </ul>
Decommissioning	Not referenced and not relevant to this project.
Cumulative	The cumulative impacts do not refer to specific development in the area but apply standard growth rates to the calculations/ assessments.

#### 13.15.4. Mitigation

The applicant has outlined these in Section 5.5.2.1 and under Section 5.5.3.6 of the EIAR. In summary these include:

- Construction Stage:
  - Re-use of materials will reduce the need for traffic movements.
  - Adequate storage space to be provided on site.
  - Control of traffic movements – hours, delivery times, staff movements, routings etc.
  - Encouragement to car share/ use public transport.
  - Road cleaning and wheel-washes to be put in place.
  - Parking will be on site only.

- Site vehicles to be maintained/ serviced and any leaks will be repaired.
- Operational Stage:
  - Upgrade works are proposed for the R639 including footpaths/ cycle paths and which will benefit the area.
  - A signalised crossing is to be provided to the south of the development for the benefit of pedestrians/ cyclists.

#### **13.15.5. Cumulative Impacts:**

The cumulative impacts in the EIAR do not refer to specific development in the area but apply standard growth rates to the calculations/ assessments.

#### **13.15.6. Residual Impacts:**

Table 5.7.1 of the EIAR provides the Residual Impacts. During the construction phase traffic will have a slight impact, significance will be slight, negative and short-term duration. During the operational phase the traffic impact will be slight, significance will be slight, negative and long-term.

#### **13.15.7. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 5 – Material Assets: Traffic and Transportation of the submitted EIAR, all of the associated documents and submission on file. I am satisfied that the applicant's understanding of the baseline environment, by way of surveys, is comprehensive and that the key impacts in respect of likely effects on Traffic and Transportation, as a consequence of the development have been identified.

I do question the modal shift of 40% for future years, when the current situation indicates that cars account for 74% of journeys and public transport is at 3% at present. Active travel at 14% is low relative to the overall figure and I would suggest that this category is most likely to increase over the design period. I have found no indication that significant public transport improvements are proposed for Fermoy such that the 3% would significantly increase. For the increase to 40% the active travel

modes would have to increase from 14% to 35%, allowing for some increase in public transport. The applicant has provided for good cycle/ pedestrian facilities in the proposed development, and it is possible that this increase could be achieved. The site is within walking distance of Fermoy town centre, many of the units are family orientated houses and it is very likely that school students would walk/ cycle to their places of education. The applicant has not clearly indicated how the increase is to be achieved, though I am satisfied that the proposed traffic assessments are robust.

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a perceptible negative impact on Traffic subject to the full implementation of the recommended mitigation measures, though I would caution the proposed modal shift increase to 40% of non-car based movements.

#### **13.15.8. Conclusion: Direct and Indirect Effects on Traffic & Transportation**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development, and implementation of recommended mitigation measures, particularly those of the construction phase, there is no potential for significant environmental effects on Traffic and Transportation subject to appropriate conditions.

### **13.16. Landscape and Visual Impact Assessment – Chapter 4**

#### **13.16.1. Issues Raised**

No specific third party concerns were raised in relation to Landscape and Visual Impact Assessment.

#### **13.16.2. Examination of the EIAR**

##### **Context**

Chapter 4 of the EIAR deals with Landscape and Visual Impact Assessment. Section 4.1.2 provides details on relevant guidance and supporting documentation. Section

4.1.3 provides the 'Methodology' and site surveys were undertaken in 2019, 2020 and 2021 in preparation of the EIAR. Details on the 'Assessment of Landscape and Visual Effects' are provided in Section 4.1.3.1 of the EIAR and Table 4.1 provides the 'Categories of Landscape Sensitivity' and Table 4.2 provides the 'Magnitude of Landscape Impacts'. Table 4.3 outlines 'Visual Sensitivity' and Table 4.4 the 'Visual Impact Magnitude'. Criteria is generally standard ranging from High to Low/Negligible.

No limitations are identified in this chapter, and none were evident in the assessment.

### **Baseline**

Section 4.2 provides a 'Description of the Proposed Development' and this has already been described in this report. Details on the receiving environment are provided under Section 4.3 of the EIAR, and these refer to the Cork County Landscape Character Assessment which categorises the lands as 'Fertile Plain with Moorland Ridge'. The EIAR provides full details on 'Landform and Drainage' (section 4.3.1), 'Vegetation and Landuse' (section 4.3.2), 'Centres of Population and Houses' (section 4.3.3), 'Transport Routes, Scenic Routes and View' (Section 4.3.4) and 'Heritage and Amenity Features' (section 4.3.5).

Section 4.4 provides the 'Landscape and Visual Appraisal'. Under Section 4.4.2 'Landscape Sensitivity' it is reported that the wider Blackwater Valley is classified as having a Very High Landscape Sensitivity', however the location of the subject site would suggest that it has a Medium level of Landscape sensitivity. The development will give rise to a significant change from a greenfield site to a residential development. The magnitude of change is considered to be Medium. In terms of 'Level of Landscape Effect' the effect is Moderate. A number of site constraints have an impact on the development of the site including the retention of external vegetation boundaries, design of high quality streetscapes, development of play areas, construction works designed to optimise the development into its setting and open spaces will benefit from passive surveillance from adjoining residential units.

### **13.16.3. Potential Effects**

Section 4.5 provides the 'Zone of Visual Influence and Visual Receptors'. The EIAR has identified a total of 6 viewpoints with a description of each provided. Table 4.6 provides a summary of the Visual Effects.

The following potential impacts are identified:

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	Baseline is that if there is no development, there will be no change to the visual amenity.
Construction/ Operational	<p>Viewpoint 1 – From Corrin Hill looking North East – Impact: Sensitivity is high, magnitude of change is low, and significance would be slight and neutral.</p> <p>Viewpoint 2 – From R639/ Cork Road – Impact: Sensitivity is medium, magnitude of change is low, and significance would be slight and neutral.</p> <p>Viewpoint 3 – From Local Road to the west of the R639 – Impact: Sensitivity is medium, magnitude of change is low, and significance would be slight and neutral.</p> <p>Viewpoint 4 – From R639/ Cork Road looking North East – Impact: Sensitivity is medium, magnitude of change is medium, and significance would be moderate and neutral, becoming slight neutral as the landscaping develops.</p> <p>Viewpoint 5 – From College Road – Impact: Sensitivity is medium, no magnitude of change due to screening and no visual impact or impact on significance of effect.</p> <p>Viewpoint 6 – From Coleman's pitches looking south – Impact: Sensitivity is medium, magnitude of change is medium, and the significance of effect is moderate/ neutral becoming slight neutral as the landscaping/ site planting develops over time.</p>
Decommissioning	Not referenced and not relevant to this project.

Cumulative	<p>Section 4.5.3 of the EIAR provides details on a number of applications for which the cumulative impact on visual amenity is considered. The only relevant development is that to the north west permitted under PA Ref. 21/7214 for the demolition of two houses and the construction of 28 residential units. The cumulative impact would be minor in terms of visual impact.</p> <p>The other developments are too far from the subject site or not of a scale as to give rise to cumulative visual impact.</p>
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#### **13.16.4. Mitigation**

The applicant has outlined these in Section 4.5.4 of the EIAR and in summary these include the design of the proposed units, the design/ layout of the public realm and the provision of suitable open space with landscaping. It is accepted that the proposed development would have an impact on the established visual character of the area, but the proposed mitigation measures provided in this section of the EIAR will reduce any potential negative impact.

#### **13.16.5. Residual Impacts:**

None reported.

#### **13.16.6. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 4 – Landscape and Visual Impact Assessment of the submitted EIAR, all of the associated documents and information on file. I am satisfied that the applicant's understanding of the baseline environment, by way of surveys, is comprehensive and that the key impacts in respect of likely effects on Landscape and Visual Impact Assessment, as a consequence of the development have been identified. No specific third party observations were raised in relation to this chapter of the submitted EIAR.



I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a adverse negative impact on Landscape and Visual Impact Assessment subject to the full implementation of the recommended mitigation measures, specifically those of the Design Phase of the development. The subject lands are currently a greenfield site, and the proposed development will see the provision of roads, residential units, a childcare facility and open spaces on these lands which will result in a change in the site character. The site is located immediately to the south of the urban area of Fermoy town centre and as such the development would provide for a natural extension to the existing town and would result in a development that is visually keeping in character with the existing form of the area.

I note that this chapter of the EIAR did not make put a great deal of significance in the location of the site in relation to the Cork Road to the west. There is no direct frontage proposed to the west of the site and the subject development is to be located behind existing commercial, residential and utility sites and as such it would not have a significant visual impact on the character of the Cork Road. The development is most likely to have greatest visual impact when viewed from the north (viewpoints 4 and 6) and again the impact will not be significant due to the proposed site design and over time through the maturing of proposed/ existing planting/ vegetation in the area.

#### **13.16.7. Conclusion: Direct and Indirect Effects on Landscape and Visual Impact Assessment**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development, distance from sensitive visual receptors, and implementation of recommended mitigation measures, there is no potential for significant environmental effects on Landscape and Visual Impact Assessment.

#### **13.17. Risk of Major Accidents and Disasters – Chapter 16**

### **13.17.1. Issues Raised**

No issues of concern were raised in relation to major accidents and disasters.

### **13.17.2. Examination of the EIAR**

#### **Context**

Chapter 16 of the EIAR considers Risks of Major Accidents and Disasters. Section 16.1 provides an introduction to this chapter detailing legislation, the role of the Health and Safety Authority (HAS), and the Methodology utilised in this chapter as relevant sources of information to inform the assessment.

No limitations are identified in this chapter, and none were evident in the assessment.

#### **Baseline**

Section 16.2 provides a description of 'The Proposed Development' and Section 16.3 provides a 'Description of the Existing Environment'. The Topography is described under Section 16.3.2, lands sloping gently downwards from west to east, existing drainage channel along the eastern boundary and a number of ground levels are provided.

### **13.17.3. Potential Effects**

Section 16.3.3 provides details on Flood Risk – there are no records of flooding in this part of Fermoy and the site lies outside of all flood zone areas with the lands in Flood Zone C.

Section 16.3.4 assesses Seismic Activity and the potential for landslides as a result. Such incidents are rare in Ireland. There are no active volcanoes in Ireland. Figure 16.2 of the EIAR indicates the location of 'Seismic Movements' with the none located in the Fermoy area.

The following potential impacts are identified in Section 16.4 of the EIAR, and the following are noted.

<b>Project Phase</b>	<b>Potential Direct, Indirect and Cumulative Effects</b>
Do Nothing	Note referenced but not relevant in this case.
Construction	No concerns of significance were identified and as such the predicted impact would be short term, imperceptible and neutral.
Operational	The site is not located in an area prone to flooding or seismic events and these scenarios are not of concern. The predicted impact would be long term, imperceptible and neutral.
Decommissioning	Not referenced and not relevant to this project.
Cumulative	Considered to be imperceptible and neutral.

#### **13.17.4. Mitigation**

No specific measures are required at this stage.

#### **13.17.5. Cumulative Impacts:**

Considered to be imperceptible and neutral.

#### **13.17.6. Residual Impacts:**

None identified.

#### **13.17.7. Analysis, Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 16 – Risk of Major Accidents and Disasters of the submitted EIAR, all of the associated documents and submission on file. I am satisfied that the applicant's understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects from Risk of Major Accidents and Disasters, as a consequence of the development have been identified.

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not give rise or be impacted from Risk of Major Accidents and Disasters. I note that individual chapters of the EIAR

have provided additional information on this section, such as through Chapter 13 'Population and Human Health' and which considered the impact on health during the construction phase of this development. No issues of concern were raised and I am satisfied that all matters have been adequately considered.

#### **13.17.8. Conclusion: Risk of Major Accidents and Disasters**

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development and its location, there is no potential for Risk of Major Accidents and Disasters.

#### **13.18. The interaction between the environmental factors.**

Chapter 14 – 'Significant Interaction of the Foregoing' of the EIAR considers the interaction between relevant factors. Table 14.1 provides 'Potential Interaction of Effects Matrix'. This is considered for the Construction and Operational phases of the proposed development. For each of the interaction, the applicant has reported 'With mitigation measures in place, no significant residual negative impacts are predicted.'

**13.18.1. Assessment:** I am satisfied that the applicant has identified and considered all appropriate interaction between different environmental factors. It has been identified that subject to the implement of appropriate mitigation measures that no significant negative impacts would arise. This is as expected for a development of this nature in this location.

#### **13.19. Supporting Information**

**13.19.1.** The EIAR is also accompanied by a Non-Technical Summary (NTS), in Volume 1, as is required and supporting documentation/ appendices have been provided in Volume III of the EIAR.

#### **13.20. Reasoned Conclusion on Significant Effects:**

**13.20.1.** The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Commission to reach a reasoned

conclusion on the significant effects of the proposed development on the environment, having taken into account, current knowledge and methods of assessment.

**13.20.2.** The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the Planning Authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:** Impacts are likely to be positive with the provision of additional housing and an increased local population that will avail of services/ facilities in the area.
- **Biodiversity:** Impacts to be mitigated by the proposed landscaping strategy; ensure no additional invasive species are introduced; the significant provision of active and passive open space; protection of trees to be retained, and measures to avoid disturbance to bats and birds.
- **Land & Soils:** The impacts to be mitigated by construction management measures including minimal removal of soil, reuse of excess material within the site; suitable management during excavation and maintenance of plant and machinery.
- **Water:** The impacts to be mitigated by management of surface water run-off during construction; adherence to Construction Management Plan; to avoid uncontrolled contamination of water sources with appropriate clearance/ testing of new connections.
- **Air Quality & Climate:** The impacts will be mitigated by suitable measures taken on site during the construction phase of development. These will be detailed in the adopted Construction Management Plan (CMP).
- **Noise & Vibration:** Impacts will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations and through the use of suitable noise control techniques on site.

Excessive levels of vibration are not expected on site. Operational phase impacts will be imperceptible to noise sensitive receptors outside the site area.

- Landscape & Visual Impact: The development will present as a new development in the landscape. The proposed development will not have an adverse impact on the character or visual amenity of the area as the development immediately adjoins the established urban area of Fermoy.
- Cultural Heritage: The proposed development would not impact on cultural heritage. There are no Architectural Conservation Areas on site/ adjacent to the site, no recorded monuments or protected structures are located here.
- Material Assets – Services, Infrastructure and Utilities: Impacts will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum. For the operational phase, electric heat pumps will heat the residential units rather than use of oil, gas or solid fuel heating systems.
- Material Assets – Traffic & Transportation: Impacts to be mitigated by implementation of a Construction Environmental Management Plan and the promotion of sustainable travel patterns by residents during the operation phase.

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents ‘Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment’ (2018); ‘Guidelines on the Information to be Contained in Environmental Impact Assessment Reports’ (draft August 2017) and ‘Advice Notes for Preparing Environmental Impact Statements’ (draft September 2015).

In conclusion, the submitted details have sufficiently demonstrated that the proposed development would not adversely impact on the existing environment. The proposed development is located on lands that were zoned for residential development and these zoned lands have undergone Strategic Environment Assessment (SEA) as part of the county and local plan processes.

## **14.0 Final Conclusion**

- 14.1.** The proposed development provides for 336 residential units, suitable amenity space, road/ street network and a creche that is proposed to meet the needs of the future residents of this development. A single vehicular connection is proposed to connect the development to the R639/ Cork Road to the west of the site.
- 14.2.** The subject site is suitably zoned for residential development of the nature proposed and the proposed density is considered to be acceptable for these medium density lands, referring to the southern part of the site. The northern part of the site is zoned for 'Existing Residential/ Mixed Residential and Other Uses' and for which there is no density specified.
- 14.3.** The southern part of these lands is zoned 'Residential' and which includes Zoning Objective FY-R-04 and which states 'Medium B density residential development. The scheme should provide for development of active open space to include playing pitches. Proposals should include provision for pedestrian and cycle connectivity from the development to link in with the open space and new residential lands to the north and north east. Existing habitats on site should also be protected/enhanced and incorporated into a new development Consideration should also be given to the site's proximity to the River Blackwater & tributaries corridor local biodiversity area.'
- 14.4.** Objective FR-R-04 allows for Medium Density in the range of 20dph minimum to 35 dph maximum. The proposed development of 336 dwellings on a site area of 11.56 hectares would give a density of 29dph or a net density of 30dph on a site area of 11.22 hectares. I am satisfied that the provision of 336 units on these lands meets the density requirements for such lands.
- 14.5.** I have a concern about the non-provision of suitable open space that allows or the development of active open space including playing pitches. No such pitches are proposed, and the applicant has identified the existing pitches to the north of the subject site as suitable for meeting this requirement. The Planning Authority noted this and considered that this matter could be addressed by way of condition. I strongly disagree with this approach, and I recommend that permission be refused for failure to comply with the zoning objective that is applied to this site. The Cork County Development Plan 2022 - 2028 includes objectives for the development of the

county and in this case this objective sought to provide additional residential accommodation in Fermoy as well as providing for playing pitches to meet the needs of the area. The Cork County Development Plan 2022 – 2028 does not specifically set out what a playing pitch is or provide the dimensions and layout of such a pitch. The Commission could decide to hold a limited agenda oral hearing to enable the Planning Authority and Applicant to consider this matter further, but I would not recommend that such an approach be taken for the following reasons.

**14.6.** On a literal basis, I consider that the requirement is for at least two playing pitches of a type unspecified, but I would suggest that these be at least large enough for football/ rugby/ GAA use, though not necessarily full size in the case of a GAA pitch. In any event, a significant area of land would be required, and it is not possible to just fit in such pitches onto the existing layout without a significant loss of housing units and potential unforeseen impacts on the layout/ adjoining area/ on existing third parties. Removing units would result in a reduced density which may materially contravene the Development Plan requirements for a minimum density on this site. The density could be restored through the replacement of houses with more apartments which in turn would impact on car parking, need for communal open space etc. Whilst the other parts of the objective may be conditioned, such as the provision of links to adjoining lands etc. and protection of biodiversity, I do not consider that such an approach can be taken with respect to the provision of playing pitches as the necessary layout revisions would be significant, and somewhat unknown at this stage.

**14.7.** In addition, a revised layout in order to provide for a minimum of two playing pitches could possibly result in the need for revised AA Screening, Natura Impact Assessment, Environmental Impact Assessment Report and a revised Water Framework Directive Report. There are again significant unknowns and I would strongly advise that these documents be revised if the applicant is requested to provide for a minimum of two playing pitches on this site. What is known is that the applicant has not provided playing pitches in accordance with Objective FY-R-04 of the Cork County Development Plan 2022 – 2028 resulting in a material contravention of the plan and for which I recommend that permission be refused.



## **15.0 Recommendation**

Having regard to the above assessment, I recommend that section 9(4)(d) of the Act of 2016 be applied, and that permission be REFUSED for the development, for the reasons and considerations set out below.

## **16.0 Recommended Draft Order**

**16.1.1.** 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 7<sup>th</sup> of April 2022 by McCutcheon Halley, Chartered Planning Consultants on behalf of Cumnor Construction Ltd.

**16.1.2.** Proposed Development:

- Construction of 336 residential units in the form of 242 houses and 94 no. apartments,
- Creche,
- All associated site works, infrastructure provision and the provision of suitable amenity space.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Cork County Development Plan 2014, The Fermoy Municipal District Local Area Plan 2017, and the draft Cork County Development Plan 2022 – 2028. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes and storage areas.

The proposed development is accompanied with a Material Contravention Statement, referring to the Cork County Development Plan 2014 – 2020, and The Fermoy Municipal District Local Area Plan 2017, as well as relevant Section 28 guidance and which set out a justification for the proposed development.

The following issue was raised in the material contravention statement:

- Objective FY-R-08 of the Fermoy Municipal District Local Area Plan 2017 states that proposals should include “playing pitches”. No such pitches are proposed and there are existing playing pitches to the north of the subject site.

This Municipal Plan is no longer in place and the land use zoning and relevant objectives for Fermoy are now included in the Cork County Development Plan 2022 – 2028.

**Decision:**

Refuse permission for the above proposed development based on the reasons and considerations set out below.

**Matters Considered:**

In making its decision, the Commission 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.

## **17.0 Reasons and Considerations**

The Commission Considers that:

1. The subject site is located on lands zoned ‘Existing Residential/ Mixed Residential and Other Uses’ for lands to the north and the southern section is zoned ‘Residential’. The ‘Residential’ zoned lands are subject to Objective FY-R-04 of the Cork County Development Plan 2022 – 2028 states ‘Medium B density residential development. The scheme should provide for development of active open space to include playing pitches. Proposals should include provision for pedestrian and cycle connectivity from the development to link in with the open space and new residential lands to the north and north east. Existing habitats on site should also be protected/enhanced and incorporated into a new development Consideration should also be given to the site’s proximity to the River Blackwater & tributaries corridor local biodiversity area.’ The applicant has not provided any playing pitches as part of this development, even though they are a clearly specified requirement of this objective. The retrofitting of such pitches is not

possible with the layout as submitted and to do so may have an adverse impact on the proposed layout and on adjoining properties. The proposed development materially contravenes the Cork County Development Plan 2022 - 2208 in not complying in full with the requirement of Objective FY-R-04, would result in a poor quality of residential amenity and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Paul O'Brien

Inspectorate

17<sup>th</sup> July 2025

## **Appendix 1: Screening for Appropriate Assessment**

### **Description of the Project:**

I have considered the proposed development consisting of 336 residential units in the form of 242 houses and 94 apartments, creche and associated site works, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The applicant has not submitted an Appropriate Assessment Screening, and they have only provided a Natura Impact Statement (NIS) which is dated March 2022. I am satisfied that adequate information is available within this NIS to enable a Stage 1 assessment to be undertaken as follows.

The subject linear shaped site with a stated area of 11.56 hectares, is located to the south of Fermoy town centre. The site is predominately in agricultural use consisting of large fields divided by hedgerows/ treelined areas. The lands are located to the east of the R639/ Cork Road. An area of open space/ playing pitches is located to the north, to the south are agricultural lands and to the east is a drainage channel surrounded by a conifer plantation. West of the site/ east of the road are industrial units, a fuel filling station, five houses and an electricity substation.

The site is serviced by public water supply and foul drainage networks. The site is located within the Blackwater Munster River Catchment. As reported, there is a drainage channel to the eastern side/ boundary of the site.

The subject development is not within a European site and the proposed development is not connected or necessary for the conservation management of any Natura 2000 sites. Site surveys were undertaken on different dates in 2019, 2020 and 2021 as part of the EIAR field assessments. These site visits gave the applicant an overview of the study area as well as identifying if any invasive plant species were present. A full description of the site is provided in Section 1.5 of the NIS. Non-native invasive species included Cherry Laurel and Winter Heliotrope; these are not listed in the Third Schedule of the 2011 European Communities Regulations.

Details of the proposed development are provided in Section 2 of the NIS, and I have already provided a description of the proposed development in Section 2 of my report. There is no record of flooding here and the site is not listed in any of the flood maps/

assessments. The proposed lighting scheme will focus illumination on areas required and light spillage onto adjoining lands will be minimised. The development will be undertaken on a phased basis, of approximately 12 months per each of the five phases.

The nearest European Sites are the Blackwater River (Cork/ Waterford) SAC (Site Code 002170) and 0.5km from the subject site and the Blackwater Callows SPA (Site Code 004094) and which is 1.7km overland from the subject site. There is a hydrological connection through the surface water drainage network, and which has a discharge point into the Blackwater River SAC, approximately 1km from the subject site. There is a surface water discharge into the Blackwater River Callows approximately 2.4/ 3.1km from the subject site.

### **Potential Impact Mechanisms from the Project**

The following impacts could occur because of this development:

Construction Phase:

- Indirect hydrological pathway from the site to a designated site via the public surface water network. Surface water could contain silt, sediments or other pollutants. – Effect Mechanism A.
- Indirect hydrological pathway from the site to a designated site via the foul drainage system.
- Potential for release of sediments and other pollutants to the air.
- Potential for disturbance and displacement of Natura 2000 Qualifying Interests.
- Potential for noise disturbance during this phase of the development.
- Potential for light pollution during the construction phase.

Operational Phase:

- Indirect hydrological pathway from the site to a designated site via the public surface water network. Surface water could contain silt, sediments or other pollutants – Effect Mechanism B.

- Indirect hydrological pathway from the site to a designated site via the public foul drainage system – Effect Mechanism C.
- Disturbance to ex situ habitats.
- Increased lighting at the site and in the vicinity emitted from the proposed development.
- Increased human presence and activity at the site and in the vicinity as a result of the proposed development.

Having regard to the above potential impacts, the following can be excluded at this stage.

Operational Phase:

- Indirect hydrological pathway from the site to a designated site via the foul drainage system – Foul drainage will be controlled on site through the use of portaloo's/ welfare units with storage tanks and waste will be removed off site by a licence contractor. As there will be no impact-receptor pathway, this can be excluded from the need for further consideration.
- Potential for release of sediments and other pollutants to the air. – Due to the distance from the designated sites and nature of development, this can be excluded from the need for further consideration.
- Potential for disturbance and displacement of Natura 2000 Qualifying Interests. - The proposed development does not overlook or adjoin the designated sites and is screened from the site by existing buildings/ vegetation. The area of wetlands on site is small and would not be used by wintering waterbirds. The open drain and drainage channels on site would not be suitable for a viable fish/ lamprey population associated with the SAC. These impacts can be excluded from the need for further consideration.
- Potential for noise disturbance during this phase of the development. - Distance from the subject site, screening by existing buildings and vegetation and best practice on site would ensure no impact to the SAC and SPA.

- Potential for light pollution during the construction phase. - Distance from the subject site, screening by existing buildings and vegetation and best practice on site would ensure no impact to the SAC and SPA.
- Potential for light pollution during the construction phase.

#### Construction Phase:

- Disturbance to ex situ habitats. - The proposed development does not overlook or adjoin the designated sites and is screened from the site by existing buildings/ vegetation. The area of wetlands on site is small and would not be used by wintering waterbirds. The open drain and drainage channels on site would not be suitable for a viable fish/ lamprey population associated with the SAC. These impacts can be excluded from the need for further consideration in terms of ex-situ habitats.
- Increased lighting at the site and in the vicinity emitted from the proposed development. - Distance from the subject site, screening by existing buildings/ vegetation and use of best practice on site would ensure no impact to the SAC and SPA.
- Increased human presence and activity at the site and in the vicinity as a result of the proposed development. - Distance from the subject site, and screening by existing buildings and vegetation would ensure no impact to the SAC and SPA from the proposed development.

A total of three impacts have been identified that may affect the Conservation Objectives of designated sites – labelled as Effects A to C. These refer to impacts through surface water drainage (construction/ operational), and foul drainage during the operational phase.

#### **Likely significant effects on European Sites –**

The applicant's report identifies two relevant European Sites, one SPA and one SAC as follows:

Name	Site Code	Distance from Site
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Blackwater River (Cork/Waterford) SAC	(002170)	0.79km to north and 5.7km to south
Blackwater Callows SPA	(004094)	1.95km to the north east

The applicant's report considered designated areas that have a hydrological connection to the site. I consider this to be appropriate, and the assessment considers those sites in relevant proximity to the development site. The Blackwater River SAC is closer to the subject site to the north of the site than that to the south, and the impact is considered primarily on this section of the river.

The following table identifies European Sites that may be at risk of impact due to the proposed development, full details of the qualifying features at risk are provided in the applicant's report:

Table A1 – European Sites at Risk of Impact from the proposed development:



Effect Mechanism	Impact Pathway/ Zone of Influence	European Site	Qualifying Interest features at risk
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<p><b>Effect A:</b></p> <p>Potential for impact to water quality and resource during the Construction Phase through surface water.</p> <p><b>Effect B:</b></p> <p>Potential for impact to water quality and resource during the Operation Phase through surface water.</p> <p><b>Effect C:</b></p> <p>Potential for impact to water quality and resource during the Operation Phase through foul drainage.</p>	<p>0.79km from the subject site – Indirect pathway through the public surface water drainage system during the construction/ operational phases and discharge through foul drainage during the operational phase.</p>	<p>Blackwater River (Cork/ Waterford) SAC</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows [1330]</p> <p>Mediterranean salt meadows [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>(Freshwater Pearl Mussel) [1029]</p> <p>White-clawed Crayfish [1092]</p>
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			<p>Sea Lamprey [1095]</p> <p>Brook Lamprey [1096]</p> <p>River Lamprey [1099]</p> <p>Twaite Shad [1103]</p> <p>Salmon [1106] Otter [1355]</p> <p>Killarney Fern [6985]</p>
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<p><b>Effect A:</b></p> <p>Potential for impact to water quality and resource during the Construction Phase through surface water.</p> <p><b>Effect B:</b></p> <p>Potential for impact to water quality and resource during the Operation Phase through surface water.</p> <p><b>Effect C:</b></p> <p>Potential for impact to water quality and resource during the Operation Phase through foul drainage.</p>	<p>1.95km to the north east of the subject site – Indirect pathway through the public surface water drainage system during the construction/ operational phases and discharge through foul drainage during the operational phase.</p>	<p>Blackwater Callows SPA</p>	<p>Whooper Swan [A038]</p> <p>Teal [A052]</p> <p>Black-tailed Godwit [A156]</p> <p>Wigeon [A855]</p> <p>Wetland and Waterbirds [A999]</p>
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All other European sites can be excluded from further assessment due to distance, nature of development and lack of ecological connection between the designated site and the subject lands.

**Likely significant effects on the European sites ‘alone’ –**

This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

The following table provides the relevant information:

**Table A2 – Could the project undermine the Conservation Objectives ‘alone’:**

European Site and qualifying feature	Conservation Objective	Could the Conservation Objectives be undermined?		
		Effect A	Effect B	Effect C
<b>Blackwater River (Cork/ Waterford) SAC (002170)</b>	To restore/ maintain the favourable conservation condition of listed QIs.	Y	Y	N
Reason:	<p>Effect A: Runoff from the site during construction could lead to water deterioration.</p> <p>Effect B: Runoff from the site at operation stage could lead to water deterioration.</p> <p>Effect C: Foul drainage will be treated through the Fermoy WWTP and for which Uisce Éireann have reported that capacity is available to serve the proposed development, subject to modest upgrade works to the foul drainage system.</p>			
Blackwater Callows SPA (004094)	To restore/ maintain the Favourable conservation condition of listed QIs.	Y	Y	N
Reason:	<p>Effect A: Runoff from the site during construction could lead to water deterioration.</p> <p>Effect B: Runoff from the site at operation stage could lead to water deterioration.</p> <p>Effect C: Foul drainage will be treated through the Fermoy WWTP and for which Uisce Éireann have reported that capacity is available to serve the proposed development, subject to modest upgrade works to the foul drainage system.</p>			

I conclude that the proposed development could have a likely significant effect 'alone' on QIs associated with the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA due to potential impact on water quality/ resource during the construction and operational phases of this development through surface water drainage discharge. An Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and other projects is not required at this time.

## Appendix 2: Stage 2 – Appropriate Assessment

The applicant has provided a Natura Impact Statement (NIS), dated March 2022, in accordance with the requirements of the Stage 2 Appropriate Assessment process. A detailed list of supporting documentation is provided in the submitted Natura Impact Statement.

I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA, where it has been established that there is a possibility for significant effects on the European sites, in the absence of mitigation as a result of hydrological impacts from surface water drainage discharge. As I have reported in the Appropriate Assessment Screening, all other European designated sites can be excluded from the need for further assessment.

I have provided the following table to list the QIs that may be affected and also a summary of the applicant's suggested mitigation measures, as per Section 4.2 of their submitted report:

**Table B1: QIs and Mitigation Measures:**

<b>Blackwater River (Cork/ Waterford) SAC (002170)</b>			
<b>Qualifying Feature</b>	<b>Pathway</b>	<b>Effect</b>	<b>Mitigation Measures (summarised – fully detailed in Section 4.2 of applicant's report.</b>
Mudflats, Dunes, Salt Meadows, oak woods,	Hydrological through surface water	Potential for contaminants including dust, silt, and other	Construction Phase: <ul style="list-style-type: none"><li>Excavation and stripping of topsoil to only take place as necessary.</li></ul>

alluvial forests, Freshwater Pearl Mussel, Crayfish, Lamprey, Shad, Salmon, Otter.	drainage system.	contaminants to enter the surface water drainage network and discharge into the Blackwater River for both the Construction and Operational Phases of this development.	<ul style="list-style-type: none"> <li>• Stockpile soils and materials in accordance with best practice.</li> <li>• Silt fencing to be provided during the construction phase and retained until the ground integrity is fully established.</li> <li>• To be checked twice daily during the construction phase and once thereafter until it is working satisfactorily.</li> <li>• Sediment/ silt traps to be provided.</li> <li>• Drainage channels to flow into settlement ponds/ swales to allow for primary/ secondary settlement of sediment. Will ensure that discharge is in accordance with the Quality of Salmonoid Water Regulations (SI 293:1988).</li> <li>• Use of best practice in site upkeep.</li> </ul>
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			<ul style="list-style-type: none"> <li>• Careful control of fuels/oils. Controlled use and storage of such on site.</li> <li>• Control of concrete use on site and use to be away from water and storm water systems.</li> </ul> <p>Operational Phase:</p> <ul style="list-style-type: none"> <li>• Use of SuDS will ensure that surface water will drain at greenfield runoff rate.</li> <li>• Use of hydrocarbon interceptors and attenuation storage.</li> <li>• Stormwater network to be designed to accommodate calculated drainage rates.</li> <li>• Cleaning and maintenance schedule to be put in place for the stormwater drainage system at operational stage.</li> <li>• Ensure that there is no cross connection between foul and storm water networks.</li> </ul>
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			<ul style="list-style-type: none"> <li>• Water sampling to take place of receiving waters upstream and downstream of the proposed outfall point.</li> <li>• Bunding of domestic fuel tanks.</li> <li>• Use of hydrocarbon interceptors for each of the six surface water networks.</li> </ul>
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#### **Blackwater River Callows SPA (004094)**

Whooper Swan, Teal, Black-tailed Godwit, Wigeon, Wetlands and Waterbirds.	Hydrological through surface water drainage system.	Potential for contaminants including dust, silt, and other contaminants to enter the surface water drainage network and discharge into the Blackwater River for both the Construction and Operational Phases of this development.	<p>Construction Phase:</p> <ul style="list-style-type: none"> <li>• Excavation and stripping of topsoil to only take place as necessary.</li> <li>• Stockpile soils and materials in accordance with best practice.</li> <li>• Silt fencing to be provided during the construction phase and retained until the ground integrity is fully established.</li> <li>• To be checked twice daily during the construction phase and once thereafter until it is working satisfactorily.</li> </ul>
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			<ul style="list-style-type: none"> <li>• Sediment/ silt traps to be provided.</li> <li>• Drainage channels to flow into settlement ponds/ swales to allow for primary/ secondary settlement of sediment. Will ensure that discharge is in accordance with the Quality of Salmonoid Water Regulations (SI 293:1988).</li> <li>• Use of best practice in site upkeep.</li> <li>• Careful control of fuels/ oils. Controlled use and storage of such on site.</li> <li>• Control of concrete use on site and use to be away from water and storm water systems.</li> </ul> <p>Operational Phase:</p> <ul style="list-style-type: none"> <li>• Use of SuDS will ensure that surface water will drain at greenfield runoff rate.</li> <li>• Use of hydrocarbon interceptors and attenuation storage.</li> </ul>
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			<ul style="list-style-type: none"> <li>• Stormwater network to be designed to accommodate calculated drainage rates.</li> <li>• Cleaning and maintenance schedule to be put in place for the stormwater drainage system at operational stage.</li> <li>• Ensure that there is no cross connection between foul and storm water networks.</li> <li>• Water sampling to take place of receiving waters upstream and downstream of the proposed outfall point.</li> <li>• Bunding of domestic fuel tanks.</li> <li>• Use of hydrocarbon interceptors for each of the six surface water networks.</li> </ul>
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There is no potential for significant effects on the Conservation Objective attributes and targets of the other qualifying features within the SAC and the SPA. Section 4.5 of the NIS provides for a 'Contingency Plan for Mitigation Failure' and which includes the preparation of an Emergency Response Plan, removal of identified contamination from the site and contact the HSA/ Local Authority/ Fire Department in extreme cases.

Potential impacts on the designated sites have been identified in the applicant's report. Where significant effects are identified, suitable mitigation measures and avoidance measures have been identified to overcome such issues. Cumulative/ In-Combination Effects are considered under Section 4.1.2 of the NIS and concludes that 'significant adverse cumulative/ in-combination effects are not considered likely in this case'.

### **NIS Assessment:**

I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

The Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

Aspects of the Development that could adversely affect the designated sites: The main aspects of the development that could impact the conservation objectives of the European sites are through habitat loss by deterioration of water quality by runoff from the site during the construction and operational phases of the development.

Mitigation: A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction and operational phases of the development as provided in the applicant's NIS. I have summarised these in Table B1 above. The measures will ensure that contaminants including dust and silt do not impact on the designated sites of the Blackwater River SAC and the Blackwater River Callows SPA through the surface water drainage network for both the construction and operational phases of this development. While most measures listed are standard for a development of this nature, site specific measures are listed such as the use of

sediment/ silt traps and the flow of drainage channels to be into settlement ponds/ swales to allow for settlement of sediment.

Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring through the construction and operational phases of the development.

In Combination Effects: No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

**Overall Appropriate Assessment Conclusion:**

The proposed residential development on lands in Great Coolcarron, Fermoy, Co. Cork have been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development may have a significant effect on the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Blackwater River (Cork/ Waterford) SAC and the

Blackwater River Callows SPA subject to the implementation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA.

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Blackwater River (Cork/ Waterford) SAC and the Blackwater River Callows SPA.

### Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

#### Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	<b>ABP-313253-22</b>	Townland, address	Coolcarron, Fermoy, Co. Cork
Description of project	336 no. residential units comprising of 242 houses and 94 duplex/ simplex units, creche/ childcare facility, open space, undergrounding of overhead powerline and all associated site works. Application includes an EIAR and a NIS.		
Brief site description, relevant to WFD Screening,	Site is mostly in agricultural use.		
Proposed surface water details	SuDS measures to be used in the engineering and landscaping design. Run-off through public surface water drainage system with outflow to the Blackwater River. Drainage tanks are to be provided on site to store stormwater.		
Proposed water supply source & available capacity	Public Water Supply and which has an Orange – ‘Potential Capacity Available’ rating – LOS improvement required.		



Proposed wastewater treatment system & available capacity, other issues			Public foul drainage system – Fermoy WWTP, and which has a Green – Wastewater Capacity Available.			
Others?			N/A			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	0.9km to the north	Blackwater (Munster) River (IE_SW_18B022300)	Good	Not at Risk	N/A	Surface water run-off, Foul Drainage outfall.
	0m	Glenville (IE_SW_G-037)	Good	Not at Risk	N/A	Groundwater/ surface water run-off.

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Site clearance & Construction	Blackwater (Munster) River (IE_SW_18B 022300)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
2.	Site clearance & Construction	Glenville (IE_SW_G-037)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
3.	Foul Drainage during	Blackwater (Munster) River	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard	No	Screen out at this stage.

	construction phase of the development	(IE_SW_18B 022300)			Construction Practice and CEMP		
<b>OPERATIONAL PHASE</b>							
4.	Surface Water Run-off	Blackwater (Munster) River (IE_SW_18B 022300)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
5.	Surface Water Run-off	Glenville (IE_SW_G-037)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
<b>DECOMMISSIONING PHASE</b>							
6.	N/A	N/A	N/A	N/A	N/A	N/A	N/A