

An
Bord
Pleanála

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

Inspector's Report ABP-313642-22

Strategic Housing Development

123 no. apartment, creche and
associated site works.

Location

Old Fort Road, Ballincollig, Cork.
(www.oldfortrdshd.ie)

Planning Authority

Cork City Council

Applicant

O'Flynn Construction (Co.) Unlimited

Prescribed Bodies

Uisce Eireann

Observer(s)

1. Iain Brown
2. Residents of 52-59 Waltham
Abbey (Gary McCormack)

3. Waltham Abbey Residents
Association

Date of Site Inspection

6th March 2025

Inspector

Irené McCormack

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The application site is located on the northern side of Ballincollig town centre, approximately 8km west of Cork City. The site is bounded by Old Fort Road to the south, which road runs parallel to the Main Street / R608. The site is 1.9km from the N22 – Ballincollig Bypass which is situated to the south of the site.
- 2.2. The site has a stated site area of 1.065ha. An additional area of lands along Old Fort Road are included in the red line boundary of the application to provide for works to the public road.
- 2.3. The site has a varying topography, falling approx. 6 m between Old Fort Road and the northern site boundary. A steep landscaped embankment along the road frontage, gives way to more level lands at the centre of the site. Ground levels within the site appear to have been raised in the past. There are a number of mature trees at a lower level along the northern boundary of the site.
- 2.4. The site is bounded to the west by open space serving two-storey housing in Waltham Abbey, part of the Old Quarter residential area. An apartment development to the south, The Crescent, comprises generally four-storey blocks, rising to an eight-storey element on the western corner. To the east of the site is the car park and access road serving an adjoining medical centre located in an old military building which is listed on the RPS and in the NIAH¹. Lands to the northeast are associated with a community nursing home. Recreational open space and the municipal wastewater treatment plant are located to the north of the site. The laneway that runs along the northern boundary is predominantly used for access to the Ballincollig Water Treatment Plant.

¹ <https://www.buildingsofireland.ie/buildings-search/building/20842005/walshes-pharmacy-ballincollig-ballincollig-county-cork>

3.0 Proposed Strategic Housing Development

3.1. The application comprises:

- a) The construction of 123 no. residential units in 3 no. blocks which range in height from 3 to 6 storeys and comprising a mix of 1 & 2 bed apartments;
- b) 1 no. creche / childcare facility, internal residential amenity space and multi-purpose amenity room;
- c) The provision of landscaping and amenity areas including play/amenity areas at podium level;
- d) The provision of a set-down area, footpaths, cycle lane and table-top junction arrangement at the access to the development on the Old Fort Road; and
- e) All associated ancillary development to include pedestrian/cyclist facilities, lighting, drainage, boundary treatments, bin storage, plant, ESB Sub-station and bicycle, motorbike and car parking provided at ground and under-croft level.

3.2. Key Development Statistics are outlined below:

	Proposed Development
Site Area	1.065 ha.
No. of Units	123
Density	115 uph
Site Coverage	48.6%
Plot Ratio	1.3
Height	3-6 storeys
Dual Aspect	43.9% (54 of the 123 apartments)
Other Uses/Residential Amenity	1 no. 268 sqm creche / childcare facility with a capacity of 38 spaces. Internal residential amenity spaces totalling 461.3sqm
Communal Outdoor Amenity Space	Communal Open Space is provided in the form of podium courtyards.

	There are discrepancies in the e documents on file as regards Communal Open Space: - The Area Summary and Site Data document sets out that Communal Open Space is 1637.4sq.m Statement of Consistency sets out Communal Open Space is 2,424.4 sqm
Public Open Space	Statement of Consistency sets out Public Open Space is– 4,801.2 sqm (35.5%)
Car Parking	98 no. spaces plus 12 no. motorcycle spaces
Bicycle Parking	272 no.

3.3. Unit mix is as follows:

UNIT SUMMARY						
	Area (m ²)	1-Bed	2-Bed [3 Person]	2-Bed [4 Person]	Total	Dual Aspect Units
Block A	4095.2	13	1	25	39	13
Block B	4447.1	16	0	28	44	16
Block C	4836.4	10	0	30	40	15
		39	1	83		
TOTAL		39	84		123	44
Unit Mix %		31.7 %	68.3 %			35.8 %

3.4. The application included the following:

- Response to An Bord Pleanála Opinion
- Statement of Consistency
- Planning and Design Statement
- Material Contravention Statement
- Part V and accompanying Part V Site Layout Plan
- Housing Quality Assessment Schedule

- Architectural Drawings
- Architects Design Statement
- Response to An Bord Pleanála Opinion
- Statement of Compliance with Principles of Universal Design
- Housing Quality Assessment Report
- Building Lifecycle Report
- Materials and Finishes Report
- Landscape Plan and Sections
- Landscape Design Report
- Plan of areas proposed to be Taken in Charge
- Tree Survey Report and Drawing
- Photomontages
- Engineering Drawings & Schedule
- Public Lighting Report & Layout
- Daylight and Sunlight Report
- Noise Impact Assessment
- DMURS Compliance Note
- Traffic and Transport Assessment
- Outline Mobility Management Plan
- Stage 1 Appropriate Assessment Screening Report
- Ecological Impact Assessment
- EIAR Screening
- Section 299B Statement
- Site Specific Construction and Environment Management Plan

4.0 Planning History

Subject site

ABP SHD 307313-20 - Permission granted by ABP on 16/09/2020 for 123 no. apartments, creche and associated site works.

This application remains the subject of on-going legal challenge.

****This SHD application was made on the 25th of May 2022.**

In the Vicinity (recent)

PA ref. 18/6762 Permission granted for a four-storey primary care centre on lands to the east of the subject site, on Old Fort Road.

PA ref. 19/4699: Permission granted at the western end of Old Fort Road for the construction of an office development (20,842.6-sq.m.) in three buildings and a multi-storey car park to provide 479 no. car parking spaces and 409 no. surface car parking spaces, and all associated ancillary development works including access, footpaths, a 2m wide cycle lane along Old Fort Road. The proposed development replaces 5 no. office buildings previously permitted under PA ref. 08/9670 and extended under Ref. 14/4310.

5.0 Section 5 Pre-Application Consultation -311773-21

5.1. A Section 5 pre-application consultation took place on the 2nd of March 2022 in respect in respect of a development for the construction of 123 no. apartments, creche and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

1. Impact on Residential Amenity, inter alia, ground floor privacy, daylight & sunlight, open space
2. Drainage Issues and Irish Water Submission
3. Ecology Issues
4. Any Other Business

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

5.2. In the Notice of Pre-Application Consultation Opinion issued on 22nd March 2022 An Bord Pleanála stated that it was of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

5.3. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following:

1. Provide further justification in relation to the layout of the overall proposal in relation to the impact on the residential amenity of the existing occupants. In

this regard an updated Sunlight/Daylight/Overshadowing analysis is required showing an acceptable level of residential amenity for existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

2. Provide further justification in relation to the layout of the overall proposal in relation to the impact on the residential amenity of the existing occupants. In this regard an updated Sunlight/Daylight/Overshadowing analysis is required showing an acceptable level of residential amenity for existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
3. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

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

- Uisce Eireann (Formally Irish Water)
- Cork City Childcare Committee

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

- 5.5.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation would constitute a reasonable basis for an application for strategic housing development. I note a Statement of Response to ABP's Opinion has been submitted. I note the items raised in the Opinion have been addressed.
- 5.5.2. Of relevance, I note A Statement of Consistency and Planning Report have been prepared and are submitted with this application. The Statement of Consistency notes that Ballincollig now falls within the administrative boundary of Cork City

Council and notes that at the time of making this application the Draft Cork City Development Plan 2022-2028 was at amendments stage and due to take effect in August 2022. The Statement of Consistency notes the national and regional planning policies relevant to the development of the site and Section 3.5 of the Statement of Consistency addresses objectives from the Draft CCDP 2022.

- 5.5.3. The Board will note that since the issuing of the Board's opinion, the Cork City Development Plan, 2022-2028 has been adopted and this new Plan will form the basis of the Board's decision on this application.

6.0 Relevant Planning Policy

6.1. Cork City Development Plan 2022-2028

***The initial stages of this SHD application were prepared in the context of the subject site being governed and regulated by the policies of the Cork County Development Plan, 2014 and the Ballincollig Carrigaline Municipal District - Local Area Plan August 2017. Following the extension of the administrative boundaries in 2019, Ballincollig now falls within the area of Cork City Council. Prior to the adoption of a new city Development Plan for the period 2022 – 2028, the Cork County Development Plan was the operative development plan for the area.*

As noted above, the Cork City Development Plan 2022-2028 was adopted on the 27th of June 2022 and came into effect on 8th August 2022

Zoning

- 6.1.1. The site is zoned Z06 - Urban Town Centre in the Cork City Development Plan 2022-2028 (Map 16).

The Zoning Objective Z06 seeks to 'To consolidate and provide for the development and enhancement of urban town centres as primary locations for mixed use retail, economic and residential growth which also act as a focus for a range of services.'

- 6.1.2. Chapter 2 – Core Strategy

The site is located the Urban Town of Ballincollig as set out in Fig. 2.10

Section 2.57 - Objectives for City Growth includes the following:

City Area	Role in the Core Strategy	Some Key Sites	Key Deliverables
Urban Towns	Phased delivery of strategic sites by targeting growth proportionate to the existing population within the four urban towns. All development shall focus on prioritising walking, cycling and public transport use. Apply a mixed-use approach to regenerating key underutilised locations. Use a range of designs and densities that reflect and enhance the individual character of each town.	Expansion of South Ballincollig (Maglin), South Glanmire (Ballinglanna). Opportunities to repurpose underutilised sites within town centres.	1. Framework plans for South Ballincollig and South Glanmire. 2. Heritage led plans for Blarney and Tower. 3. Action plans for key sites (Neighbourhood Development Sites). 4. Plan for the long-term delivery.

Objective 2.14 Walkable Neighbourhoods - *New development shall be designed to make positive additions to their neighbourhoods, towns and communities by:*

- a. Delivering the right mix of uses at a scale and design that creates high quality buildings and spaces.*
- b. Creating attractive, safe and vibrant places designed at a human scale (i.e. places that relate to people, streetscapes and local character) with active streets and avoiding the creation of “dead” spaces.*
- c. Ensuring a child friendly and age friendly environment applying Universal Design principles with a mix of household types.*
- d. Designing a safe place that enables access for all.*
- e. Creating a healthy neighbourhood with increased urban greening and direct access to high quality parks and public spaces, schools, shops and local services.*
- f. Being well-connected with easy access to public transport and active travel.*
- g. Providing enhanced permeability for walking and cycling.*

Objective 2.17 Neighbourhood Design- *The design and siting of development shall create a sense of community and identity, enhance connectivity, incorporate creative approaches to urban design, enhance landscape character and green and blue infrastructure and respect the local context and character of the area.*

- 6.1.3. **The subject site is located in Inner Urban Suburb, “Central Ballincollig”, described in section 11.38 as follows:** *A large district centre west of Cork City and soon to benefit from improved public transport connectivity with the Cork Light Rail project set to provide frequent services to the City and Mahon.*

Table 11.2 Cork City Density and Building Height Standards -This Inner Urban

Suburb is identified as being suitable for **densities of 50-100 units/ha and heights of 3-5 storeys.**

Residential density is also addressed in Chapter 3 of the Development Plan.

6.1.4. **Chapter 3 of the development plan refers to Delivering Homes and Communities.**

Objective 3.1 - **Planning for Sustainable Neighbourhoods**

Objective 3.3 - **New Housing Supply**

Objective 3.4 – **Compact Growth**

Objective 3.5 – **Residential Density**

Objective 3.6 - **Housing Mix**

Objective 3.21 – **Childcare Facilities**

Objective 3.29 – **Neighbourhood Recreation Amenity**

6.1.5. **Chapter 4 – Transport and Mobility**

BusConnects

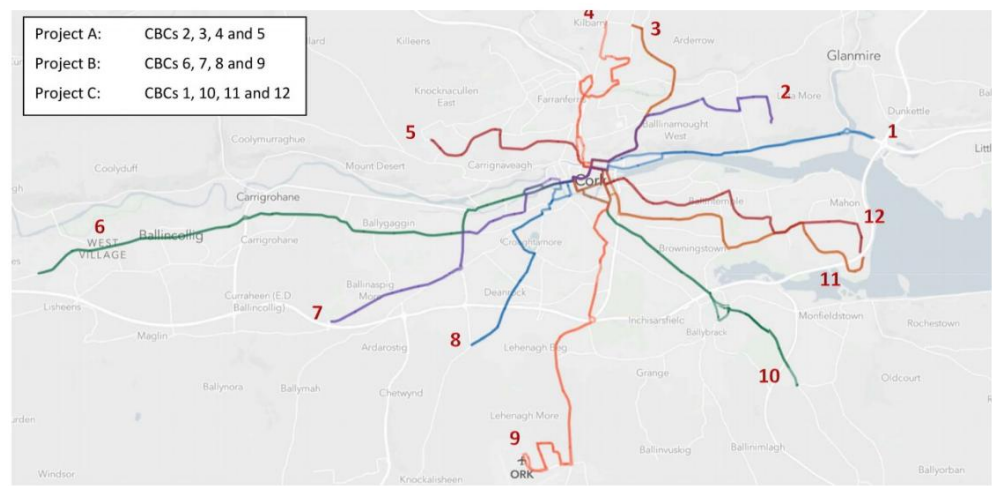


Figure 4.4: Core bus network map and routes.

Table 4.5: Core Bus Corridor Routes.

Core Bus Corridor Number	Route
CBC 6	West of Ballincollig to City Centre via Mardyke.

Light Rail

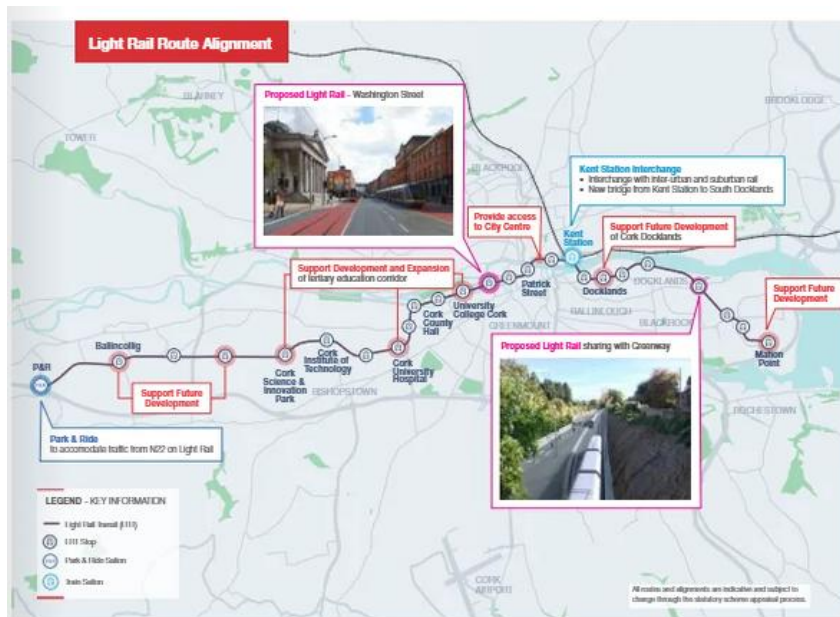


Figure 4.7: Indicative LRT route.

Section 4.66 *Proposed Route* sets out that Ballincollig is required to be within the catchment area of the future light-rail system.

Car Parking

Car Parking Zones	Primary Areas
Zone 1	Cork City Centre and Inner City.
Zone 2	Areas accessible to mass transit alongside public transportation corridors. This zone includes areas within 500m of Blackpool/Kilbarry Station and may be expanded in the future to reflect improved access to mass transit across the City (existing, committed and indicated). City Suburbs which have good public transport frequencies including Wilton, Mahon, Douglas, Blackpool and Ballincollig Town Centre.
Zone 3	Urban Towns of Ballincollig (excluding the Town Centre), Blarney, Glanmire, Tower, City Suburbs including Ballyphehane, Ballyvolane, Bishopstown, Blackrock, Cork Science and Innovation Park, Curraheen, Rochestown, Frankfield and Grange, Dublin Hill, Kilbarry, Knocknaheeny and Holyhill, Lota, Mayfield, Sundays Well, Togher (incorporating Lehanaghmore and Doughcloyne), Cork Airport and surrounding areas.
Zone 4	City Hinterland, Kerry Pike, Killeens, Upper Glanmire.

Table 4.6: Car Parking Zones.

6.1.6. Chapter 6 – Green and Blue Infrastructure, Open Space and Biodiversity

Objective 6.5 Trees & Urban Woodlands

Strategic Biodiversity Goal No. 2 of Section 6.56 states ‘To ensure that sites and species of natural heritage and biodiversity importance in non-designated areas are identified, protected and managed appropriately’.

Objective 6.22 **Natural Heritage and Biodiversity**

Objective 6.25 **Non-designated Areas of Biodiversity Importance** - *Cork City Council will seek to map the City's ecological networks and corridors of local biodiversity value outside of designated areas, and to work with local stakeholders in supporting the effective management of features which are important for wild flora and fauna and habitats.*

6.1.7. Chapter 7 – Economy and Employment

Objective 7.29: District Centres and Ballincollig Urban Town Centre - *To support the vitality and viability of District Centres and Ballincollig Urban Town Centre by enhancing their mixed-use nature and ensuring they provide an appropriate range of retail and non-retail functions appropriate to the needs of the communities they serve. In addition to retail, these centres must include community, cultural, civic, leisure, restaurants, bars and cafes, entertainment, employment and residential uses. In terms of retail, the emphasis should be on convenience and appropriate (lower order) comparison shopping, in order to protect the primacy of Cork City Centre. The development of District Centres at Ballyvolane, South Docklands and Hollyhill will also be supported to meet the day to day needs of their existing and or planned catchment populations.*

6.1.8. Chapter 8 – Heritage, Art and Culture

Objective 8.1 -Strategic Archaeology

Objective 8.2 -Protection of the Archaeological Resource

Objective 8.7 -Industrial Archaeology

Objective 8.27 -Elements of Built Heritage - Cork City Council will ensure the protection of important elements of the built heritage and their settings as appropriate.

6.1.9. Chapter 10 – Key Growth Areas & Neighbourhood Development Sites

The site is located in the Ballincollig.

Section 10.20 states that *'Ballincollig experienced significant economic growth in recent times. Future housing and population growth in Ballincollig will be*

concentrated in the Maglin Area to the south of the town and other zoned lands to the west and on infill and brownfield lands within the existing built-up area of the town'.

6.1.10. Relevant to this application for residential development, the following may apply:

Chapter 11 Placemaking and Managing Development.

- Table 11.2 relates to density building heights.
- Table 11.8 sets out the City Suburb dwelling size mix.
- Table 11.13 sets out the maximum car parking standards for new development.
- Section 11.91 sets out qualitative standards for apartments.
- Table 11.9 sets out Urban Towns and Hinterland Villages Dwelling Size Mix for Housing Developments.
- Section 11.224 - All development proposals are expected to:
 1. Avoid, or as a last resort satisfactorily mitigate, adverse impacts on existing designated and non-designated habitats.

Chapter 12 Land Use Zoning Objectives

6.2. **CMATS**

The CMATS sets out the overarching transport objectives and policies for Cork Metropolitan area. It is the primary objective of CMATS to significantly increase modal share of public transport from its current level of 9.1% to over 26% by 2040. A combination of major upgrades to the bus transport and rail networks will underpin this increase.

The Cork Metropolitan Area Transport Strategy (CMATS) 2040 includes proposals for a light rail transit (LRT) running from Ballincollig to Mahon via Cork City Centre. It is stated in CMATS that 'the provision of LRT system will be a focal point to enable the growth of population, employment health and education uses as envisaged by the NPF 2040.' CMATS also includes for high frequency and local feeder bus services as well as enhanced/ improved cycling/ pedestrian infrastructure.

6.3. National Planning Framework

Project Ireland 2040 - National Planning Framework

- 6.3.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 3(a) (40% of homes in existing settlement footprints), 3(b) (50% of new homes in the five largest cities, including Dublin), 4 (attractive, liveable and well-designed urban places), 13 (development standards), 27 (transport alternatives) and 35 (increased densities) all relating to densification and compact urban growth.

- 6.3.2. Climate Action Plan, 2024.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

- 6.3.3. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss,

while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

Section 3.3 relates to **Settlements, Area Types and Density Ranges**

Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs

City - Centre The city centres of Dublin and Cork, comprising the city core and immediately surrounding neighbourhoods ⁶ , are the most central and accessible urban locations nationally with the greatest intensity of land uses, including higher order employment, recreation, cultural, education, commercial and retail uses. It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork.
City - Urban Neighbourhoods The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations ⁷ , (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) - all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.
City - Suburban/Urban Extension Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development ⁸ . It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs

Section 3.4 relates to **Refining Density**

Section 4.0 relates to **Quality Urban Design and Placemaking**

Section 5.0 relates to **Development Standards for Housing**

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses
- Policy and Objective 5.1 - Public Open

Policy and Objective 5.1 - Public Open Space

It is a policy and objective of these Guidelines that statutory development plans include an objective(s) relating to the provision of public open space in new residential developments (and in mixed-use developments that include a residential element). The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.

In the case of strategic and sustainable development sites, the minimum public open space requirement will be determined on a plan-led basis, having regard to the overall approach to public park provision within the area.

In the case of sites that contain significant heritage, landscape or recreational features and sites that have specific nature conservation requirements, a higher proportion of public open space may need to be retained. The 10-15% range shall not therefore apply to new development in such areas.

In some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan. This can occur in cases where the planning authority considers it unfeasible, due to site constraints or other factors, to locate all of the open space on site. In other cases, the planning authority might consider that the needs of the population would be better served by the provision of a new park in the area or the upgrade or enhancement of an existing public open space or amenity. It is recommended that a provision to this effect is included within the development plan to allow for flexibility. In such circumstances, the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site.

- SPPR 3 - Car Parking
- SPPR 4 - Cycle Parking and Storage

Other relevant Section 28 Guidelines

- EPA - Guidelines on the information to be contained in Environmental Impact Assessment Reports (2022)

The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the ‘Apartment Guidelines’)

6.5. ***Applicants Statement of Consistency***

- 6.5.1. The applicant has submitted a Statement of Consistency as part of the Planning Report as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the Cork City Development Plan 2015, the Cork County Development Plan 2014, the Ballincollig-Carrigaline Municipal District Local Area Plan 2017 and the applicable Plan the Cork City Development Plan 2022 (in Draft at time of application being made) and other regional and national planning policies. This has been examined and noted.

6.6. ***Material Contravention Statement***

- 6.6.1. The applicant has submitted Material Contravention Statements, as provided for under Section 8(1)(iv)(II) of the Act of 2016, addressing both the Cork County Development Plan 2014 and the Draft Cork City Development Plan 2022-2028. The applicant states that these statements are submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific objectives of the Development Plans. As regards the 2014 Development Plan, this Plan has been revoked and is no longer the operational Plan for the area. The relevant Plan is the Cork City Development Plan 2022-2028.

6.6.2. With respect to the City Development Plan for the 2022-2028 period, the applicant's Material Contravention Statement addresses matters relating to:

1. Residential Density
2. Building Height

Should the Board consider material contraventions to arise, within this statement the applicant sets out their rationale to justify granting permission, including national policy objectives, the 2009 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), the Building Heights Guidelines and the Apartment Guidelines.

6.6.3. In conclusion, the applicant asserts that the Board should grant permission for this strategic housing development having regard to the provisions under subsections 37(2)(b)(i), (ii) and (iii) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

7.0 Third Party Submissions

7.1.1. Three no. submissions were received. The concerns raised are summarised below:

Principle of Development

- The development is overbearing, disproportionate, monolithic, visually dominant and out of character with the existing houses adjacent to it.
- The density of 115 units/Ha. is well in excess of guidelines for both the 'Outer Suburbs' and 'Ballincollig Centre' zones in the Cork City Development Plan 2022 of 60 and/or 100 units/Ha. and is not in keeping with the existing character and density of the area and constitutes a material contravention of the Development Plan, for which no or no adequate justification has been provided.
- Insufficient amenity space has been provided in the development.
- Capacity of local schools and crèches to accommodate demand generated queried.
- The proposed development is less than 300m from a pastoral section of the river Lee and is 6 storeys high. It will have a detrimental visual impact on views from

and of a pastoral section of the River Lee. In that respect, it contravenes the relevant development plan -Chapter 13, GI 7-1.

- No baseline noise survey was conducted in respect of the adjoining properties and amenity areas.
- The long term management of the Blocks has not been addressed.
- The proposal materially contravenes the relevant Development Plan in terms of dwelling type mix (Tables 11.8 and 11.9).
- It is set out that the site is not a brownfield site as referenced but a greenfield site as it has never been built on.

Design and Layout

- The character of existing development along the Old Fort Road typically consists of commercial/retail units and apartment type dwellings. There is typically no existing residential type properties located along this side Old Fort Road. Based on the current development as provided along the Old Fort Road, Blocks B and C to the proposed development could be considered to be appropriate for their immediate surroundings.
- Proposed building height is excessive.
- While the natural, low lying topography of the lands allows for the development to sit low and blend in with the Old Fort Road surroundings, the same luxury is not afforded to the existing Old Quarter residential development, onto which Block A bounds and directly faces onto. The vast majority of the properties throughout the estate consist of 2-storey residential dwellings of standard size and scale.
- The 5-storey Block A is considered to be completely inappropriate and will directly face onto a residential area consisting of two storey residential dwellings. The proposed five storey Block A will dominate over the existing, standard two storey residential dwellings.
- Comparing this standard two-storey building height to the overall height of the proposed immediately adjacent five storey Block A building of 17.095m provides

a direct measure of the inconsistencies between the building scales. The proposed upper level of the Block A roof parapet is +35.345m, which is 8.465m higher than the indicated ridge height of the existing dwellings. This represents a building of approximately double the height of the existing residential properties provided directly opposite to established residential dwellings. This is not in keeping with the character of the existing residential nature of Waltham Abbey.

- Block A will face the public open space located alongside the western boundary of the proposed development which is heavily used by children of both Waltham Abbey, and the Old Quarter development.
- The development provides for an inappropriate percentage of dual aspect units.

Residential Amenity

- Block A at 5 storeys is a distance of 27.17m from 59 Waltham Abbey. Concerns raised about the 22m separation distance argument put forward by applicant.
- Overlooking concerns.
- Privacy concerns - Any screening provided by new vegetation will not have sufficient height to obscure the view point from higher floors towards Waltham Abbey.
- Lack of privacy is also exacerbated by the provision of balconies and terraces to all levels.
- The complete loss of privacy to habitable rooms of numbers 52 to 59 Waltham Abbey cannot be considered acceptable and the attempt to use the 22m separation distance as a valid separation is inappropriate, unfair, and insulting to the existing inhabitants of Waltham Abbey. By contrast it is argued that the only thing that will be visible when looking directly out the front windows of Waltham Abbey is the opposite Block A.
- Reference is made to text in the previous inspector's report as regards the building height as it faces Waltham Abbey. It is also noted that the floor level of No 56 Waltham Abbey is +17.50m, which is some 0.75m below the proposed floor level of the adjacent block and a difference of 0.75m cannot be described

as similar.

- As well as being a five storey block, the development is nearly 1m above the floor levels of the existing adjacent dwellings. This will only serve to further emphasise the overbearing dominance of this proposed block.
- Nos 52-59 Waltham Abbey have upper bedrooms facing the project and will be negatively impacted by the increased artificial lighting from the proposed development; scheme would adversely affect the quality of life of existing residents; increased light can change hormone levels, lead to increased levels of fatigue and stress and lower energy levels of occupants.

In summary, to allow the proposed development to be constructed in such close proximity to the existing dwellings at Waltham Abbey would result in:

- The provision of a development that is overbearing, disproportionate and excessive scheme height relative to its environs,
- The provision of a development that has direct overlooking into the front rooms of the existing Waltham Abbey dwellings, at both ground and first floors,
- The complete loss of privacy to the habitable areas, consisting of kitchens, living rooms and bedrooms to the front of the dwellings at Waltham Abbey,
- The complete domination of visibility from a viewpoint from the dwellings at Waltham Abbey, from both ground and first floors.

Sunlight and Overshadowing of Existing Residential Dwellings

- It is set out that the Daylight, Sunlight and Overshadowing Assessment is inaccurate in so far as windows and doors are shown incorrectly makes the findings as presented in Table 4 of the report extremely questionable.
- In addition, the outputs from the calculations show that at two of the existing windows indicate the VSC reducing below the lower threshold value of 27% following the construction of the adjacent apartment block. This suggests that there will most certainly be a negative impact on this terrace of dwellings due to the proposed development.
- Overshadowing concerns during the winter months.

- It is set out that the report does not include the diminution of daylight and sunlight as a result of the proposed development on the amenity space in front of numbers 57 to 59 Waltham Abbey.

Proposed Connections with Waltham Abbey

- Noting the access points proposed along the western site boundary, it is set out that there is no desire line for pedestrian or cyclists to exit the proposed development into Waltham Abbey and the access would compromise the turning area associated with 52 to 59 Waltham Abbey.
- Secondly, there are no pedestrian or cyclist facilities provided to this turning area.
- Thirdly, the public open space through which this connection would pass is currently heavily used by children of the existing residents of Waltham Abbey as a play and amenity area. Breaking this green area to facilitate traffic from another development would seriously injure the amenity value of this public open. The severance of the open space is a significant issues and the residents gain no benefit from the link.
- Ownership and right of way for the inclusion of this connection queried. Therefore this connection, which the submitted design is fully reliant on to allow for fire emergency access, has not been included in the application boundary. It is set out that the previous application fail to address this matter by a condition as referenced in the inspector's report.
- The existing area has been in operation for circa 15 years in its current guise, which is not a shared surface but a road. Footpath widths are already substandard, having been provided at unacceptably narrow widths of 1.5m typically.

Inadequate Car Parking

- The proposed development has 123 units, of which 84 are 2 bed. Only 98 parking spaces are provided for residents and any visitors.
- Reference to pedestrian and emergency vehicle access between Waltham Abbey and the North West corner of the development.

- No practical public transport options to reach destinations such as the Apple campus in Hollyhill or the industrial areas on the south of Cork city.
- Concern about parking overspill and implications for emergency services access.
- Creche parking queried and there is under provision of EV parking.

Traffic and Transport Assessment

- Inadequate provisions for the necessary turnabout manoeuvres necessary for vehicles accessing the proposed development.
- Concern that collapsible bollards would remain down. This will allow all vehicular traffic to continuously access and exit through Waltham Abbey. This will result in a significant increase in traffic movements within Waltham Abbey.
- Concerns raised about the access arrangements onto Old Fort Road including the contents of the Stage 1 RSA.
- The proposed junction is directly opposite an existing right turning lane on the Old Fort Road which provides shelter for vehicles accessing the road to the car park and apartment development. The proposed junction layout does not provide any facilities for right turning traffic into the proposed development. This will result in a direct conflict between vehicles all attempting to turn right in a crossroads environment, where only one has a sheltered turning lane.
- The proposal to amalgamate the proposed junction with the existing medical centre junction is inherently unsafe. Road users do not anticipate a right turning vehicle making a second right turn manoeuvre immediately after making the primary turn. Therefore this access arrangement will encourage rear shunt type incidents and represents a health and safety issue for all road users.
- The proposed vertical road alignment as proposed within the development do not represent good and sustainable road design as regards gradients and impacts on universal access and in other sections, surface water runoff.
- It is argued that the AutoTRACK analysis shows dangerous traffic manoeuvres.
- Traffic and Transport Assessment underestimates the impact on existing road

infrastructure. It is set out that the TTA as provided with the application is deficient for the following reasons:

1. The TTA does not analyse the proposed new development access junction,
 2. The TTA does not include all traffic associated with multiple committed developments within its analysis,
 3. The proposed traffic to be generated by the development is clearly underestimated,
 4. The junction analyses indicate that the various primary junctions will suffer significant congestion and capacity issues. This is notwithstanding that the TTA underestimates the existing and proposed traffic flows in the area.
- The proposed creche will also add to additional traffic volumes and the conversion of retail units to residential units at the existing apartment block on Old Fort Rd, opposite the existing medical centre will further add to traffic.

Public Transport

- Bus Services referenced incorrect. According to Bus Eireann's own schedules, outside of peak hours, the frequency goes down to one bus every 40 minutes. The reality is that even during peak hours, the 15 minute frequency is, at best, aspirational. A survey shows that waiting times even at peak hours can be up to 45 minutes between successive buses and waiting times can be completely random within that period.
- The light rail may not be operational for 30-40 years.
- Lengthy periods of idling of cars whilst stuck in traffic will seriously impact the quality of air in the locality and is contrary to the European, National, Regional and Local climate and energy policies and plans on reducing pollution and the carbon footprint.

Built and Cultural Heritage

- Lack of protection of archaeological sites, industrial and post medieval archaeology and the protection of non-structural elements of built heritage, in particular the lime kiln and culm located less than 10 metres from the

development site which has not been referenced in planning documents. No reference in documentation submitted to the lime kiln or storage column or appropriate management plan for same which is detrimental to integrity of historical monument's physical structure.

- The proposed development will occur either on part of or extremely close to a site listed in the Record as C0073-043 (Powder Mills) as having legal protection under the National Monuments Acts.
- There has been a breach of reg. 295 of the Planning and Development Regulations 2001 – 2021, in that the applicant failed to notify the Minister for Arts and Heritage, the Heritage Council or An Taisce in circumstances where the proposed development might affect or be unduly close to a site, feature or other object of archaeological or historical interest and that the within application is void and of no effect and needs to be re-submitted, in full and proper compliance with the planning code. It is also in breach of the spirit of the Aarhus Convention and the EU primary and secondary legislation passed to give effect thereto.

Environment

- The site of the proposed development is less than 300m from the River Lee. Impact on local flora and fauna, in particular but not limited to the oak trees on the site, bats and otters known to inhabit this area.
- No scoping or assessment of the proposed development's design indicates how it will minimise light pollution from internal and external lighting.
- Light Pollution Habitats of fauna will be affected by the increased artificial lighting due to the project.
- A full and proper EIA and AA report required.
- Impose conditions requiring developer to implement specific dust, vibration, noise, traffic etc. mitigation measures for construction phase; require base-line survey/ scoping exercise for noise and vibration levels for pre, during and post construction.

Construction

- Concerns raised as regards construction works including hours of operation traffic etc.
- It is set out that condition surveys of existing housing should be undertaken pre and post construction to assess and mitigate potential threat to structural integrity; remedial and compensatory measures should be proposed in the event of damage to the houses.
- No reference within the CEMP to any guidance relating to human response to vibration; given the likely traffic levels, a pedestrian crossing should be provided from Old Quarter/ Waltham Abbey to the shopping precinct during construction phases.

Drainage

- Concerns raised about potential issues relating to sustainable surface water drainage and flooding. No assessment of the hydrological absorption capacity of the land comprising the green areas of Waltham Abbey vis-à-vis the project appears to have been undertaken.

Legal Matters

- It is also set out that adjoining lands owned by the applicant have not been outlined in blue as required by the legislation. The lands in question relate to the green amenity areas of Waltham Abbey despite the residents understanding that this area was to be taken in charge. Ownership clarification required.
- Clarification as to the ownership of the green areas of Waltham Abbey required; proposal to provide access through part of this area could interfere with grant of permission in Waltham Abbey; observers not afforded opportunity to consult during pre-application consultation meetings.
- It is set out that there are material inconsistencies between the within application and the pre-application consultations and reports made consequent thereon by both the Board and the relevant local authority.

Other Matters

- There is a discrepancy in the floor areas identified and as a result the fee

calculations.

- It is argued that the application is invalid, premature and should be deemed to be withdrawn as being in breach, inter alia, of the Planning Acts and Regulations made thereto, EU law and the Aarhus Convention.
- Proposal contravenes at least 6 of the 10 national strategic outcomes in the NPF; contravenes several objectives set out in the relevant Development Plans; proposal is premature and in breach of the Planning Acts, Regulations and Guidelines as well as EU law.
- It is set out that the statement of consistency is repetitious.
- The application should be deemed withdrawn given the errors and shortfalls within the document and a more comprehensive and thoughtful application be re-submitted.
- A number of mitigation measures including revised design, access and car parking have been suggested.
- Submission from the Waltham Abbey Residents Association includes a request for an Oral Hearing.

8.0 Planning Authority Submission

8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 19th of July 2022, 2022. The report includes a summary of the pre-planning history, statutory context, site location and description, third-party submissions and prescribed bodies, relevant planning history, the proposed development, internal reports and policy context.

8.1.1. The views of the elected members presented at on-line meeting held on 1st July 9th August 2022 are summarised as follows: validity of application queried, quality of design, creche boundary treatment queried, traffic impacts, 1 bed units welcomed and universal design for ground floor units.

Reports from the Area Engineer • Traffic: Regulation and Safety • Drainage • Urban Roads and Street Design (Planning) • Fire Officer • Housing have also been

provided. Issues of note have been are referenced in the CE report and set out in section 8.1.3 below.

- 8.1.2. The report notes that subsequent to the Section 5 Consultation in March 2022, the Cork City Development Plan 2022 was adopted by the Elected Members of Cork City Council at a Special Meeting on 27th June 2022. The report states that the adopted City Development Plan comes into effect 6 weeks from the date of adoption, on 8th August 2022. The Chief Executive's report was therefore based on the Cork County Development Plan 2014 and the Ballincollig Carrigaline Local Area Plan 2017 as these plans were in place until the new City Development Plan came into effect. However the adopted City Development Plan was a material consideration in the assessment of this proposal and the relevant policies/objectives of the City Development Plan 2022 as they relate to the proposed development were included in the Chief Executive's report.

Note: In the interest of clarity and to avoid confusion, I will outline the references made in the CE report to the Cork City Development Plan 2022-2028, that being the current operational plan for the area.

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

National and Regional Level Planning

Objective 8 of the NPF sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built up area, including increased densities and higher building format than previously provided for. These objectives are carried through in the RSES.

Vision/Strategic Context

Ballincollig is designated as an Urban Town in the City Development Plan 2022. Future housing and population growth in Ballincollig will be concentrated in the Maglin Area to the south of the town and other zoned lands to the west and on infill and brownfield lands within the existing built-up area of the town.

Zoning

- The site is zoned 'Urban Town Centre' in the City Development Plan 2022 where zoning objective ZO 7 applies. The objective of ZO 7 is 'to consolidate and provide for the development and enhancement of urban town centres as primary locations for mixed use retail, economic and residential growth which also act as a focus for a range of services.'
- Objective 7.28: District Centres and Ballincollig Urban Town Centre applies. It is set out that the development is consistent to the CDP 2022.

Density

- Table 11.2 of the adopted Cork City Development Plan 2022 contains the density and building height strategy for the City. The upper target density for central Ballincollig is 100 units per hectare. The residential density for the proposed scheme exceeds the upper target for density in central Ballincollig. Noting the material contravention statement submitted it considered that the proposed density is acceptable. The town centre location is considered appropriate for higher densities.

Layout, Building Height and Visual Impacts

- Table 11.2 of the recently adopted City Development Plan 2022 contains the building height strategy for the City. The target building height range for central Ballincollig is between 3 (lower) and 5 (upper) storeys.
- The report stated that the design of the scheme responds satisfactorily to the site context and setting and the height, scale and massing of the development can be satisfactorily accommodated on the site. It is considered that the visual and landscape impacts are acceptable in the context of the recent developments and mixed character of the wider area and would make a positive contribution to the urban streetscape.

Internal Space Standards/Amenity Standards for Future Occupants

- Unit mix- satisfactory
- Floor Areas - meet the minimum floor area standards. Of the 123 apartments, 85 (69.11%) are over 10% larger in floor area. The other apartments are in

excess of the minimum floor area.

- Dual aspect - This site is considered to be in a central and accessible urban location. Development complies with SPPR 4 - 35.77% apartments are dual aspect.
- Floor to ceiling - The floor to ceiling heights are 2.7m.
- No. of apartments per floor per core –each block is designed with 1 lift and 2 no stair cores. The number of units varies per floor, with the greatest number at 11 units per floor.
- Internal storage - each apartment has internal storage areas exceeding the minimal requirements.
- Private Amenity Space - All balconies and terraces exceed the minimum width and area requirements. It is further noted that the separation distance between opposing elevations is c.22m - 25m.
- Communal Amenity Space and communal facilities noted and deemed acceptable. A Play Area A (80m²) is located between blocks A and B while Play Area B (85m²) is located between blocks B and C. The creche has its own play area (70m²).
- Public Open Space – The report notes that no public open space is proposed. However, the site is within the Town Centre of Ballincollig and is proximate to existing open space areas in the area such as Ballincollig Regional Park.
- Daylight / sunlight - A Daylight Sunlight and Overshadowing Assessment (DSOA) - updated assessment carried out subsequent to ABP Opinion deemed acceptable.
- Bicycle parking and storage & car parking - the Traffic Regulation and Safety report has recommended that 20 no. EV spaces are provided as per the TTA submitted. The 272 no. bicycle spaces are located in dedicated storage rooms. The report from Traffic Regulation and Safety has no objection to the level of parking proposed subject to conditions.
- Building Lifecycle Report - the proposal complies with the criteria as set out in

the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018 and the scheme would provide the occupants with a satisfactory standard of residential amenity.

Connections and Permeability –

- The report notes that there is a high frequency bus service within 5 minutes walking distance on the Main Street in Ballincollig, with pedestrian walkway to the south through the town centre area. The reports from Urban Roads & Street Design (Planning), Traffic Regulation and Safety and the Area Engineer have no objection to the proposed development subject to conditions. The connections and permeability along the southern boundary along Old Fort Road and within the scheme are acceptable.
- Childcare Facility - acceptable

Impacts on Residential Amenities of Adjoining Properties

- Overlooking / Daylight/ Sunlight/ Overshadowing - It is considered that the proposed development provides for sufficient separation distances to adjacent properties to the west and south and would not adversely impact on the residential amenity of neighbouring properties by way of overlooking/ loss of privacy, or overshadowing/ loss of light.
- Noise – the report notes that an Assessment of Potential Noise Impacts Report referenced by the applicant does not appear to have been submitted with the planning application. No concerns raised.
- Impacts during construction - CEMP noted. A condition re. hours of operation is recommended.

Part V- it is noted that the Housing Directorate has no objection to a grant of permission subject to condition.

Traffic and Transportation – No concerns raised.

Landscaping, Retaining Walls and Public Lighting – proposed landscaping noted, it is further noted that a public lighting plan has also been included. The Traffic Regulation and Safety Report has recommended conditions.

Archaeology -There are no recorded monuments within application site but there are recorded monuments in the vicinity of the site that form part of the Ballincollig Gunpowder Mills complex. Monitoring condition recommended.

Architectural Heritage - To the east of the site, the two-storey building in use as a medical centre is a protected structure (01268) and on the National Inventory of Architectural Heritage (20842005). The proposed development is not considered to compromise the setting or character of this heritage building.

Drainage / Surface Water - No concerns subject conditions are recommended.

Foul water/water - There are wayleaves within the site. Ballincollig WWTP is to the north of the site. A plan has been submitted showing a 50m exclusion zone from a sludge digestion and PFT tanks within the WWTP site. The proposed residential units are outside this exclusion zone. Irish Water did not raise any issues.

Fire Safety – Some concerns raised by the Chief Fire officer. There are some design issues regarding the internal layout which can be addressed during the Fire Safety Certificate Application. The Building Height Guidelines state that compliance with fire safety requirements is a separate, parallel, regulatory requirement.

Environmental Impact Assessment (EIA) & Appropriate Assessment (AA) - EIA Screening Report and Stage 1 AA Screening Report form part of the application. Screening for EIA and AA is a matter for An Bord Pleanála, as the competent authority.

Conclusion

It is considered overall that the proposed strategic housing development is in keeping with the land-use zoning and other relevant development objectives of the NPF, RSES, Cork County Development Plan 2014 and Ballincollig Carrigaline Municipal District Local Area Plan 2017 and, subject to compliance with the recommended conditions set out in Document C of the CE report, represents proper planning and sustainable development.

- 8.1.4. CCC also recommends 39 no. conditions to be applied in the event that the Board decides to grant permission, including:

Condition no .2 relates to materials and finishes for agreement.

Condition no. 3 relates to use limitation with respect to the creche and amenity rooms.

Condition no. 6 relates to Independent Quality Audit.

Condition no. 7 relates to raised table/shared surface shall be provided on the entire width of Old Fort Road.

Condition no. 11 relates to legally incorporated management company which shall be responsible for the future maintenance and upkeep of all services.

Condition nos. 12/13 relate to taking in charge conditions.

Condition no s. 14/15/16 relate to care parking including details of creche parking.

Condition no 28 relates to archaeologist.

Condition no 31 relates to management of excavated material.

9.0 **Prescribed Bodies**

9.1. **Uisce Eireann** (Report dated 21st June 2022)

In respect of Wastewater:

Irish Water records indicate existing IW infrastructure running through the development site and Irish Water do not permit any build over of assets. The applicant was advised that it will be necessary to undertake a site investigation to verify the location of these sewers. The applicant will be required to ensure that adequate separation distances are maintained in accordance with Irish Water's Codes of Practice. If the applicant proposes to divert a section of these sewers they must engage with Irish Water and enter into a diversion agreement with Irish Water prior to commencement of any works on site. A wayleave to the benefit of Irish Water will be required over this infrastructure.

Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary

of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission. The applicant has been issued a SoDA by Irish Water for their proposed designs and layouts within their site red line boundary.

Planning Recommendation: Irish Water respectfully requests the board condition(s) any grant as follows:

1. The applicant shall sign a connection agreement with Irish Water prior to any works commencing and connecting to the Irish Water network.
2. Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved. (a) Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.
3. All development shall be carried out in compliance with Irish Water Standards codes and practices.

10.0 Oral Hearing Request

10.1. A request was received for an oral hearing. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

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

10.2. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral

hearing in this instance.

11.0 Assessment

- 11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory Development Plan and has full regard to the chief executive's report, 3rd party observations and submission by prescribed bodies.

Regarding reference made in the third party observations to the previous planning history on the site, I refer the Board to section 4.0 as regards the current status of the previous application on this site. I would further note this application will be assessed independently on its merits in line with the relevant statutory Development Plan and guidelines as set out above. Similarly with respect to reference made that the application is materially different to the pre-application consultation. The key changes include inter alia: omission of gym at ground floor of Block C in lieu of a multi-purpose residents amenity room; internal layout changes for some of the proposed 2-bed apartments to increase levels of daylight to units in response to Daylight/ Sunlight and Overshadowing Analysis, relocation of ESB substation outside of site wayleave. I do not consider the current proposal is significantly or materially different in terms of the pre-application consultation to render the application invalid. The number of units (123) and overall height (3-6 storeys) have not altered.

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

- Principle of Development
- Design Strategy & Placemaking
- Quantum of Development, Building Height and Visual Amenity
- Unit Mix
- Residential Standards and Amenity
- Traffic and Transportation
- Drainage

- Ecology
- Other Issues
- CE Report
- Material Contravention

NOTE 1: As set out in section 6.1 above the Cork City Development Plan 2022-2028 was adopted on the 27th of June 2022 and came into effect on 8th August 2022. The Cork City Development Plan 2022-2028 is therefore the relevant Development Plan.

NOTE 2: As noted in section 6.6 above the applicant has submitted Material Contravention Statement addressing both the Cork County Development Plan 2014 (which was the applicable Plan and the time of making the application) and the Draft Cork City Development Plan 2022-2028. With respect to the City Development Plan for the 2022-2028 period, which is now the applicable, the applicant's Material Contravention Statement relates to: Residential Density and Building Height.

NOTE 3: The attention of the Board is drawn to the fact that The Apartment Guidelines were updated in August 2023, subsequent to the lodgement of the subject application.

NOTE 4: The attention of the Board is drawn to the fact that Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) have been revoked and replaced with Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), subsequent to the lodgement of the subject application.

11.3. Principle of Development

Proposed Development

11.3.1. The proposed development seeks a 5 year planning permission for the construction of 123 no. residential units in 3 no. 3-6 storey apartment blocks, 1 no. childcare facility and all associated ancillary development works at Old Fort Road, Ballincollig, Cork.

11.3.2. *Zoning*

- 11.3.3. Ballincollig is designated as an Urban Town in the Cork City Development Plan 2022. Ballincollig is the largest urban town in Cork City and one of the largest in the Southern Region. In relation to population and housing, the CCDP notes that the town 'has experienced significant growth in recent in recent economic times. Future housing and population growth in Ballincollig will be concentrated in the Maglin Area to the south of the town and other zoned lands to the west and on infill and brownfield lands within the existing built-up area of the town.'
- 11.3.4. The site is zoned 'Urban Town Centre' in the CCDP 2022 where zoning objective ZO 6 applies. The objective of ZO 6 is 'to consolidate and provide for the development and enhancement of urban town centres as primary locations for mixed use retail, economic and residential growth which also act as a focus for a range of services'. Chapter 12, ZO 6.2 of the CCDP states that the primary purpose of this zone is to consolidate and develop the existing urban town centre areas as primary locations for retail, economic, residential, cultural, community, leisure, civic and other related uses but residential development will be encouraged particularly in mixed use developments. The proposed residential and childcare uses are therefore acceptable in the context of the ZO 6 zoning.
- 11.3.5. The site is also identified within a 'compact growth' area as set out Figure 2.21 *Growth Strategy Map* of the CCDP.
- 11.3.6. Therefore, having considered the available information, including the site context, I am satisfied that the overall principle of residential development and creche are considered in accordance with the zoning objectives. I note the CE report raised no concerns in this regard.

Brownfield/Greenfield

- 11.3.7. Regarding third party concerns that the site is not a brownfield site but a greenfield site. While I note the site has never been built on, it is of relevance that section 2.56 of the CCDP states that 'sites largely surrounded by existing development are considered to be within the city's existing built-up footprint. This includes infill and brownfield sites contiguous to the existing city or urban town. Lands that are generally separated from the existing built-up footprint are considered greenfield'. I am satisfied that the subject site is an infill site within the built-up footprint.

Furthermore, I consider the proposed development of this site consistent with Chapter 10 – Key Growth Areas & Neighbourhood Development Sites, Section 10.20 by reference to *‘other zoned lands to the west and on infill and brownfield lands within the existing built-up area of the town’*.

11.3.8. In conclusion, I consider that the site forms part of a wider area that has been identified for strategic development in local and regional planning policy. Furthermore, I am satisfied that the scale and mix of proposed uses is acceptable in accordance with the zoning objectives and other relevant policies and objectives for the area. Accordingly, I am satisfied that the principle of the proposed development is acceptable on these lands, subject to further assessment of detailed planning considerations as outlined in the following sections.

11.4. Design Strategy and Placemaking

Context

11.4.1. An Architectural Design Statement accompanied the application. As noted the site is located on lands zoned ‘Urban Town Centre’ and fronts directly onto Old Fort Road. Located opposite the site there are various apartments ranging in height from 4/5 storeys with an 8 storey tower element, the town centre retail, commercial and office uses are located further south, east and west.

11.4.2. The Regional Park, Water Treatment Plant and GAA Playing Fields lie to the north of the site, and beyond that again is the River Lee & the Lee Valley Hills. The site is sandwiched between low density residential housing with gardens to the west, and a Medical Centre and Nursing Home with landscaping to the east. Existing trees, hedges and planting form boundaries along the north of the site. There is a significant level drop of 5-6m from Old Fort Road towards the north of the site.

11.4.3. The design of the development consists of 3 separate blocks which have a north-south orientation. At streetscape (addressing Old Fort Road) building heights reflect 3-4 storey blocks with the top floors recessed. The elevations to the rear reflect 5-6 storey blocks with the top floors recessed, reflecting the fall in site levels from south to north at c. 6m. All three blocks reflect a similar design approach and provide active frontage onto Old Fort Road. There are units at street level in block’s A and

B which can be accessed directly from Old Fort Road. Each block contains an entrance lobby from Old Fort Road while Block C contains a childcare facility that also fronts onto Old Fort Road. At street level, the southern elevation of each block is elongated providing for a longer building line/streetscape. The Blocks are connected by a podiums at first floor level, creating courtyard style outdoor amenity spaces above, with car parking, bicycle parking, bin stores and service rooms located underneath.

Local Policy

- 11.4.4. Chapter 3 *Delivering Homes and Communities* of the CCDP seeks to ensure that placemaking is at the heart of all development to create attractive, accessible, liveable, well-designed, child-friendly, playful, healthy, safe, secure and welcoming, high-quality urban places. The CCDP seeks to promote the concept of a 15-minute city focused on inclusive, diverse and integrated neighbourhoods served by a range of homes, amenities, services, jobs and active and public transport alternatives and requires that proposals for new development demonstrate how placemaking is at the heart of the development and how the development will contribute to the local neighbourhood (Objectives 3.1 and 3.3).
- 11.4.5. Chapter 11 of the CCDP relates to Placemaking and Managing Development. It set out that ‘development should have a positive contribution to its receiving environment delivered by innovative architectural, landscape and urban design, that respects the character of the neighbourhood, creates a sense of place, and provides green spaces and community and cultural amenities commensurate with the nature and scale of the developments’. Section 11.5 sets out eight no. overarching development principles. In a more general sense, CCDP Objective 11.3 outlines that Housing Quality and Standards should address the key qualitative aspects outlined in Table 11.10. These aspects are discussed in the following table:

Table 1 – Assessment of CCDP key qualitative aspects for Housing

Layout, Orientation and Form	
A	Having regard to the town centre location and the nature of constructed development on the adjacent town centre lands, in particular, the residential

	development directly opposite the site, the built form, massing and height of the development is consistent with the surrounding context.
B	The layout forms a coherent, legible and navigable pattern development and will enhance the public realm along Old Fort Road providing for active ground floor uses in the form a creche, residential amenity spaces, open spaces, and own-door units. These arrangements create a sense of activity and security.
C	As outlined in sections 11.7 and 11.8 of this report, the proposed development will provide adequate privacy and daylight. There will be a high proportion of dual aspect units and any single-aspect units will have appropriate views. The views appropriately optimise visual interest over open spaces within the site and in longer views towards Regional Park and Lee Valley Hills beyond to the north. The layout provides clear and convenient routes which are appropriately overlooked to provide safety. There would be no significant noise interference from common areas. Having regard to the application drawings and documents, I am satisfied that the proposed homes will help meet the challenges of a changing climate and that they will be subject to compliance with Building Regulations.
Outside Space	
D	I refer the Board to section 11.7 of this report. I am satisfied that proposed communal and private amenity spaces are acceptable in terms of quantity and quality.
E	
Usability and Ongoing Maintenance	
F	The experience of arrival to the development is suitably accessible and fit for purpose. The application includes a Building Lifecycle Report which acceptably outlines how the development is designed to facilitate future maintenance.

National Policy

- 11.4.6. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. An assessment of the proposed

development against the stated ‘key indicators of quality design and placemaking’ is outlined in the following table and I am satisfied that this will reinforce the overarching placemaking principles as set out in the CCDP 2022-2028.

Table 2 – Assessment of Key Indicators of Quality Design and Placemaking

(i) Sustainable and Efficient Movement	<p>(a) The site sits on the northern edge of Ballincollig’s Town Centre and fronts directly onto Old Fort Road. The location provides for pedestrian connection through the new town centre development onto Carrigrohane Road. The site is within walking distance of local services, main retail facilities, schools and wider mixed-use facilities. The proposed network is permeable, legible, and easy to navigate. I am satisfied that the proposal adequately optimises movement for sustainable modes.</p> <p>(b) The proposed development provides for connection to the existing Waltham Abbey residential development to the west of the site and potential future connection to the laneway to the north. I refer the Board to section 11.7 and 11.9 below. The site is well served with public transport connections- a high frequency bus service is within 5 minutes walking distance along Carrigrohane Rd and it will benefit from good connections to existing and planned bus services and, as well as excellent pedestrian and cycle links in the form of the existing connections along Old Fort Road.</p> <p>(c) The application includes a DMURS Statement. The Planning Scheme actively promotes sustainable transport modes (Objective 4.4 Active Travel – promoting walking and cycling, Objective 4.5 Permeability – seeks to maximise permeability). Active travel measures have been suitably prioritised in the proposed layout. Section 11.7 and 11.9 relate.</p> <p>(d) As outlined in section 11.9 of this report, the quantum of car parking as set out in the TTA submitted is deemed acceptable and in line with the Planning Scheme.</p>
(ii) Mix and Distribution of Uses	<p>(a) As outlined in section 11.3 of this report, I am satisfied with the proposed mix of uses having particular regard to the town centre location and the associated services and amenities.</p>

	<p>(b) The proposed apartments and creche will balance the commercial, retail and employment uses of the town centre with the critical mass needed to sustain the town centre as an attractive and vibrant place to live.</p> <p>(c) The proposed development is suitably served by local service/amenities within the adjacent town centre which will be complemented by the proposed creche.</p> <p>(d) As outlined in section 11.5 of this report, the proposed quantum of development promotes intensification.</p> <p>(e) As outlined in section 11.7 of this report, the proposed development aligns with public transport services.</p> <p>(f) I refer the Board to section 11.6 as regards my concerns with respect to Housing Mix.</p>
(iii) Green and Blue Infrastructure	<p>(a) The design and layout of the landscape masterplan (drg. 6752-300) aims to create an inclusive and coherent new community based on best practice urban planning and landscape design principles, giving residents a sense of place, ownership and identity. The scheme seeks to retain, protect and enhance the good quality trees along the northern boundary of the site and provide an attractive, 'soft', urban edge to Old Fort Road, with south facing semi-private open space with tree and hedge planting to the curved street, reflecting the existing clipped hedge privacy planting to the 'Crescent', I am satisfied that the proposal has sought to protect and enhance important natural features (habitats and species) within and around the site; avoids the degradation of ecosystems; and includes suitable measures to mitigate against any potential negative ecological impacts. (I refer the Board to section 11.11, 12.0 and 13.0 of this report)</p> <p>(b) The proposal includes an integrated network of multifunctional and interlinked urban green spaces, including public and semi-private open spaces that provide a strong neighbourhood identity, including south facing planted green spaces to Old Fort Road and two attractive podium roof deck gardens with attractive planting, seating, and play areas for younger children who reside in the scheme.</p>

	<p>(c & d) Sustainable surface water drainage systems are employed through the use of sedum-based green roofs on each rooftop, a high percentage of soft landscaping, and permeable paving for exterior parking spaces.</p> <p>The subject site is an infill site, and the proposed development provides for enhanced urban greening as part of the application through the incorporation of green elements into urban environment and infrastructure, such a green spaces and roofs. Greenifying urban spaces can offer numerous benefits for both the environment and its inhabitants, including creating new habitats, offsets carbon emissions, improve wellbeing and air quality and the potential to reduce noise pollution. I am satisfied that the landscaping is acceptable and consistent with the broad theme of the NBPA 2023-2030 and in accordance with the Guidelines.</p>
(iv) Public Open Space	(a) I refer the Board to section 11.7 below.
(v) Responsive Built Form	<p>(a & b) The applicant argues and I would agree that a distinct and recognisable scheme is established though the architectural and design treatment of the form, fenestration, and material colours and finishes. The height of the blocks along Old Fort Road is set at an appropriate scale in relation to the road and path widths, and the Crescent Apartments across Old Fort Rd. The plazas in front and in between the blocks at street level comprise of high quality hard and soft landscaping, street furniture and planting, and form a transition between the semi-public spaces for the residents and the public-realm of the street. Podium level outdoor amenity spaces are carefully landscaped to create a more intimate courtyard-style feel for private use of the residents. The apartment layouts have been carefully considered to optimise access to southern, western and eastern light where possible, with Blocks A & C off set to form steps in the floor plan and allow for more dual aspect units. There are zero north facing single aspect apartments in the development.</p> <p>I accept that the development will change the outlook from neighbouring properties in Waltham Abbey and this is a direct result of</p>

	<p>the changes in ground level form south to north. However, I am satisfied the development represents an acceptable design solution. I refer the Board to section 11.5, 11.7 and 11.8 below.</p> <p>The scheme will be a very positive addition to the identity of the locality and enhance the sense of place through the high quality architecture, landscaping and urban design along the street front. I am satisfied that this will create a legible and coherent urban structure which responds in a positive way to the established pattern and form of development.</p> <p>(c) The proposal will strengthen the overall urban structure and will successfully link with existing and permitted development and provide for future opportunities to create significant new linkages for future development.</p> <p>(d) The proposed blocks will provide activity along the principal frontages in the form of a creche, residential amenity spaces, open spaces, and own-door units.</p> <p>(e) The proposal embraces modern architecture and urban design using simple architectural language for the residential blocks to act as a backdrop to the public realm. The proposed development will be complemented by the other permitted development to the south of the site and will enhance local distinctiveness.</p> <p>(f) A distinctive and resilient palette of materials has been chosen to compliment those of the existing and permitted buildings. The three blocks reflect a similar design approach. The majority of the façade will consist of a palette of render finishes with a variety of colours to break up the elevation into a clean and modern aesthetic. Ground Floor Parking level will incorporate more robust brick and concrete finishes appropriate to parking and service areas. Top floors will be finished in a dark grey metal cladding to distinguish the stepping back of the massing at upper levels. I refer the Board to the Material and Finishes report accompanying this application.</p> <p>I am satisfied that the materials and finishes will successfully respond to local character and will be highly durable as outlined in the Building Lifecycle Report.</p>
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Conclusion

I consider the development of the site as a residential development will provide for the compact urban development of this accessible, serviced site, which is located in proximity to an existing service centre and accessible to employment centres. The proposed development provides high quality form of residential accommodation with a wide range of resident's amenities.

I refer the Board to the applicant's Design Statement which sets out responses to the 12 no. Urban Design Manual Criteria (2009). While the Sustainable Residential Development Guidelines 2009 have been superseded by the Compact Settlement Guidelines 2024, the accompanying manual has yet to be published. I have reviewed same and I have had regard to the contents of the Compact Settlement Guidelines 2024, Table 2 above and CCDP Objective 11.3, Table 1 above and I am satisfied that the proposed built form and finishes will create a distinctive sense of place and the provision of a wide range of residential and commercial amenity facilities, which will encourage social integration through the creation of a local sense of community enhanced by generous communal open spaces and active frontage to Old Fort Road which will allow for an attractive environment for residents and visitors to the area.

A number of mitigation measures including revised design, access and car parking have been suggested by the third parties however, in light of the design and layout of the proposed development, which I consider satisfactory as addressed in section 11.5 and 11.7 of this report, I do not consider that the development warrants amendment on these basis.

11.5. Quantum of Development, Building Height and Visual Impact

- 11.5.1. The Cork City Development Plan policy seeks to maximise the use of zoned and serviced residential land as expressed in Objective 2.32 Housing Supply which states that the objective is to support an increase in the supply, affordability and quality of new housing in the city and provide a range of housing options delivering good design that is appropriate to the character of the area in which it is built, while also achieving an efficient use of zoned and serviced land. The CCDP sets out a

combined building height and density spatial strategy, illustrated in Figure 11.1 of the CCDP. The strategy is comprised of four sub-areas, each with their own quantitative performance criteria. The density strategy is set out in Chapter 3 Delivering Homes and Communities.

11.5.2. The site area is 1.065 ha. The proposed number of units is 123, with a proposed density of 115 units to the hectare. Objective 3.5 *Residential Density* of the CCDP 2022 includes that ‘Cork City Council will seek to promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives....’

11.5.3. Residential densities are set out in Table 11.2 of the Plan. Densities are expressed in terms of target minimums and maximums for the constituent areas of the City. The subject site is located in Inner Urban Suburb, “Central Ballincollig”, described in section 11.38 as follows: *A large district centre west of Cork City and soon to benefit from improved public transport connectivity with the Cork Light Rail project set to provide frequent services to the City and Mahon.* Table 11.2 *Cork City Density and Building Height Standards* states that this Inner Urban Suburb is identified as being suitable for densities of 50-100 units/ha and heights of 3-5 storeys. In relation to building height, as set out above, the proposed development is arranged in 3 no. blocks which range from part 3-6 storeys.

Density

11.5.4. The proposed density exceeds the density ‘targets’ set out in the CCDP and this was raised by the third parties in their submissions. The applicant has addressed this in their Material Contravention Statement and argue that as per the Sustainable Residential Development in Urban Areas Guidelines, in order to maximise inner city and town centre population growth, there should, in principle, be no upper limit on the number of dwellings that may be provided within any town or city centre site, subject to a number of safeguards. I note the CE report considers the density acceptable owing to the town centre location and national and regional policies which seek to promote increased densities at appropriate locations.

- 11.5.5. I draw the Boards attention to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) published subsequent to the lodgement of this application and which set out that it is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied at town centres designated in a statutory Development Plan (Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs). I would further note given the previous status of Ballincollig in Cork County that Table 3.3 - Areas and Density Ranges – Metropolitan Towns and Villages of the Guidelines establishes residential densities in the range 50 dph to 150 dph (net) shall generally be applied in the centres and in urban neighbourhoods of Metropolitan Towns. In both scenarios the proposed density of 115uph would be within the density ranges established.
- 11.5.6. Section 3.4 of the Guidelines recommends that the density ranges should be further considered and refined. Step 1 in the refining process is the ‘consideration of proximity and accessibility to services and public transport’, which encourages densities at or above the mid-density range at the most central and accessible locations, densities closer to the mid-range at intermediate locations, and densities below the mid-density range at peripheral locations.
- 11.5.7. Table 3.8 outlines further guidance on accessibility. Ballincollig is currently well served by public bus services. The Traffic and Transport Assessment submitted with the application sets out that the closest bus stop is located on the R608 Main Street, approximately 300m to the south of the site. The bus stops are served by the number 220 & 220X Carrigaline-Cork-Ballincollig and the number 233 Cork-Ballincollig-Ballingeary regional bus services. The 220 service operates on a 24-hour basis with increased frequency during the day (every 15-minutes for the majority of the typical day). BusConnects is included in the Cork Metropolitan Area Transport Strategy 2040 and provides for a route from Ballincollig to the City Centre. In addition an emerging preferred 18km route for a new Luas service in Cork was launched on 15th April 2025. The proposed route will stretch from Ballincollig to Mahon Point. I refer the Board to section 11.9 of this report also.

- 11.5.8. Ultimately, Section 3.4.1 of the Guidelines confirms that the density range set out will be acceptable. And having regard to the frequency of existing and planned services adjoining the site and within walking distance, I am satisfied that the proposed density (115 uph) is appropriate.
- 11.5.9. Step 2 in the refining process is the 'consideration of character, amenity and the natural environment'. I have considered these matters throughout my report, and I am satisfied that the proposed density is acceptable. I refer the Board to proceeding section of this report.
- 11.5.10. In summary, while I consider the proposed development contrary to the quantitative figures set out in Table 11.2, I do not consider the development to be a material contravention of the Development Plan as regards density in so far as the Plan provides in section 11.72 that while residential densities are set out in Table 11.2, 'densities are expressed in terms of minimums and maximums for the constituent areas of the City' and that 'density targets and prevailing character will be the key measures in determining site-specific density.' Of note Table 11.2 includes the word 'target' with reference to resi-led schemes and the minimum and maximum figures identified in the Table 11.2. Therefore, in my opinion, within the CCDP there is scope for increased densities in excess of Table 11.2 'targets' and having regard to section 11.72.
- 11.5.11. I am satisfied that the Development Plan provides scope for increased densities in excess of Table 11.2 'targets' and that the site is an appropriate location for 'amplified' density owing to the site zoning with the 'Urban Town Centre' in proximity to similar density residential development within this zoning and having regard to the s.28 guidelines, in particular, the Compact Settlement Guidelines 2024 which have superseded the Sustainable Residential Development in Urban Areas. Whilst published after the application was lodged, it is considered that the matter of residential density is clearly ventilated already in the full file documentation, including submissions and the CE report. The density does not change the premise of the submissions and the assessment of the CE.
- 11.5.12. This matter is addressed in the applicant's Material Contravention Statement. I refer the Board to section 11.14 of this report.

Building Height and Visual Impact

- 11.5.13. As set out above, the proposed apartment blocks range in height from 3-6 storeys. Due to the sloping nature of the site (6m from southern to northern boundaries), the buildings range between 3 to 4 storeys on Old Fort Road (with the upper floor set back on each block) and 5 to 6 storeys to the rear.
- 11.5.14. The *Cityscape and Building Height* section of Chapter 11 of the CCDP sets out Cork City's building height and tall building strategy and is based upon work prepared as part of the Cork City Urban Density, Building Height and Tall Building Study 2021. Table 11. 1 and Table 11.2 of the CCDP outline building height targets of 3-5 storeys for 'Central Ballincollig'. Consistent with the applicant's Material Contravention Statement, I would accept that the proposed height (part 6-storey) would be contrary to the 'target' maximum height identified in both tables and Objective 3.5 of the CCDP as it relates to 'standards' set out in Chapter 11 of the CCDP. However, similar to the density targets set out in Table 11.1, Table 11.1 and Table 11.2 as they relate to building height also include the 'No. of storeys' as 'target' upper and lower building heights. Section 11.33 states that 'the building height of development will respond directly to the proposed density of development, the character of an area, as well as block development typologies, site coverage and a range of other factors.' Therefore, in my opinion, within the CCDP there is scope for increased building height in excess of Table 11.1 and 11.2 'targets' having regard to the provisions of section 11.33.
- 11.5.15. The applicant has argued that a material contravention would be justified based on the following provisions of the Act of 2000: 37(2)(b)(iii) – The provisions of the National and Regional Planning Policy and Guidelines which call for the promotion of development that supports sustainable mobility including public transport, walking, and cycling, Section 28 Ministerial Guidelines including the Building Height Guidelines prohibition of blanket numerical limitations on building height.
- 11.5.16. Chapter 3 of the Building Height Guidelines (2018) outlines a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively

assist in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. In this regard, I would generally concur that the proposal assists in securing the NPF objectives of focusing development on key urban centres and fulfilling targets supporting the National Strategic Objective to deliver compact growth in our urban centres.

11.5.17. SPPR 3 of the Building Height Guidelines sets out that where a planning authority concurs that an application complies with the criteria outlined in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant Development Plan may indicate otherwise.

11.5.18. As set out above, I consider there is scope within the CCDP to provide for increased building height as the figures set out in Table 11.1 and Table 11.2 are identified as 'targets'. Therefore, I do not consider the development relies on the provision of SPPR3, however having regard to section 11.33 of CCDP which considers how building height responds to context, I consider it appropriate to apply the criteria outlined in Section 3.2 of the Guidelines in the interests of completeness and to address the broad criteria set out in section 11.33 (This should be read in conjunction with Table 1 & 2 above.)

City Scale

11.5.19. In the first instance the site is removed from Cork city centre and is located in the urban town of Ballincollig.

11.5.20. In relation to public transport services, the site is within a central/accessible town centre location distanced c.300m from the closest bus stop. I refer the Board to section 11.5.7 above and section 11.9 of this report.

11.5.21. In terms of integration with the character and public realm of the area, I note that the site is not located within an ACA or other 'conservation area'. There are no registered historic monuments or protected structures on the site. To the east of the site, the two-storey building in use as a medical centre is a protected structure PS1232 -Cavalry Barracks and on the National Inventory of Architectural Heritage

(20842005). The development is removed from and independent of the setting of the Protected Structure. I am satisfied that the proposed development will not compromise the setting or character of this heritage building.

11.5.22. The application is accompanied by a series of photomontages based on 6 viewpoints which compared the proposed and cumulative development to the existing baseline viewpoint. I have reviewed all viewpoints selected and I would concur that the vast majority of baseline views could not be described as highly sensitive. I accept the proposal will result in some impacts, but it would still be adequately scaled and distanced from adjacent development and would comfortably integrate with the scale of the adjoining area by virtue of design including set back and finishes and separation distance.

11.5.23. I note the third parties argue that the development is less than 300m from a pastoral section of the river Lee and at 6 storeys high and will have a detrimental visual impact on views from and of a pastoral section of the River Lee. It is set out that the development 'contravenes GI 7-1 of the relevant development plan'. Of note, GI 7-1 is not a relevant policy objective of the current CCDP 2022-2028. I note the CCDP 2022-2028 (including Volume 3: Built Heritage objectives) does not identify any protected views that the proposed development would impact. Furthermore, the 3 Blocks are orientated along a north-south axis which allows for predominantly east and west facing apartments. This layout also allows for views through the site from Old Fort Road to the Regional Park and Lee Valley Hills beyond. In the context of the urban setting of the site, I am satisfied that this design approach is acceptable and will allow for the retention of views to the north.

11.5.24. On balance, I do not consider that there would be any unacceptable impacts on the character or setting of the area and surrounds and I consider in the context of the site including the 4/5-8 storey apartment development located immediate opposite the site (south) that the townscape is evolving to include additional buildings of height. In any case I do not consider the development falls within the definition of a Tall Building as per the CCDP. I refer the Board to section 11.45 of the CCDP which states that a 'tall building is defined as a building that is equal to or more than twice the height of the prevailing building height in a specific locality...', and section 11.46

which states' within Cork City only buildings above 18m / 6 residential storeys are considered 'tall buildings', and only then when they are significantly higher than those around them'. As set out above the surrounding context reflects a variety of building heights and the proposed 6 storeys would not be inconsistent with some of these established building heights.

11.5.25. I am satisfied that the proposed development would appropriately integrate with existing and permitted development and would not result in any unacceptable visual impacts and I am satisfied that the design incorporates sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

District / Neighbourhood / Street Scale

11.5.26. It is accepted that the development of the site will introduce a new form of development on the northern site of Old Fort Road. However, it is adjacent to a primary retail shopping area in Ballincollig town and zoned 'Urban Town Centre'.

11.5.27. The proposed development will contribute to a new town centre neighbourhood by providing additional town centre living. The proposed form and height, including setback upper levels, has been designed to respond to the site and any overbearing and/or sense of enclosure. The stepped approach to the transition of building height helps to facilitate the integration of modern high-density development with the historic low-density built fabric of the area.

11.5.28. The proposed ground floor level fronting Old Fort Road incorporates active frontage and positive public realm works which would help to create a new identity for the development and the surrounding area. The streetscape at this location currently lacks vibrancy and the inclusion of the proposed ground floor range of uses, such as childcare facility and communal entrance halls would add to the attractiveness of the area. It would make a positive contribution to the urban neighbourhood and streetscape and presents an opportunity to improve the public realm of the area.

11.5.29. The architectural response is to break the buildings into 3 linear forms; anchoring them along Old Fort Road with a street presence; maintaining a sense of the landscape flowing through the site with the street level plazas and stepped down

podiums; while also allowing visual links through the site to the hills beyond. The resulting shape and form of the development has evolved to express this concept. To ensure appropriate massing and heights in relation to adjacent buildings the street level of the development comprises of 3 to 4 storeys along Old Fort Rd, with the top floors set back to reduce massing. Block A is one floor lower than Blocks B & C to address the lower scale of adjacent housing in Waltham Abbey. Blocks B & C are similar heights to the existing Crescent Apartments directly across Old Fort Road.

11.5.30. As set above, the three blocks reflect a similar design approach. I consider that this use of form and materials helps to break down the overall scale and massing of the development and avoids a monolithic appearance. This is a satisfactory approach in my opinion and reflects due regard to the adjoining development along the northern side of Old Fort Road which includes 2-4 storey structures including the adjoining 2 storey protected structure. As regards the design approach to the rear (north) of the site which reflects a tiered 5/6 storey design owing to the falling site levels, I accept that this will be a significant change in outlook for the adjoining Waltham Abbey residents. However, I do not consider this change in outlook to be negative or detrimental, having regard to the tiered design approach, the separation distance between the development and units 52-59 Waltham Abbey at 27-35m and the proposed landscaping. I refer the Board to section 11.7 of this report.

11.5.31. The Engineering Report submitted with the application confirms that the site is within 'Flood Zone C' and has a low probability of flooding. It concludes that the risk of flooding is minimal, and I am satisfied that the proposal is in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009). I refer the Board to section 11.10 of this report.

11.5.32. The proposed development would constitute a distinctive insertion at this location, the proposal would introduce additional residential development to the area which would contribute to the mix of uses in the area and adhere to the principles of compact growth.

Site / Building Scale

11.5.33. The Guidelines outline that the form, massing and height of the development should

be carefully modulated so as to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. In section 11.8 of this report, I have outlined how appropriate and reasonable regard has been taken of quantitative performance approaches to daylight, sunlight and overshadowing provision.

11.5.34. I consider that the impacts of the proposed development on the availability of sunlight and daylight to both existing and proposed properties would be acceptable having regard to BRE recommendations and would not result in any unacceptable impacts. While some shortfalls have been identified, I am satisfied that alternative, compensatory design solutions would apply for both individual apartments and the overall scheme as a whole. Furthermore, I consider that the proposed standards are justified given the wider planning objectives that exist, including compact growth and the need to improve the urban design/streetscape context. I again highlight that the proposed development does not rely on SPPR 3 to justify departure from Development Plan building height policy.

Specific Assessments

- 11.5.35. Section 3.2 of the Guidelines also states that to support proposals at some or all of these scales, specific assessments may be required.
- 11.5.36. The application includes a Design Statement, Landscape Design Rationale, Building Lifecycle Report, Material and Finishes Report and lighting Report which all address the design strategy and its impact on the built environment.
- 11.5.37. An assessment of potential noise impact from the nearby wastewater treatment plant predicted noise levels associated with the WWTP are not expected to cause a significant impact on the closest facades of the development (northern) and no mitigation to northern façade structures is required. I note the third parties raised concerns as regards noise impacts arising from the development, I will address this matter in more detail in section 11.7 below.
- 11.5.38. There are no designated nature conservation sites within the site. The Ecological Impact Assessment accompanying the planning application concluded that the development would not result in any significant impacts on ecological receptors

following implementation of appropriate mitigation measures. I refer the Board to section 11.12 of this report.

Summary

- 11.5.39. In assessing the issues of building height/scale, built heritage, and visual amenity, I have been conscious of the transitioning nature of this area and the 'Urban Town Centre' zoning. The proposed development is of a significantly greater height and scale than prevailing building height to the west (2-3 storey residential properties of Waltham Abbey) of the site but this is a direct result of the site levels which fall from south to north and I am satisfied that any determinantal impacts have been mitigated through design. I further consider that the design approach is consistent with the site zoning as 'Urban Town Centre' and that the development reflects the height/scale of development to the immediate south of the site within the same 'Urban Town Centre' zoning.
- 11.5.40. I have assessed the proposed development in accordance with section 11.33 of the CCDP add the policies and criteria set out in the Building Height Guidelines and I am satisfied that the proposed height and scale would be acceptable at this location and can be accommodated without significantly detracting from the character of the area.

Conclusion

- 11.5.41. Therefore, having regard to the location of the site within the built-up footprint of Ballincollig, I consider that the proposed development would provide for an acceptable efficiency in serviceable land usage, and that the density, building height and visual impact would be acceptable. Similarly, I do not consider the proposed density or building height to be a material contravention of the Development Plan, in my opinion, within the CCDP there is scope for increased density and building height in excess of Table 11.1 and 11.2 'targets' and having regard to the provisions of section 11.72. and 11.33 respectively. I will address the matter of the Material Contravention in more detail in section 11.14 Below.

11.6. Housing Mix

- 11.6.1. Concerns are raised by third parties that the development does not comply with

CCDP standards as regards unit mix. The overall unit mix comprises the provision of 39 no. 1 bed at 31.7% and 85 no. 2 beds at 68.3%. The first party contend that the unit mix is intended to cater for a variety of users - singles, couples and small families, across the full age spectrum, and is appropriate to the type of residential units required in Ballincollig as a fast growing satellite town of Cork City.

11.6.2. Objective 3.6 Housing Mix sets out that Cork City Council will seek to:

- a. Implement the provisions of the Joint Housing Strategy and HNDA as far as they relate to Cork City;
- b. Encourage the development of an appropriate mix of dwelling types to meet target residential densities, utilising a range of dwelling types and density typologies informed by best practice (as illustrated in “Density Done Well” in the Cork City Density Strategy, Building Height and Tall Building Strategy) with combinations of houses, stacked units and apartments;
- c. Within all new residential developments it will be necessary to ensure an appropriate balance of housing tenure and dwelling size to sustain balanced and inclusive communities, including a balance of family sized units and smaller dwellings tailored to suit the location (please refer to Chapter 11: Placemaking and Managing Development for those standards);
- d. Deliver at least 20% below-market priced housing across Cork City and ideally within each new residential neighbourhood;
- e. Encourage the provision of housing for one and two person households in all neighbourhoods to meet the needs of all age groups, including providing for downsizing to release family housing units;
- f. Update Development Plan policy as necessary to reflect emerging national guidance with regard to housing standards

11.6.3. Objective 11.2 *Dwelling Size Mix* of the CCDP states that ‘all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances....’ With respect the subject site Table 11.9 sets out the following:

	Min	Max	Target
Studios / PBSA (at LRT Stops / Urban Centre Only)	0%	5%	0%
1 Bedroom	15%	25%	21%
2 Bedroom	30%	40%	34%
3 Bedroom	25%	35%	30%
4 Bedroom / Larger	10%	20%	15%

Table 11.9: Urban Towns and Hinterland Villages Dwelling Size Mix for Housing Developments.

- 11.6.3.1. Objective 11.2 of the CCDP provides that the target dwelling size and mix be adhered to apart from exceptional circumstance or where justification has been provided. Table 11.9 sets out criteria for minimum, maximum and target unit mix. In terms of the proposed dwelling mix, no 3 bedroom units have been proposed and the number of 1 bedroom and 2 bedroom units exceed the maximum percentage for each as set in Table 11.9 of the Development Plan. The Board will note that the CE report considers the unit mix satisfactory having regard to SPPR1 of the Apartment Guidelines.
- 11.6.3.2. I note that the Apartments Guidelines highlight the need for greater flexibility by removing restrictions that result in different approaches to apartment mix on the one hand, and to other forms of residential accommodation on the other. This is particularly relevant where comprehensive housing need and demand assessment (HNDA) has not been undertaken. Accordingly, SPPR 1 outlines that developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. It also states that ‘statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).’
- 11.6.4. In this regard, I note that the Cork City and County Joint Housing Strategy and Housing Need Demand Assessment (HS & HNDA) was prepared as part of the CCDP 2022-2028. Section 1.3 (Methodology) outlines that while information has been presented on dwelling type mix (apartments/flats) and household composition (number of persons per households), a dwelling size mix has not been presented

due to a lack of suitable data (as the Census does not record sufficient data on dwelling sizes or bedrooms to provide an accurate forecast).

- 11.6.5. Section 5.4.5.1 of the HS & HNDA relates to Ballincollig and states that Ballincollig has a high proportion of children and families and a high average household size of approximately 2.88. The Cork City Development Plan 2022-2028 sets a population target of 27,489 by 2028 for the town, an increase of 9,330 or 51%, and a housing target of approximately 3,750 units. It is set out that Ballincollig is well-located on the national road network and significant transport infrastructure is proposed for the town to support development, including the proposed light rail route from Ballincollig to Cork City (CMATS). It is further stated that Ballincollig will be significant for delivering housing for the City as a whole. While new development may deliver greater mix and choice in terms of unit types, sizes and tenure, given existing household makeup a relatively high proportion of larger unit types such as three- and four-bed houses and homes for owner-occupation may be appropriate. It is however acknowledged that the greenfield and edge-of-settlement nature of some major development sites in Ballincollig may entail lower densities than expected elsewhere in the City, with higher densities closer to public transport networks.
- 11.6.6. The HS & HNDA highlights that external market factors can influence the future dynamics in relation to unit mix and dwelling type and concludes that unit type mix over the 2022-2028 period is difficult to forecast with any degree of certainty as the type of new units that will be developed in the coming years will depend heavily on market conditions, development costs, economic conditions, and public policy including national measures to stimulate housing development. Policy Objective PO1 of the HS & HNDA includes an aim for an appropriate mix of housing sizes and states that planning applications for multiple housing units will be required to submit a Statement of Housing Mix detailing the proposed housing mix and why it is considered appropriate in meeting in the needs of an area. A Statement of Housing Mix did not accompany the planning application.
- 11.6.7. The Statement of Consistency accompanying this application argues as regards housing mix that household sizes both nationally and in Cork are getting smaller and it is therefore imperative that the market ensures the development of a greater

mix of units, and an increase in the delivery of smaller units in tandem with larger family units. It is set out that the apartments are set in a variety of 1 and 2 bed configurations, in a number of different unit types and sizes that will appeal to a broad range of tenants. The variety of apartment sizes proposed are intended to focus on providing smaller units, affordability and quality housing, in accordance with the relevant policies and within close proximity to major employment centres.

- 11.6.8. No analysis has been presented to substantiate this statement, however, having regard to the HS & HNDA and indeed the Development Plan which establish that the predominate house type in the wider Ballincollig area will be larger family homes (3/4 bedroom houses) set on greenfield sites and the fact that there are limited infill sites within Ballincollig town centre area, close to existing and future transport links (I refer the Board to section 11.9 below), the site presents an opportunity to provide for a high density and an alternative unit offering to cater for an alternative demographic profile and the need to provide housing that is suitable to all age groups and persons at different stages of the life and the unit mix offering would be consistent with SPPR 1 of the Apartment Guidelines 2023 and Objective 3.6 of the CCDP. However, the fact that the HNDA & HS does not present dwelling size mix due to a lack of suitable data SPPR 1 cannot be relied on in this instance to justify a grant of planning permission.
- 11.6.9. The fact remains that Objective 11.2 *Dwelling Size Mix* and Table 11.9 of the Development Plan set out clear unit mix requirements (apartment form in exceptional circumstances). The proposed unit mix is not in accordance with these requirements and the applicant has not submitted a Statement of Housing Mix justifying any deviation from the standards set out in the Development Plan. Therefore, the proposed development would be a material contravention of Objective 11.2 *Dwelling Size Mix* and Table 11.9 of the Development Plan. I do not consider this matter can be addressed by way of condition owing to the proposed unit mix breakdown and the minimum, maximum and targets set out in the CCDP. In order to comply with the CCDP, the unit profile would require a complete redesign. This would have implications for the wider scheme including potential material changes to the design, layout and finishes and would ultimately reduce the overall number of units to be provided on site.

- 11.6.10. The fundamental issues remains that a Statement of Housing Mix has not been submitted and this issue has not been addressed in the applicant's Material Contravention Statement and the subject application, therefore, does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission. Permission should be refused for this reason.

Conclusion

- 11.6.11. The proposed unit mix fails to comply with the requirements of Development Plan Objective 11.2 *Dwelling Size Mix* and Table 11.9 and therefore materially contravenes the Development Plan and this matter has not been addressed in the Material Contravention Statement submitted. The Board is therefore precluded from granting planning permission.
- 11.6.12. There is no recourse under SHD legislation to seek further information and compliance with Objective 11.2 and Table 11.9 of the CCDP is a 'New Issue' and not a matter that can be addressed by way condition, in my opinion. Therefore, if the Board are minded to grant planning permission and consider that clarification on matters relating to compliance with Objective 11.2 and Table 11.9 is required this may be addressed by way of a "limited agenda" Oral Hearing. If a limited agenda oral hearing takes place, it will focus only on the issues contained within the limited agenda. I would direct the Board to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances.

11.7. Residential Standards / Amenities

Standard of Accommodation/Internal Standards

- 11.7.1. The application is accompanied by a Housing Quality Assessment Report. The Housing Quality Assessment (HQA) document outlines compliance of the proposed apartments with the relevant quantitative standards required under the Apartment Guidelines as incorporated into the CCDP 2022-2028. The drawings have also been

prepared with regard to the requirements of Section 6 of the Apartment Guidelines, summary of the key points from this is set out below detailing how the scheme compiles with the Specific Planning Policy Requirements set out in the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities:

SPPR 3 refers to minimum apartment sizes.

- 11.7.2. The range proposed within the scheme will be 1 bed (2 person): 39 no. x 56.66-sqm, 2 bed: 84no. x 78.46sqm all of which comply with the minimum size standards 2018 and the updated Apartment Guidelines 2023. The guidelines also set out standards for the minimum widths of living/dining rooms and bedrooms and the minimum floor areas of certain rooms within the apartment. 69.1% of the units (85) having floor areas more than 10% larger than the minimum. According to the HQA, the development complies with all the relevant standards.

Dual Aspect

- 11.7.3. SPPR 4 states that it is an objective that generally 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate. The proposed development is located on the edge of Ballincollig Town Centre and consists of 35.8% Units with dual aspect, and no single aspect north facing units. I note the third parties have raised concerns in this respect. The Apartments Guidelines outlines that 'Central and/or Accessible Urban Locations' include:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800- 1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

However, it also states that the range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors. In this instance the site is located adjacent to the town centre on lands zoned 'Urban Town Centre' and in proximity to employment, public transport and amenities. I am satisfied that the site meets the criteria for a 'central and/or accessible' location as per the Guidelines. Having regard to the foregoing, I consider that the minimum dual aspect requirement in this case is 33%. The proposed dual aspect ratio (35.8%) would exceed that requirement.

Ceiling Heights

- 11.7.4. SPPR 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. All Floor to Ceiling Heights meet or exceed 2.7m.

Lifts/Stair Cores

- 11.7.5. SPPR 6 states that a maximum of 12 apartments per core may be provided in apartment schemes. The maximum no. of apartments on any floor accessing a single stair and lift core is 11.

Security Considerations

- 11.7.6. All public spaces throughout the proposal are overlooked by apartments via balconies which provide a direct physical connection between home and public space at the lower levels. It is proposed to provide the units fronting onto street level, podium and lower ground floor with own door access from the exterior. These units, along with the lobbies and creche, provide activity and footfall at these levels, promoting an ambiance of security, surveillance, safety and community around the exterior spaces of the building and along Old Fort Rd. I am satisfied that adequate measures have been provided in accordance with s. 3.41 of the Guidelines.

Communal Facilities

- 11.7.7. Shared residential amenities are located at different levels in the buildings. They offer multi-function rooms with shared work spaces, lounges and meeting rooms, and a multi-function room at the lower level. I am satisfied that this scale and range of amenities is acceptable and will provide for flexible uses spaces.

11.7.8. Regarding communal waste storage, the application sets out that a waste management strategy which includes the segregation, storage, and collection of waste in secure storage zones will be implemented. Dedicated areas for waste storage are provided on the ground floor of the development within the carpark area beneath the podiums. These are located in proximity to stair cores along the north edge of the parking to allow ease of access for the residents and ease of collection via the access road. The storage areas can accommodate an appropriate number of waste receptacles for general waste, dry recyclables and organic kitchen waste. These areas will be accessible for all, well-lit and well ventilated. I am satisfied that they are suitably located, sized, and designed to serve the proposed development.

Childcare

11.7.9. As part of the planning process a childcare assessment was prepared which highlighted a need for childcare facilities in the surrounding area. Objective 3.21 of the CCDP requires purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units (providing 20 places). The proposed scheme provides a creche designed to accommodate 36 children and therefore exceeds the requirements of the CDP and Guidelines. The creche will cater for different age groups and is intended to cater for residents of proposed development and families in the wider community and is therefore a welcome addition. Regarding the capacity of local schools, this is a matter for the Department of Education.

Amenity Space

Private Amenity Space

11.7.10. Private amenity space for each apartment is provided in the form of balconies on the upper floors, and terraces on ground floor, podium and street level units. All balconies and terraces exceed the minimum width and area requirements.

Communal Amenity Space

11.7.11. The raised podiums at Level 01 provide communal outdoor amenity space for the apartment residents. The CCDP standards for communal open space refer to those outlined in Appendix 1 of the Apartments Guidelines. Based on those standards,

the proposed development would require a total of 782m² communal open space. I draw the Boards attention to discrepancies in the documentation on file as regards communal open space provision. The Area Summary and Site Data document sets out that communal open space is 1637.4sq.m (c.15.4% of the developable site area as per Area Summary and Site Data document received with this application) while the Statement of Consistency sets out communal open space is 2,424.4 sqm (c.23% of the developable site area as per Area Summary and Site Data document received with this application). In both scenarios the communal open space provided is in excess of the minimum requirements. I am satisfied that the quantum of communal open space proposed is therefore acceptable.

Landscaping

- 11.7.12. A detailed landscaping plan has been prepared and forms part of the application. The podium landscape will be located on an elevated platform with raised planters containing small trees/shrubs throughout the scheme. Informal natural play spaces are designed with natural materials enclosed by tree and shrub planting in raised planters providing south facing seating areas. Dedicated play areas for children are located in each of the podium courtyards. Play Area A (80m²) is located between blocks A and B while Play Area B (85m²) is located between blocks B and C. Seating for parents/ guardians is proposed. These spaces will be overlooked by residences in the development.
- 11.7.13. The tree survey submitted with the application identified 3 category A oak trees and 1 category B oak tree along the northern boundary. These trees will be maintained and protected in accordance with BS5837:2012, Trees in relation to design, demolition and construction, and as set out in the Construction and Environmental Management Plan, which accompanies this application.
- 11.7.14. Boundaries are to be defined with a mix of galvanised, powder coated railings and clipped/trained screen trees and hedges. The scheme has two no retaining walls – at the southwest corner by Block A, and to the east of Block C. The walls are to be painted grey with 1.2 railing on top and screened with planting of climbers, shrubs and hedge. The screening at the southwest corner includes semi-mature feathered tree planting (*Carpinus betulus*, 5m high). This will help to reduce the impact of the

wall. A public lighting plan has also been included.

- 11.7.15. I am satisfied that the proposed landscaping is acceptable and consistent with Objective 6.5 *Trees and Urban woodlands* and Strategic Objective 9 Placemaking and Managing Development and' increase greening in the city by designing green spaces, trees, rooftops and biodiversity areas....'

Public Open Space

- 11.7.16. The CCDP generally seeks 10% public open space provision (section 11.112, table 11.11) except in exceptional circumstances. However, the CCDP does not qualify what is meant by 'exceptional circumstances.' In terms of national policy, Policy and Objective 5.1 of the Compact Settlements Guidelines outline that statutory 'development plans shall include an objective(s) for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area' save in exceptional circumstances. The Guidelines also allow for variations on this standard depending on the nature of the site.
- 11.7.17. In this instance, I note the CE report sets out that no public open space has been provided and raised no concerns in this regard having regard to the location of the development, adjacent to GAA and Soccer playing fields and the Regional Park to the north of the site. The applicants Statement of Consistency states that the scheme provides 8,801.2sqm or 35.5% public open space, 'designed to create usable spaces of high quality amenity and aesthetic quality.'
- 11.7.18. The application does not provide a more detailed quantitative breakdown of the public open space and from the documentation on file it is unclear if this 35.5% is inclusive of the proposed communal open space. I have set out in section 11.7.11 above the discrepancies in the application documentation as regards communal open space provision. However, the Board will note that even if the proposed communal open space as identified at c.15.4% /c. 23% respectively was excluded from public open space calculations, as per the documentation submitted, the remaining public open space equates to c. 20% /12.5% .The provision of c.20% /12.5.% public open space would be in compliance with the CCDP 10% public open space requirement as set out in section 11.112, table 11.11.

- 11.7.19. I note public space has been provided along the Old Fort Road in the form of improved public realm. In addition, a 'semi-public' area wraps around the development and leads from Old Fort Road along the eastern boundary, along the northern boundary and connects to the west into a public recreational space where pedestrian connectivity is proposed to the adjoining Waltham Abbey development. These green spaces are accessible to the public and overlooked by the apartments and independent of the communal podium space proposed.
- 11.7.20. Therefore, I am satisfied that the scheme provides public open space in the form of enhanced public realm along Old Fort Road and landscape spaces around the site boundaries and any shortfall in qualitative standards in terms of larger open spaces for kick- about and other activities is more than compensated by the location of the development, adjacent to GAA & Soccer playing fields and the Regional Park and the communal open space provided. In addition, strong pedestrian connectivity proposed encourages walking as an optimal mode of transport to and from the site to surrounding facilities.
- 11.7.21. I do not consider public open space provision to be a material contravention of the CCDP regarding quantitative provision having regard to the public open space provision identified by the applicant and as discussed above. Furthermore, I agree with the CE report which considered the location of the site relative to the playing pitches and Regional Park enhances the quality of the development proposal and as such, I am satisfied that even if the scheme did not provide the minimum 10% public open space as required by the CCDP, the development of the site would constitute 'exceptional circumstances' in accordance with the CCDP owing to the fact the that playing pitches and park as easily accessible from the development site. In any case, I am satisfied that the development is in accordance with section 11.112 of the CCDP.
- 11.7.22. A review of Cork City Councils *General Contribution Scheme 2023-2029 & Supplementary Development Contribution Scheme 2023-2029* did not identify any provisions for a contribution in lieu of public open space requirements.

Connections & Permeability

- 11.7.23. Objective 2.17 of the CCDP relates to Neighbourhood Design and states 'the design

and siting of development shall create a sense of community and identity, enhance connectivity, incorporate creative approaches to urban design, enhance landscape character and green and blue infrastructure and respect the local context and character of the area.' Objective 4.5 seeks that all new developments include for permeability for pedestrians, cyclists and public transport to maximise accessibility.

11.7.24. A Quality Audit accompanied that planning application and established that in general, there is good pedestrian access provided to the site from Ballincollig Town Centre, Main Street and Ballincollig Town in general. Therefore, many of the social, educational, retail, employment areas and public transport links are close by and within walking distance. The Audit includes a number of recommendations. Works identified outside of the site are not within the gift of the applicant to provide, however recommendations relating to the subject site and lands subject to consent works from CCC can be addressed by condition, in the event the Board is minded to grant planning permission.

11.7.25. Regarding proposed connections and permeability links, the proposed vehicular access point to the development site is to the southeast corner off Old Fort Road. There is an existing access to the medical centre to the east which is to be amalgamated as part of this proposal. The roadside boundary is further enhanced by an existing 1.5m bicycle lane, 2m wide footpath and a grass verge is proposed along Old Fort Road and it is proposed to provide a set down area outside Block C. All of which provide strong pedestrian connectivity to Ballincollig Town Centre and encourage walking and cycling as the optimal mode of transport to and from the site to surrounding facilities.

11.7.26. An additional point of access is provided at the northwest corner of the site to facilitate fire vehicle access and pedestrian connectivity, to adjoining development, Waltham Abbey. The third parties have serious concerns as regards this access and it's potential to be used a permanent vehicular access point and the associated potential to compromise the safety of the green area of Waltham Abbey at this location. The applicant has indicated that the emergency access will be controlled by collapsible bollards (a section of grasscrete surface is provided in this location within the site). I am satisfied that this is acceptable and while I note the concerns

of the third parties as regards the potential to use the location as a permanent vehicular access point, I am satisfied that a suitable condition requiring collapsible bollards be constructed on site can be controlled by way of condition in the event the Board was minded to grant planning permission.

- 11.7.27. With regards to concerns about the impact on the green space, I do not consider this emergency vehicular access will compromise the use of the green space given that there is currently a turning area located at this point. Similarly, I do not consider any additional pedestrian traffic would impact the usage green area or result in any pedestrian hazards at this location in so far as Waltham Abbey is currently served by a network of pedestrian footpaths. Regarding concerns raised about the width of footpaths within the Waltham Abbey estate to facilitate connections, I am satisfied that the existing footpaths are acceptable in the context of the residential estate. I note that this connection via Waltham Abbey does not form part of the applicant's 'walkable town' concept and in my opinion, the proposed pedestrian connection is likely to benefit the residents of Waltham Abbey more than the future residents of the proposed development by providing easy access to Old Fort Road and potentially the amenities to the north in so far as the landscape plan identifies provision for a pedestrian access gate linking the site to the access to lane to the north with onward pedestrian permeability to the GAA and Soccer fields and the Regional Park to the north. This link would provide a much more direct access route to these amenities.
- 11.7.28. I am satisfied that the proposed connections are consistent with Objective 2.14 Walkable Neighbourhoods, Objective 2.17 and Objective 4.5 of the CCDP and would be a welcome addition locally in my opinion, I have no concerns in this regard.

Separation Distances

- 11.7.29. Section 11.101 of the CCDP recognises that a minimum separation distance of 22m between the rear elevations of buildings was traditionally required. However, it also acknowledges that best practice has since evolved, and lesser separation distances are often appropriate, particularly in an urban context, subject to design solutions and site-specific context.
- 11.7.30. The Board will note that, consistent with the NPF preference for performance-based

standards and a range of tolerance (NPO13), the Apartments Guidelines do not apply the 22m standard and advise against blanket restrictions on building separation distance. It highlights a need for greater flexibility in order to achieve significantly increased apartment development in cities and points to separate guidance to planning authorities as outlined in the Building Height Guidelines.

- 11.7.31. More recently, the Compact Settlement Guidelines outline that separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development. SPPR 1 states that development plans shall not include an objective in respect of minimum distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential both local and national policy allows for appropriate flexibility in separation distances. In general the proposed layout provides for separation distance between opposing elevations of c.22m - 25m, towards the front of the site addressing Old Fort Road this is reduced to c.12.9m, in these instances the windows are slightly off-set and there is no directly opposing windows. I am satisfied that this is acceptable.
- 11.7.32. Therefore, having considered the separation distance/s of the proposed development as it relates to the existing residential properties, I am satisfied that adequate separation distances have been provide for within the scheme and in line with relevant standards.

Impacts on Adjoining Residential Amenities

- 11.7.33. Concerns were raised by third parties that the development would negatively impact on the residential amenities of the adjoining properties of Waltham Abbey. There are two rows of two-storey terraced housing to the west of the site and there is an existing apartment development/ complex to the south of the site which ranges in height from 5-6 storeys and includes an 8 storey tower at the western end of the complex. I will address the matter of Daylight and Sunlight in section 11.8.

Overlooking/Overbearing

- 11.7.34. Block A is the closest block to the houses in Waltham Abbey and the distance between the apartments and the existing houses ranges from between 27m to 35m. As noted in the CE report and raised by the third parties, there are balconies and windows serving habitable rooms on the west elevation of this block. Views from the development would be onto the front elevations of this units in Waltham Abbey. However, having regard to the separation distances as set out above and the provision of the Compact Settlement Guidelines which provides for reduced separation distances of 16m, in addition, Block A is four storeys with the 5th floor recessed. I am satisfied that the combination of separation distance and building height minimise overlooking and any overbearing impacts on Waltham Abbey. I further note that the development is separated from Waltham Abbey by a proposed 2m high railing and 1.2m high beech hedge along the western boundary of the site and the development will not encroach or reduce the amenity area serving Waltham Abbey to the immediate west of the site ensuring their established sense of space and place is retained. I am satisfied that the proposed development is acceptable and in accordance with standards.
- 11.7.35. I do not consider the development addressing Old Fort Road at 3 and 4 storeys with the top floor recessed will have any negative impact on the apartments located opposite the site to the south by reason of overlooking or overbearing impact having regard to their location on the opposite side of the public road and the low profile design of the development as it addresses Old Fort Road.

Noise

- 11.7.36. The documentation accompanying this application states that an Assessment of Potential Noise Impacts Report was prepared by AWN Consulting which included an analysis of a number of factors including applications of good acoustics design, façade treatment and external amenity area noise. I note the assessment submitted addressed the potential noise impact from the existing Ballincollig Waste Water Treatment Plant (WWTP) on the proposed revised residential development only.
- 11.7.37. The third parties have raised concerns in this regard. I draw the Boards attention to the Statement of Response to ABP Opinion document which sets out that ‘buildings have been designed to minimise sound transmission from the apartment units to

the exterior. Using masonry construction offers high levels of sound insulation performance, and glazed elements and ventilation systems that have good acoustic insulation properties are proposed. As such the internal noise levels generated by the apartments will not adversely impact on the neighbouring Waltham Abbey Houses.' While I note no baseline noise survey was submitted as argued by the third parties, I am satisfied that the design approach proposed is consistent with best practice. I am further satisfied that this matter can be addressed by way of condition should the Board be minded to grant planning permission.

Impacts during Construction

- 11.7.38. Third parties also raised concerns about the impact of construction works including potential structural damage to their properties at Waltham Abbey. The submitted Construction and Environmental Management Plan sets out the means by which potential for effects on adjoining properties during from noise, vibration and dust would be controlled. The CE report notes and I would agree that the proposed controls are typical for residential construction and while some disturbance could occur during the construction phase, this would be for a limited time period and an acceptable consequence of developing the site for residential development during a period of housing crisis.
- 11.7.39. With respect to third party requests for a pedestrian crossing pedestrian crossing from Old Quarter/ Waltham Abbey to the shopping precinct during construction phases. I note the construction will not impact the current access arrangements to and from Waltham Abbey/Old Quarter and there is a existing tabletop crossing at the entrance to the estate across Old Fort Road which will not be impacted by the proposed development. I further note that the operation of this crossing including design is outside the scope of this planning application and is a matter for the Roads Authority.

Conclusions on Residential Standards

- 11.7.40. As outlined in the foregoing, I have considered the location, nature, scale, design, and layout of the proposed development and I have reviewed the applicant's Housing Quality Assessment and the associated plans and particulars, and I am

satisfied that the information provided regarding floor areas, dimensions, and aspect etc. is reflective of the scheme.

I am also satisfied that the proposed development would provide an acceptable level of residential amenity for the prospective occupants, supported by an appropriate level of communal services and facilities and will not have a significant determinantal impact on the adjoining properties including Waltham Abbey by reason of overlooking, overbearing impact, noise or construction impacts.

I note the third party concerns as regards the management of the development. The documentation submitted reference a management company will manage the site. In the event that Board is minded to grant planning permission, a suitable condition requiring details of this management company would be appropriate.

11.8. Daylight/Sunlight

- 11.8.1. The Sustainable Settlements Guidelines refer to the various technical standards that can be used in considering the impacts of a development on daylight to neighbouring properties. Section 5.3.7 of the Guidelines state the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high-quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties.
- 11.8.2. The Guidelines refer to the 2022 third edition of the BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice', whereas the applicant's Daylight, Sunlight & Overshadowing Report has been carried in line with the recommendations of BRE's "Site Layout Planning for daylight and sunlight, a Guide to good practice" (PJ Littlefair), 2011 and BS 8206-2008. While the report notes that BS 8206: 2008 was withdrawn and superseded by BS EN 17037:2018 (May 2019). At the time of preparing this application BRE 209 had not been rewritten and a flexible approach to applying the two standards was considered reasonable and local authorities accepted either average daylight factors using BS 8206 or median daylight factors/median illuminances calculated using EN 17037. The approach adopted in this report for assessing daylight levels in the proposed development is

average daylight factors. However, in Appendix D of the Daylight, Sunlight & Overshadowing a daylight assessment has been performed based on the recommendations of the UK national Annex to BS EN 17037:2018.

- 11.8.3. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2023 also state that planning authorities should have regard to these BRE or BS standards. This approach is also consistent with section 11.96 and section 11.98 of the CCDP 2022 and therefore acceptable.
- 11.8.4. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.
- 11.8.5. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 ‘Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

Neighbouring Daylight, Sunlight and Overshadowing Effects

- 11.8.6. Concerns were raised by the third parties as regards the validity of the assessment citing that the units to the west at Waltham Abbey were incorrectly represented. The Daylight Sunlight and Overshadowing Assessment appliance sets out that the models were generated based on site plans and existing 3D models of the surrounding context. As noted in one of the third part submissions submitted, the location/ layout of doors and windows shown for ‘Terraced Houses’ at Waltham

Abbey (page 19 of DSOA) is incorrect. Whilst I agree the image does not represent a direct like for like of the development on the ground, I agree with the CE report that the number of windows and doors shown is correct and on that basis the extent to which this would impact the findings of the analysis is considered negligible. The VSC analysis 'shows that the proposed development will have minimal impact on surrounding buildings in terms of access to skylight'. The surrounding buildings that were analysed exceed the recommendations of the BRE guide (i.e. VSC is not less than 27% or less than 0.8 times its former value). The surrounding properties should therefore experience a similar level of skylight after the proposed development is built. The proposed development meets the requirements of the BRE Guidelines, and any impact will be negligible.

- 11.8.7. The shadow analysis within Appendix B of the Daylight Sunlight and Overshadowing Assessment shows there is no significant effect on neighbouring properties gardens/amenity spaces due the houses at Waltham Abbey being approximately 28m away while the nearest apartment on Old Fort Road is to the south of the proposed development (i.e. therefore no sunlight effect by the proposed development) and approximately 24m away. Regarding particular concerns raised by the residents of Waltham Abbey, the results show that 93.63% of the amenity space should receive at least 2 hours of sunlight on March 21st. Therefore, the proposed amenity space exceeds the BRE 's recommendation for sunlight to open spaces and should appear adequately sunlit throughout the year.
- 11.8.8. Accordingly, I am satisfied that the development will not have a determinantal negative impact in terms of sunlight, daylight and overshadowing impact on the adjoining residential properties in particular, Waltham Abbey.

Proposed Development - Daylight, Sunlight and Overshadowing

Internal Daylight and Sunlight

- 11.8.9. Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The proposed apartment block provides 123 no. residential units, of these rooms assessed, 100% have met

or exceeded the recommended minimum ADF value as per the BRE Guidelines giving a compliance rate of 100%. The results show that all rooms exceed the BRE's recommendations for daylight provision. Therefore, each apartment will enjoy adequate levels of natural light.

Sunlight to Proposed Amenity Spaces

- 11.8.10. All proposed communal amenity areas will meet the BRE guidelines by achieving 2 hours of sun on ground to over 50% of the assessed area on 21st March, thereby comfortably meeting the BRE target criteria.

Conclusion

- 11.8.11. The results show that the proposed development will have minimal impact on surrounding buildings in terms of access to skylight. There are no neighbouring gardens/amenity spaces in close enough proximity to the proposed development to be affected in terms of availability of sunlight. Overall, the development has been designed with due consideration for sunlight and daylight and exceeds the recommendations as set out in the BRE Guide – BR 209 “Site Layout Planning for Daylight and Sunlight, A guide to good practice (2011).

11.9. Traffic and Transportation

Access /Circulation

- 11.9.1. As noted above, the vehicular access point to the development site is to the southeast corner off Old Fort Road. Old Fort Road is linked to Muskerri signalised junction (southwest of the site) and acts as one of the main routes for the area coming to/from the N22 and N40. It also acts as a distributor road for the north side of the town. Old Fort Road is a one vehicular lane in each direction with a two-way cycle facility provided on the northern side and a footpath on the southern side. I refer the Board to section 11.7 above – *Connections and Permeability*.
- 11.9.2. There is an existing access to the medical centre to the east which is to be amalgamated as part of this proposal providing a shared access to both development. The roadside boundary will connect to the existing 1.5m bicycle lane, 2m wide footpath along Old Fort Road. There is a set down area outside Block C. Regarding concerns raised about the shared access arrangements, I note neither

the Area Engineer nor the Transportation Dept. of CCC raised any concerns in this respect. Similarly, I note the concerns raised by third parties as regards potential conflict with vehicular turning movements and the junction to the south of the proposed entrance. The road layout provides for the introduction of a tabletop junction with turning lane provision to access development to the south (town centre side). The Board will note that the current public road layout reflects the same scenario with the absence of the tabletop. The introduction of which will serve to reduce traffic speed and alter vehicles to the road layout. I note the TTA, Quality Audit and CE report raised no concerns as regards the proposed vehicular access arrangements subject to agreement as regard tabletop design.

- 11.9.3. Regarding third party concerns with respect to the Quality Audit and implications of the set down area along Old Fort Road immediately west of the proposed access. As set out in section 11.7, I am satisfied this matter can be addressed by way of condition should the Board consider a grant of planning permission appropriate in this instance.
- 11.9.4. The third parties argue that there is inadequate provisions for the necessary turnabout manoeuvres necessary for vehicles accessing the proposed development. I refer the Board to the auto track analysis drawings accompanying this application drawing no. 3866-AD-P10 which demonstrates that fire tender and large refuse truck can adequately access and manoeuvre on site. The CE report raised no concerns in this regard noting the reports from the Area Engineer and Transportation Dept. of CCC.

Traffic Impact

- 11.9.5. A Traffic Impact Assessment accompanied the application. Sections 5.2 and 5.3 of the assessment establish that the majority of the network continues to perform within capacity in the Opening Year (2023), Interim Year (2028) and Design Year (2038). The Board will note that this SHD application was made in 2022.
- 11.9.6. The proposed vehicle trip generation shows that there will be 49 new two-way movements in the AM peak traffic hour (08.15-09.15) and 50 new two-way movements in the PM peak traffic hour (17.00-18.00) to and from the proposed development. The maximum increases in link flows on the regional road network in

the Opening Year was determined to be 3.7%. This increase occurs during the PM Peak period on Old Fort Road East, just north of the R608 Junction, which will experience a small increase in traffic due to the proposed development. It is set out that the percentage increase in this and similar locations is small to relatively large base traffic flows, I would agree. Increases on the R608 regional road are in the region of 1% during the AM and PM Peak period. The location of the entrance on Old Fort Road limits the increase in flows on the R608 through Ballincollig town centre due to Old Fort Road acting a bypass of the centre of Ballincollig.

- 11.9.7. Analysis of the junctions indicates that the majority of the network will continue to operate within capacity during the peak hours in the Opening Year, Interim Year and Design Year. The TTA did note that capacity issues may arise at the Muskerry signalised junction and the Old Fort Road signalised junction 'Without Development' and 'With Development' scenario. However, in the scenarios where the junctions are experiencing capacity issues these capacity issues are present without implementation of the development, and the introduction of the development is seen to have minimal impact on the junctions in question.
- 11.9.8. I note the third parties argue that the existing traffic in the area will be compounded by the proposed development and the TTA provides insufficient analysis and while I note the time elapsed since the survey work was completed, no significant development works (I refer the Board to section 4.0 Planning History) appear to have been undertaken in the vicinity of the site in the intervening period since this application was made and I am satisfied that the proposed development is sustainable in transportation terms and the trip resulting generation volumes are low owing to the proximity to the town centre services and amenities and non-car-based alternative modes available to residents and visitors at the subject site. I do not anticipate the proposed crèche will generate significant additional traffic owing the town centre location and proximity to employed areas and residential areas accessible by walking. I am satisfied that the general layout is consistent with DMURS, the Transportation Planning Dept. have raised no specific objections. A DMURS statement of Compliance accompanied the application.

Public Transport

- 11.9.9. I note the third parties argue that public transport is insufficient and details submitted incorrect. I note that the submissions on the application have raised concern about a lack of clarity and certainty on the delivery of public transport improvements and the need to phase additional development at this location in tandem with such improvements.
- 11.9.10. The TTA sets out that the site is very well served by public transport. I have set out in section 11.5 above the accessibility of the site relative to public transport. Ballincollig is served the number 220 & 220X Carrigaline-Cork-Ballincollig and the number 233 Cork-Ballincollig-Ballingeary regional bus services. The 220 service operates on a 24-hour basis with increased frequency during the day (every 15-minutes for the majority of the typical day).
- 11.9.11. Subsequent to the lodgement of this application, the National Transport Authority (NTA) launched its new design for the Cork Metropolitan Bus Network in June 2022. The new network, part of BusConnects Cork, is intended to transform the public transport network across the Cork Metropolitan Area. The key benefits of the new network include: An overall increase of 53% in bus services in Cork and two 24-hour bus services including –Route 1 running east-west: Ovens/Ballincollig to City Centre to Mahon and seven all-day high frequency bus routes (services running every 15 minutes or better) more during peak periods, shorter waits and a simpler network and schedule. Since the submissions were made and BusConnects has now completed its third round of public consultation on the eleven proposed Sustainable Transport Corridors (STCs). The consultation documentation outlines that construction of the corridors would take place on a phased basis over 2026-2030. It is envisaged that the new route network would be implemented in advance of this. On this basis, I am satisfied that the BusConnects improvements would be delivered within a reasonable timeframe to accommodate the proposed development and will provide enhanced the capacity and frequency of services to accommodate increased demand generated by the development of Ballincollig including the proposed development.
- 11.9.12. With respect to CMATS, I note that the Cork Light Rail system is proposed to run between Ballincollig and Mahon Point. An emerging preferred 18km route for a new

Luas service in Cork was launched on 15th April 2025. The proposed route will stretch from Ballincollig to Mahon Point. Public consultation is currently open for eight weeks until 9 June 2025. Luas Cork will be designed as a high-capacity system and it's expected that at peak times with services every six minutes, the trams will carry 2,300 passengers per hour in each direction with journey times of 35 minutes from Ballincollig to the city centre and another 20 minutes to Mahon. There is no time frame for the construction of the Luas Cork. Therefore, it remains unknown as to when any light rail system serving Ballincollig might be complete.

- 11.9.13. In any case, I do not consider that the proposed development would be unacceptable in the absence of BusConnects or a light rail having regard to existing service provision in the area. The CCDP seeks to promote the development of Ballincollig and in tandem with that will be the implementation of better public transport, therefore I am satisfied that the site will be adequately served by existing and proposed public transport.

Car Parking

- 11.9.14. The development provides for 98 no. car parking spaces, 272 bicycle spaces and 12 motorcycle spaces. The majority of the car parking (94 spaces) is contained at ground floor level beneath the podiums. These spaces are not visible to the public. There are four gated points of access/egress to the ground floor parking from the northern elevation of the development. The remaining 4 no. car parking spaces are provided at ground floor level adjacent to the main access road opposite block C.
- 11.9.15. The third parties argue that the no crèche car parking has been provided and that overall car parking provision is insufficient and will result in overspill onto the adjoining residential estate. Table 11.13 *Maximum Car Parking Standards* of the CCDP establishes in Zone 3 (City Suburbs and Urban Towns) a maximum of 1.25 spaces for 1-2 Bedroom residential units. This equates to a maximum required of 154 no. car parking space. In addition, Table 11.13 establish 1 car parking space per 6 children for the proposed crèche. This equates to a requirement of 6 no. spaces (creche capacity =36).
- 11.9.16. Regarding the proposed creche parking, while I note that no creche car parking has been provided, I note the set down area along Old Fort Road will facilitate 2 no.

drop-off and collection spaces. Having regard to the town centre location, accessibility to public transport, the pattern of development in the vicinity including employment and residential, I am satisfied that the site is accessible by active and public transport means and therefore additional parking is not warranted in this instance. However, if the Board consider additional parking is required for the proposed creche, I am satisfied this can be addressed by condition if the Board is minded to grant planning permission.

11.9.17. The proposed scheme provides for 98 no. spaces to cater for the residents of the scheme. The car parking standards set out in the Table 11.13 are maximum standards. I have set out above the accessibility of the site relative to public transport. In addition, mobility management will be a key operational feature of the development. To this end, the strategy will be to encourage residents to reduce dependency on the private car and instead encouraging travel by public transport, by cycle, on foot or carpooling. A Mobility Manager will be assigned to a member of Building Management staff who will be responsible for the implementation of the aforementioned commitments and who will ensure that future targets are achieved and monitored. The Mobility Management Plan accompanying the planning application sets out that all residents and visitors will have awareness of the Plan, therefore front loading the car parking status on site. I consider this an acceptable approach.

11.9.18. The Sustainable Urban Housing: Design Standards for New Apartments advocates reduced levels of parking in certain instances. The Sustainable Urban Housing: Design Standards for New Apartments (SPPR 3) specifically note that for accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling. Having regard to this guidance, the public transport offering both existing and proposed serving the site, I am satisfied that the provision of 0.80 car parking spaces per residential unit would be appropriate for the proposed development. This is supported by the Mobility Management Plan accompanying the application. If the Board were minded to request the applicant to address car parking provision for the creche by condition,

this ratio would reduce to 0.75 no. spaces per residential unit.

- 11.9.19. I am satisfied that the car parking proposed is consistent with NSO 1, NPO 26 of the NPF, 64, RPO 4.40, 5.3, 8.1 and Guiding Principles on Integration of Land Use and Transport of the RSES. The reduced level of car parking provision will ensure the growing transport needs of Ballincollig are serviced by sustainable and active travel modes where such infrastructure is delivered as prescribed in CMATS. This alternative approach to the provision of parking in Cork City will assist delivery on the targets set out in the Climate Action Plan (section 11.239 of the CCDP).
- 11.9.20. The CE report noted that there appears to be some discrepancies in the documentation submitted in relation to the provision of EV spaces. The TTA refers to the provision of 20 no. EV spaces while the remainder of the documentation and drawings refers to the provision of 3 no. spaces. The Traffic Regulation and Safety report has recommended that 20 no. EV spaces are provided as per the TTA submitted. I am satisfied this can be addressed by condition in the event the Board is minded to grant planning permission.

Bicycle Parking

- 11.9.21. The 272 no. bicycle spaces are located in dedicated storage rooms at ground floor level of each block. 86 no. spaces are provided at the ground floor of Block A, 94 no. spaces are provided in two storage rooms at the ground floor of Block B and 92 no. spaces are provided at the ground floor of block C. Additional bicycle spaces (12 no.) are provided external for visitors/ guests. 6 no. spaces are provided next to the eastern elevation of block C (adjacent to multi-purpose amenity rooms) and 6 no. spaces are provided outside the entrance lobby to block C. The CE report raised no concerns as regards the quantum of bicycle parking proposed. Table 11.14 sets out a requirement of 1 space per unit in City Centre/ Inner Urban Areas and 0.5 per unit in the suburbs. The quantum proposed is in accordance with Table 11.14.

Conclusion

- 11.9.22. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities. Mobility Management has been provided for in the development master planning, and the development will be

dominated by sustainable transport modes. The CCDP contains policies and objectives which promote measures that have the potential to reduce the climate impact of transport by encouraging a shift from private motorised transport to walking, cycling and public transport. There are good pedestrian and cycle facilities in the area.

I am satisfied that the components are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the Mobility Management Plan submitted by the applicant. Any disturbance as a result of construction will be temporary in nature.

I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority raised no objection in principle. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable impacts in terms of Roads and Traffic safety.

11.10. Drainage

- 11.10.1. An Engineering Assessment Report including a Flood Risk Assessment accompany the planning application.

Foul Water Drainage

- 11.10.2. It is proposed that the foul water from development will connect to an existing 450mm diameter foul sewer which travels through the site and discharges into the waste water treatment plant located directly north of the proposed site. Uisce Eireann raised no concerns in this regard. However, the applicant is required to ensure that adequate separation distances are maintained in accordance with Irish Water's Codes of Practice between the development and the WWTP. I refer the Board to the WWTP-Exclusion Zone Map submitted with this application indicating a 50m buffer.
- 11.10.3. An existing Uisce Eireann trunk main traverses the site at the north eastern corner.

The proposed layout has been designed to accommodate this trunk sewer and the associated wayleave. I refer the Board to Site OS Map which identifies the wayleave. I note the third parties raised concerns as regards the location of the ESB substation with respect to the wayleave. I refer the Board to drawing no. 1921-PL-100 which establishes that the substation is outside of the wayleave area.

- 11.10.4. Uisce Eireann have raised no objection to the proposed development and future connection will be subject agreement with UE. Therefore, any impact from the increased wastewater flows on the existing drainage network are considered acceptable.

Water

- 11.10.5. It is proposed to connect a new 150mm diameter HDPE watermain to the existing 200mm diameter watermain on Old Fort Road. Uisce Eireann have raised no objection to the proposed development and future connection will be subject agreement with UE. Therefore, any impact from the increased water demand generated are considered acceptable.

Storm/Surface Water Drainage

- 11.10.6. The applicant proposes to dispose of all surface water generated from the development by means of connection to the existing 900mm diameter public surface water sewer. It is proposed to add a new stormwater manhole and interceptor near the eastern site boundary. The new storm sewer network will collect surface water runoff from roads, paths and hard areas. The existing public surface water sewer will be diverted as per Drawing no. 3866-AD-P7 and a proposed 10m wide wayleave provided as shown in favour of Cork City Council. This diversion will increase the capacity of the pipe.
- 11.10.7. The proposed surface water network will discharge a maximum of 291.3l/s into the existing drainage system. The existing pipework has a flow of 940l/s with a capacity of 275l/s; therefore the existing network will have adequate capacity for the connection of the proposed development.
- 11.10.8. Surface water attenuation has been not proposed as part of development because the existing storm sewer have enough capacity to accommodate the increase of the

run-off due to the increase of the impermeable area within the development. The proposed development, which forms part of the overall Ballincollig Town Centre development, is located at the downstream end of the River Lee/ River Bride catchment. It has been demonstrated that attenuation on this site is of little benefit to the downstream flow rates.

- 11.10.9. The proposed drainage system comprises SuDS devices, traditional gullies, manholes and underground pipes. An intensive green roof is planned for the development which will cover approximately 1900 m² of the proposed roof area. This layer will facilitate interception of the first 10mm of rainfall falling on the green roof surface. In line with the SuDS manual CIRIA C753 Table 24.6. Rainfall values for the proposed development are sourced from Met Eireann to calculate the input hydrograph for the drainage design. The design rainfall intensities were increased by a factor of 10% to take account of climate change.
- 11.10.10. I note the Drainage Department are satisfied that the proposed storm water drainage acceptable 'by virtue of extensive pre-application liaison with the Applicant's designer to agree stormwater designs.' I am satisfied that the applicant has considered storm and surface water drainage and the impact of the proposed development on groundwater and subject to design criteria outlined the development is acceptable, in my opinion.

Flood Risk

- 11.10.11. Section 6.0 of the Engineering Report addresses flooding. The River Lee is located 510m to the north of the site. The applicant states that the flood extents of the River Lee as indicated on www.floodinfo.ie do not encroach within the site boundary. Consequently the site is designated flood zone C and therefore no fluvial risk is anticipated.
- 11.10.12. As regards pluvial flooding, the Engineering Report notes that ground levels will not be significantly altered and no excavation is proposed and therefore groundwater issues are not anticipated. There are no identifiable water courses adjoining the site. The risk of pluvial flooding is considered low.

- 11.10.13. The third parties argue that there is an increased risk of ground and surface water flooding as a result of the development. Surface water run-off rates analysis carried out by the applicant establish that the storm discharge for the site occurs early in the rainstorm events and the River Bride/ River Lee peak flow lags the beginning of the rainstorm events, by at least 8hr at the location of the discharge point. The analysis of the discharge from the site indicated that at the time of peak flow in the River Bride, the maximum unattenuated discharge rate from the site is 7 l/s. This compares with an estimated 6.3 l/s greenfield runoff rate (Q_{bar}) from the site. Consequently, the peak discharge from the site does not coincide with the peak flow rate in the River Lee and the impact on the flow rate at the location of the site is negligible.
- 11.10.14. I refer the Board to appendix F of the Engineering Design Report for a detail assessment of the runoff characterises from the site, which concludes that storm water discharge from the site does not need to be attenuated by engineered methods as the effect of unattenuated runoff from the site on the adjacent river is not significantly greater than flows that are attenuated to greenfield runoff rates. This confirms the GDSDS advice that unattenuated storm water discharge to a river is acceptable when the receiving waters are located at the downstream end of the river catchment. This design strategy is in accordance with the requirements of the GDSDS.
- 11.10.15. The site has been analysed for flood risk and the proposed development is not considered at risk of flooding fluvial flooding, pluvial flooding, groundwater and drainage system failures flood risk. I am satisfied that the proposed residential units are not at risk of flooding. I note the PA raised no concerns in this regard.

Conclusion

- 11.10.16. I note that no objection to the proposals have been raised by Cork City Council. I note the third parties raised some concerns as regards the flood risk and Uisce Eireann water engagement. However, the submission by Uisce Eireann raised no objection to the water supply and foul drainage proposals. I further note that the Engineering Report identified no hazards to development on the site. I consider the proposed site services and surface water proposals satisfactory in this regard. I am

also satisfied that the residential units are not at risk of flooding and there is no potential flood risk in the vicinity of the proposed site.

11.11. Impact on Biodiversity and Ecology

- 11.11.1. The third parties have raised concerns that the proposed development will impact on local flora and fauna, in particular but not limited to the oak trees on the site, bats and otters known to inhabit this area.

Ecological Impact Assessment

- 11.11.2. An Ecological field study was undertaken on 27th August 2021. This included a habitat survey; in addition an assessment was carried out on to determine if the site supported any other species considered to be of value for biodiversity. A Bat Survey was also undertaken on 27th August 2021, in addition a dawn re-entry survey was undertaken on 1st of September 2021 and dusk emergence survey was undertaken on 14th of September 2021. While I note the time lapse since the survey works were undertaken, I would note the site has remained largely untouched in the intervening period and no significant development has taken place in or around the site. Therefore, I am satisfied that the survey work carried out as part of the EclA is acceptable.
- 11.11.3. The EclA submitted sets out that the site is not located within or directly adjacent any Natura 2000 sites. No Natural Heritage areas are located within 5km of the site. Habitats on site consist of Spoil and Bare Ground (ED2), Recolonising Bare Ground (ED3), Scrub (WS1), Treelines (WL2), Hedgerow/Treeline (WL1/WL2) and screening vegetation. No invasive species were recorded on site.
- 11.11.4. The report notes that the National Biodiversity Data Centre (NBDC) hold no records of badger within 2km of the site and the these were no suitable habitats with the site or the surrounding area for badgers. The EclA does not include any reference to otters on site and while these can be present in urban areas in proximity to watercourses , the site is located in a heavily urbanised area and the River Lee is located ca.430m to the north of the site at its closest point. Having regard to the intervening land uses (Regional Park and playing fields) and extensive level of human activities and noting that the EclA did not record any evidence of otters, I

am satisfied that the site is not a suitable habitat for otter. Similarly, the NBDC holds no records of amphibians within 2km of the site, the EclA concluded that there was no suitable habitat for breeding amphibians on the site given the urban location. The Board will note that no drainage ditches or watercourses are present on the site.

- 11.11.5. All birds recorded on site were common species with onsite habitats of limited value for birds. The treeline along the northern boundary offers foraging and nesting potentials for common bird species. As per the tree survey report accompanying this application 13 no. of the 16 no. trees are to be removed. These trees were considered to be of low value or dead/damaged. 3 of the Oak trees will be retained and are considered of high quality. The applicant argues and I would agree that additional site planting will compensate for the loss of trees and supplement foraging opportunities. All vegetation suitable for nesting birds will be cleared outside of the nesting season.
- 11.11.6. With respect to Bats, a desk top study was carried out and the site was assessed during daytime walkover survey on 27th August 2021 in relation to potential bat foraging habitat and potential commuting routes including the wider landscape to determine connectivity for local bat populations. The River Lee is located ca.430-500m north of the site, which would be used as a common commuting/foraging route for bats. A dusk emergence survey was undertaken on 14th September 2021 and a dawn re-entry survey took place on 1st September 2021.
- 11.11.7. The 4 no. trees to the north of the site were identified as suitable for roosting bats. No bats were observed emerging or re-entering any of the surveyed trees. 3 bat species, common pipistrelle, soprano pipistrelle and lesser noctule bats were observed foraging and commuting along the treeline and scrub area to the north of the site. Lesser noctules were recorded soon after dusk during the emergence survey, indicating that lesser noctule roosts are likely present within the local area. No bats were identified to be roosting within the trees on site. Based on the habitats present within the site and the low level of activity and movement recorded during the surveys, the Bat Survey Report concluded that the site is of low value to bats. I note the mitigation measures identified within section 4 of the Bat Survey Report

with respect to the potential impacts and I am satisfied that subject to the implementation of the mitigation measures set out in section 4.2 that the proposed development is acceptable. I refer the Board to Appendix A of the EclA

- 11.11.8. As noted in section 11.7 above the tree survey submitted with the application identified 3 category A oak trees and 1 category B oak tree along the northern boundary. These trees are to be retained. The trees to be removed are identified as category U trees. Of the trees to be removed 1 was identified with potential bat roost features, it is intended that the removal of this tree will be supervised by the ECoW and will be felled using hand tools only. Should the presence of bats be found, the NPWS will be consulted and a derogation licence obtained, if required. I am satisfied that this is an acceptable approach.
- 11.11.9. The Landscape Design Report submitted sets out that the trees to be retained will be enhanced with a mix of semi-mature trees, shrubs and hedging to compensate for removal. The proposed planting mix will contain species that encourage pollinators increasing site biodiversity. The scheme will also include native tree planting along the northern boundary in addition to wild flower meadows. I am satisfied that the landscaping is acceptable and consistent with the broad theme of the NBPA 2023-2030 and in accordance with the Guidelines and will enhance the biodiversity value of this urban infill site.
- 11.11.10. The EclA sets out that no protected fauna or flora were identified on site. It was concluded that the proposed development will not give rise to any significant impacts to other fauna given the low ecological value of the habitats that will be impacted by the development. With regards to concerns raised about the lighting plan, I note the proposed lighting is broadly in keeping with that of the surrounding area and will therefore not represent a collision hazard and having regard to the sites urban location and already illuminated environment is acceptable, in my opinion. I note the CE report raised no specific concerns as regards the proposed lighting.
- 11.11.11. Regarding third party arguments that the application is premature and should be invalid for being in breach, inter alia, of the Planning Acts and Regulations made thereto, EU law and the Aarhus Convention. I draw the Boards attention to the

recent CJEU in the Waltham Abbey v ABP (SHD 307313-20) which relates to this site. The CJEU concluded: where a third party submission provides ‘*objective evidence*’ as regards the potential significant effects of that project on the environment, in particular on a species protected under the Habitats Directive, that authority must ask the developer to provide it with additional information and take that information into account before deciding whether or not an environmental impact assessment is necessary for that project. Where the competent authority is able to rule out, on the basis of objective evidence, the possibility that the project in question is likely to have significant effects on the environment, that authority may decide that an environmental impact assessment is not necessary, without being required to ask the developer to provide it with additional information.’.

- 11.11.12. With regard to the concerns raised, I refer the Board to the schedule of documentation accompanying this application as set out in section 3.4 of this report and section 12.0 and Appendix A of this report. I am satisfied there is sufficient information on file to allow the application to be determined and that documentation submitted by the applicant, provided information which is reasonable and sufficient to allow a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

Conclusion

- 11.11.13. The development will result in loss of habitat for species which are common and widespread and thus the impact will be minor negative. New landscape planting post-construction will provide habitat for some common and widespread species and, in time, will offset the loss of habitat will occur as a result of this project. Having regard to the category of trees identified for removal and the replacement tree planting and landscaping proposed. I am satisfied that the loss of trees is acceptable in this instance.

Regarding the Ecological Impact Assessment report, I consider the report substantial and subject the implementation of the *Mitigation Measures* outlined in section 5.2 of the report, I am satisfied that the proposed development will not have a significant detrimental impact on the ecology and biodiversity of the site as

outlined above having particular regard to the fact there are no habitats or species which are examples of those listed in Annex I or Annex II of the Habitats Directive. I am further satisfied that the applicant has sought to retain, where practicable, trees on the site and integrate these into the overall landscape plan for the site, in particular, along the northern site boundary and that the development is acceptable in accordance with Strategic Objective 5 of the CCDP as set out in Chapter 6 to '.... protect and promote biodiversity and habitat connectivity and protect natural areas. To protect and enhance Cork City's unique landscape character and maritime heritage. To ensure all of Cork City's residents have access to open spaces, recreation and amenity facilities and natural areas...'.

The Board will note that attached to this report is a technical note prepared by the Inspectorate Ecologist. This report concludes 'having reviewed the scientific information presented in the EclA and AA Screening Report that the survey, assessment and mitigation measures proposed are proportionate to the site and nature the scale of the proposed development. It is noted that the development site is of low ecological value and with the application of mitigation and monitoring measures which can be conditioned to any planning approval, the proposed housing development will not result in significant impacts to any protected species or habitats'.

11.12. Other Matters

Archaeological and Cultural Heritage

- 11.12.1. Concerns were raised by third parties that the proposed development will occur either on part of or extremely close to a site listed in the Record as C0073-043 (Powder Mills) as having legal protection under the National Monuments Acts.
- 11.12.2. I note that there are no Recorded Monuments within application site but there are recorded monuments in the vicinity of the site that form part of the Ballincollig Gunpowder Mills complex. The CE report recommends the inclusion of condition relating to archaeological monitoring. I am satisfied that this is a reasonable approach having regard to the fact that there are no Recorded Monuments within this site and a review of the Cork City online Heritage MAP Web Map (12th March

2025) would indicate significant intervening distance and existing development between the Recorded Monument and the site. Similarly the imposition of a condition will require the archaeologist to comply with the necessary requirement of National Monuments Service and Dept. of Housing, Local Government and Heritage. I am satisfied that this approach is consistent with Objective 8.1 -Strategic Archaeology, Objective 8.2 -Protection of the Archaeological Resource and Objective 8.7 -Industrial Archaeology of the CCDP.

- 11.12.3. As noted in section 11.5 above, the proposed development is not considered to compromise the setting or character of the adjacent protected structure (01268) also listed on the National Inventory of Architectural Heritage (20842005), currently in use as a medical centre. While it is proposed to share an access with this site, the area adjacent to the medical centre has already been altered and re-landscaped and is in use as a car park associated with the medical centre. No part of the development will encroach on the built form of the Protected Structure. Therefore, I am satisfied that the development is in accordance with Objective 8.27 -Elements of Built Heritage - Cork City Council to 'ensure the protection of important elements of the built heritage and their settings as appropriate' of the CCDP.

Land Ownership

- 11.12.4. The third parties set out that the adjoining lands owned by the applicant have not been outlined in blue as required by legislation. The lands in question relate to the green amenity areas of Waltham Abbey. In this regard, I note the CE report sets out that Waltham Abbey estate has been taken in charge by the Council.

Floor Area Discrepancy and Fee Calculations

- 11.12.5. The third parties set out that there is a discrepancy in the floor areas identified and as a result the fee calculations. I refer the Board to section 24 of the application form. The application fee was calculated on the basis on the number of residential units at 123 no. units @ the required €130 per unit and the total of the ancillary spaces/uses including residential amenity spaces (multipurpose amenity room, multi-function area, podium courtyards – does not include circulation areas or hallways), service area and crèche at the required €7.20 per sqm. I am satisfied that all relevant elements of the development have been included in the fee

calculation. Any omission of circulation floor areas and hallway areas are minor and ancillary to the residential units proposed and therefore acceptable and likely account for the floor area discrepancies referenced by third parties.

Consultation

- 11.12.6. As regards concerns raised that observers were not afforded opportunity to consult during pre-application consultation meetings. Third party consultation is provided via the submissions of observations on the file. 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

Compliance with National Policy

- 11.12.7. Regarding concerns raised that the development does not comply with the Planning Act, Regulations 2001, EIA Directives and other national policy and strategy statements, I refer to the third parties to the Planning Report and Statement of Consistency and while I note the concerns raised by the third parties regarding the repetitive and proforma nature of some of the documentation. I would note that the nature of these documents can require cross-reference between various policies and objectives as these relate to elements of the proposed development and that this is not uncommon. I further note that the PA and other relevant sections of the CCC raised no concerns in this respect in the CE report. Therefore, I am satisfied that the documentation submitted is sufficient to determine this planning application.

11.13. Chief Executives Report

- 11.13.1. The CE Report outlines an opinion that the proposed development would be generally consistent with the relevant objectives of the CCDP 2022-2028 as well as the ambitions set out in the NPF and Rebuilding Ireland. I have addressed issues raised in the Chief Executive Report in my assessment above.

- 11.13.2. However, the Board will note my concerns as regards unit mix and compliance with the CCDP 2022-2028 as addressed in section 11.6 of this report.

11.14. Material Contravention

- 11.14.1. The applicant's Material Contravention Statement states that the proposed development could be considered to materially contravene the Cork City Development Plan 2022 as it relates to Density and Building Height Standards.
- 11.14.2. The Board will note the 'new issues' raised in section 11.6 of this report with respect to unit mix and the fact this was not raised in the Statement of Material Contravention (SoMC) submitted by the applicant.

Legislative Provisions

- 11.14.3. Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 outlines that the Board may grant permission for an SHD even where the proposed development materially contravenes the Development Plan or LAP concerned, except in relation to the zoning of land. In any such case, the Board must be satisfied that the provisions of section 37(2)(b) of the Act of 2000 would apply, which are as follows:
- (i) the proposed development is of strategic or national importance,*
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
 - (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
 - (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*
- 11.14.4. The application includes a 'Statement of Material Contravention' (SoMC) as outlined in section 6.6 of this report. The statement has been referenced in the public notices for the application in accordance with the requirements of the Act of 2016 and the Regulations of 2017. The referenced 'material contravention' issues will be discussed in the following paragraphs.

- 11.14.5. In this first instance with regard to the more general question of ‘strategic or national importance’ as per s. 37(2)(b)(i). The proposal is for a residential development and the provision of housing would be consistent with the Government’s plan Rebuilding Ireland designed to accelerate housing supply to address the housing shortage. This applies equally to all material contravention issues and therefore I am applying s. 37(2)(b)(i) in all instances.

Density

- 11.14.6. As outlined in section 11.5 of this report, I consider that the proposed density (115 uph) would contravene the density provisions of the CCDP in respect of Objective 3.5 and Table 11.9 (50-100 uph). However, Objective 3.5 refers to the provisions of Chapter 11: Placemaking and Managing Development and within Chapter 11 section 11.72 sets out that densities are expressed in terms of minimums and maximums for the constituent areas of the City but that ‘density targets and prevailing character will be the key measures in determining site-specific density’. Table 11.2 includes the word ‘target’ when setting out the Lower and Upper density minimum and maximums for the City. Therefore, in my opinion, within the CCDP there is scope for increased densities in excess of Table 11.2 ‘targets’ and having regard to section 11.72 which acknowledges ‘prevailing’ context. In summary, while I consider the development to be contrary to the quantitative standards set in Table 11.2, I do not consider the development to be a material contravention of the Development Plan as regards density on the basis that these are ‘target’ minimum and maximums and having regard to the provisions of section 11.72. However, this matter is addressed in the applicant’s Material Contravention Statement, and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in relation to this matter.
- 11.14.7. The provisions of s. 37(2)(b)(ii) – (iv) of the Act of 2000 are addressed hereunder.
- S. 37(2)(b)(ii) – The applicant has not identified any conflicting or unclear objectives in the Development Plan. However, I refer the Board to section 11.5 of this report and the foregoing paragraph above and the provisions of Table 11.2 section 11.72 of the CCDP.
- S. 37(2)(b)(iii) – As outlined in Section 11.5 and other sections of my report, I am

satisfied that the proposed density is acceptable and should be granted having regard to the provisions of the 'Section 28' Compact Settlement Guidelines.

S. 37(2)(b)(iv) – The applicant's SoMC sets out that the development is at the scale of the town i.e. the nearest building to the south is eight storeys in height and has a parapet level which is above 50.175m (over 10 metres higher than the highest parapet level of the proposed development i.e. 38.585m). I am not aware of any instances where a density of 150 uph (or similar) has been permitted in this area since the making of the current CCDP. However, I refer the Board to section 4.0 of this report and the planning status of the previous application made on this site which reflects the same residential density (SHD 307313-20).

Building Height

- 11.14.8. As outlined in section 11.5 of this report, I consider that the proposed building height would be contrary to Table 11. 1 and Table 11.2 of the CCDP which outline building height 'targets' of 3-5 storeys for 'Central Ballincollig'. Table 11.1 and Table 11.2 include the 'No. of storeys' as 'target' upper and lower building heights. The use of 'target' building heights when combined with section 11.33 which states that 'the building height of development will respond directly to the proposed density of development, the character of an area, as well as block development typologies, site coverage and a range of other factors' allow for the potential for increased height in my opinion. Therefore, in my opinion, within the CCDP there is scope for increased building height in excess of Table 11.1 and 11.2 'targets' subject to the provisions of section 11.33 which includes how the proposal responds to the character of an area, as well as block development typologies, site coverage and a range of other factors. I have addressed these matters in section 11.5 above by reference to the Building Height Guidelines 2018 and in Table 1 and 2 of this assessment with respect placemaking and I am satisfied that the site can accommodate the building height proposed. However, this matter is addressed in the applicant's Material Contravention Statement, and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in relation to this matter. The applicant has argued that a material contravention would be justified based on the following provisions of the Act of 2000: 37(2)(b)(iii) –The provisions of the National

and Regional Planning Policy and Guidelines; Section 28 Ministerial Guidelines including the Building Height Guidelines prohibition of blanket numerical limitations on building height. The provisions of s. 37(2)(b)(ii) – (iv) of the Act of 2000 are addressed hereunder.

S. 37(2)(b)(ii) – The applicant's SoMC has not identified any conflicting or unclear objectives in the CCDP. However, I refer the Board to section 11.5 of this report and the foregoing paragraph above and the provisions of Table 11.1 and Table 11.2 and section 11.33 of the CCDP.

S. 37(2)(b)(iii) – As outlined in Sections 11.5 of my report, I am satisfied that the proposed height is acceptable and should be granted having regard to the provisions of the NPF and SPPR 3 of the 'Section 28' Building Height Guidelines and the public transport capacity increase (@53%) as part of the BusConnect programme.

S. 37(2)(b)(iv) – As per Density section above the applicant's SoMC sets out that the development is at the scale of the town i.e. the nearest building to the south is eight storeys in height and has a parapet level which is above 50.175m (over 10 metres higher than the highest parapet level of the proposed development i.e. 38.585m). Accordingly, I am satisfied that permission would be justified having regard to the pattern of development. I am not aware of any permissions granted, in the area since the making of the Development Plan. However, I refer the Board to section 4.0 of this report and the planning status of the previous application made on this site which reflects the same building heights as the current proposal (SHD 307313-20).

Conclusion

- 11.14.9. Having regard to the foregoing, I consider that the proposed development would be contrary to density and building height 'targets' as set out in the Cork City Development Plan 2022-2028. However, I am satisfied that the development would not be a Material contravention of the CCDP. Notwithstanding same, were that Board to not concur, I consider the development can be considered in accordance with the provisions of section 37(2)(b) of the Act of 2000 for the reasons as outlined in this section of my report.

11.14.10. With respect Unit Mix, as outlined above and in section 11.6 of this report, the issue of unit mix and compliance with the CCDP 2022 was not raised in the Statement of Material Contravention (SoMC) submitted by the applicant. The Board, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission. I refer the Board to section 11.6 above where, if the Board are minded to grant planning permission and consider that clarification on matters relating to compliance with Objective 11.2 and Table 11.9 is required this may be addressed by way of a “limited agenda” Oral Hearing as per Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances.

12.0 Environmental Impact Assessment

12.1.1. The applicant submitted an Environmental Impact Assessment Screening Report and a Statement in Accordance with Article 299(1)(b)(ii)(II)(c). I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.
- 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’ means a district within a city or town in which the predominant land use is retail or commercial use.

- Class 15 of Schedule 5 relates to any project listed in Part 2 of Schedule 5 which

does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 12.1.2. The total number of units to be constructed for the proposed development has been confirmed as 123 no. dwelling units. Therefore, it is less than the 500-dwelling unit threshold and accordingly a mandatory EIA is not required. The proposed development will include the provision of 98 no. car parking spaces. It is below the 400-space threshold. Furthermore, as the car parking is incidental to the primary purpose of the proposed development, which is residential, therefore a mandatory EIA is not required. The proposed development does constitute an 'urban development' as it is located within a built-up area on land which has been zoned for development by Cork City Council. However, as the total area of the site for development has been confirmed as c. 1.065 hectares, it is less than the 10-hectare threshold and accordingly a mandatory EIA is not required.
- 12.1.3. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area, particularly the apartment development currently under construction to the south. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies.
- 12.1.4. I note that the site is not designated for the protection of the landscape or of natural heritage. I further note the Observer's concerns as regard impacts on the biodiversity of the site and wider area as a result of the proposed development. This section should be read in conjunction with section 11.11 above.
- 12.1.5. The site does not support substantive habitats or species of conservation significance, as highlighted in the Ecological Impact Assessment submitted with the application. The site does not contain any species listed on the flora (protection) order 2015. No records of rare flora, e.g., those classified as 'critically endangered',

‘endangered’, or ‘vulnerable’ on the Ireland Red List were identified during surveys of the site. The proposed development does not have the potential to affect habitats indirectly as a result of Third schedule non-native invasive species impacts due to lack of Third schedule non-native invasive species within the site.

- 12.1.6. The Ecological Impact Assessment (EclA) Report states a low level of bat activity was recorded on site. I refer the Board to section 11.11 above. Bird species recorded in the vicinity were common hedgerow species either flying overhead or foraging within the limited vegetated habitats present on site. No signs of protected mammal fauna were noted within the lands. Based on the successful implementation of the proposed works and control measures, carried out in accordance with the proposed landscape plan; it is deemed that there will be no significant negative ecological impacts; to any valued habitats, designated sites or individual or group of species, arising from construction and operational phases of the proposed development. The subject lands contain no habitats for which any European site is designated, and therefore there will no loss of such habitats.
- 12.1.7. I have reviewed the Mitigation Measures as set out in the Ecological Impact Assessment (incorporating Bat Survey Report) and I am satisfied that in the context of the site that subject to the implementation of the mitigation and enhancement measures identified in Ecological Impact Assessment the development is acceptable.
- 12.1.8. I am satisfied that the development will not result in a loss of built or cultural heritage as a result of the development. I refer the Board to section 11.12 above.
- 12.1.9. The site is located in Flood Zone C and not at risk of flooding. There are no waterbodies located within the site of the proposed development. No European Sites are located within, or directly adjacent to, the site of the proposed development. According to the Appropriate Assessment (AA) Screening Report the proposed development either alone or in-combination with other plans or projects, will not adversely affect (either directly or indirectly) the integrity any European site. This conclusion is based on best scientific knowledge. I refer the Board to section 13.0 and Appendix B of this report.
- 12.1.10. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy

itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. Sections 6, 7 and 8 of the EIAR Screening Report addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report and submitted documentation to determine whether the development would or would not be likely to have a significant effect on the environment.

12.1.11. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia those listed in section 3.4 above.

12.1.12. With regard to the requirements of Section 299B (1)(b)(ii)(II)(C), the applicant submitted a standalone statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I would note that the following assessments / reports have been taken into account inter alia:

- An AA Screening have been submitted with the application, in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- A Construction Management Plan has been submitted that address the

requirements under the EU Waste Framework Directive and EC Environmental Noise Directive and Clean Air for Europe Directive and the Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites.

- As per the EIA Screening Report, the subject lands are not proximate to any Seveso designated sites and therefore the Seveso III Directive is not directly relevant. In addition, it is noted that the Industrial Emissions Directive is not directly relevant to the proposed housing development, and the proposed development will not directly involve industrial activities under the Directive. As a housing development project, Regulation 1315/2013 Trans-European Networks in Transport, Energy and Telecommunication Regulations is not directly relevant to the project.
- A Flood Risk Assessment has been submitted, which ensures effective management of flood risk, and which has had regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DoEHLG & OPW, 2009), and was undertaken in response to the EU Floods Directive.
- A Building Life Cycle Report (NZEB Compliance and BER Compliance) have all been submitted with the application undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings.

12.1.13. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note SEA has been undertaken as part of the Cork City Plan 2022-2028.

I have completed an EIA Screening Assessment as set out in Appendix 1 of this report. Thus, having regard to:

(a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 10 (b) and Class 15 of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended);

(b) the location of the development on land zoned Z06 - Urban Town Centre with the objective *'To consolidate and provide for the development and enhancement of urban town centres as primary locations for mixed use retail, economic and*

residential growth which also act as a focus for a range of services.'

(c) the pattern of development on the lands in the surrounding area;

(d) the availability of mains water and wastewater services to serve the development.

(e) the location of the development outside any sensitive location specified in Article 299(c)(1)(v) of the Planning and Development Regulations, 2001 (as amended);

(f) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development" issued by the Department of the Environment, Heritage and Local Government (2003);

(g) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended),

12.1.14. I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

13.0 Appropriate Assessment

13.1.1. I refer the Board to Appendix B -AA Screening Determination.

Screening Determination Conclusion

13.1.2. I am satisfied the potential for significant effects, as a result of the proposed development the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

13.1.3. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

13.1.4. I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the

following:

- During the construction stage, surface water will be banded and cleaned settled water will be discharged into the storm system in view of the fact there is an existing storm pipe traversing the site.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- Foul and surface waters will discharge to the existing network and will travel to Ballincollig wastewater treatment plant for treatment prior to discharge; the Ballincollig wastewater treatment plant is required to operate under EPA licence and meet environmental standards.

13.1.5. No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

13.2. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

13.3. In reaching my screening assessment conclusion, no account was taken of

measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

14.0 **Conclusion and Recommendation**

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

15.0 **Recommended Order**

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th of May 2022 by McCutcheon Halley Chartered Planning Consultants on behalf of O'Flynn Construction Co. Unlimited Company.

Proposed Development: The application comprises:

Application for a 5 year planning permission for the construction of 123 no. residential units in 3 no. 3-6 storey apartment blocks, 1 no. childcare facility and all associated ancillary development works.

The overall development proposal shall provide for the following:

- a) The construction of 123 no. residential units in 3 no. blocks which range in height from 3 to 6 storeys and comprising a mix of 1 & 2 bed apartments
- b) 1 no. creche / childcare facility, internal residential amenity space and multipurpose amenity room;

- c) The provision of landscaping and amenity areas including play/amenity areas at podium level;
- d) The provision of a set-down area, footpaths, cycle lane and table-top junction arrangement at the access to the development on the Old Fort Road; and
- e) All associated ancillary development to include pedestrian/cyclist facilities, lighting, drainage, boundary treatments, bin storage, plant, ESB Sub-station and bicycle, motorbike and car parking provided at ground and under-croft level.

At Old Fort Road, Ballincollig, Cork.

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

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

16.0 Reasons and Considerations

1. Objective 11.2 *Dwelling Size Mix* and Table 11.9 of the Cork City Development Plan 2022-2028 set out clear unit mix requirements to be adhered to except in exceptional circumstances where justification is provided. No Statement of Housing Mix in accordance with Objective PO1 of the *Housing Strategy and Housing Need Demand Assessment* of the Supporting Studies accompanying of the Cork City Development Plan 2022-2028 has been submitted and therefore no justification has been provided in relation to the unit mix proposed.

Therefore, the Board is not satisfied that the proposed development meets the requirements of these objectives. The development is therefore considered to materially contravene the Development Plan in relation to the provision of unit mix requirements. This issue has not been addressed in the applicant's Material Contravention Statement and the subject application, therefore, does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board, therefore, cannot

invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission

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.

Irené McCormack

Senior Planning Inspector

24th April 2025

Appendix A – EIA Screening Determination

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	313642-22		
Proposed Development Summary	123 no. apartment, creche and associated site works.		
Development Address	Old Fort Road, Ballincollig, Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	Tick if relevant and proceed to Q2.	
	No	Tick if relevant. No further action required	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. In addition, Class 15 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.	Proceed to Q3.

No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓	The nature and the size of the proposed development is below the applicable thresholds for EIA	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes	✓	Screening Determination required

Inspector: _____ Date: _____

Form 3

A. CASE DETAILS		
An Bord Pleanála Case Reference (313642-22)		
Development Summary	123 no. apartment, creche and associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?		An Appropriate Assessment Screening Report was submitted with the application. An Ecological Impact Assessment was also submitted with the application.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the Cork City Development Plan 2022-2028

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The proposed development would provide for a new residential development at an urban location. The scale and character of which is consistent with the Urban Town Centre zoning and established town centre development immediate to the site.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed residential development has been designed with standard measures to address potential impacts on surface water and groundwaters in the locality.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for	No

	construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the CEMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Environmental Management Plan, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Operation of the standard measures listed in the Construction Environmental Management Plan, will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts	No

	would be suitably mitigated by the operation of standard measures listed in the Construction Phase Environmental Management Plan and Outdoor lighting Report.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Phase Environmental Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No
2. Location of proposed development		

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>The nearest European sites are listed in Appendix B of this report and other designated sites are referenced in the application AA Screening Report. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those downstream.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The proposed development would not result in significant impacts to protected, important or sensitive species</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The site is not within an area of archaeological potential or within the Architectural Conservation Area (ACA) or located within the grounds of any structures listed on the Record of Protected Structure (RPS). The impact of the development is not anticipated to be significant.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No such features are in this urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates.</p>	<p>No</p>

2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is in close proximity to hospitals and schools. However, there is no negative impact anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed <input type="checkbox"/>	ElAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	
D. MAIN REASONS AND CONSIDERATIONS		

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- the location of the proposed residential units on lands zoned on land zoned Z06 - Urban Town Centre with the objective '*To consolidate and provide for the development and enhancement of urban town centres as primary locations for mixed use retail, economic and residential growth which also act as a focus for a range of services*'.in the Cork City Development Plan 2022-2028 .and the results of the Strategic Environmental Assessment of the Development Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised.
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7A of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Preliminary Construction Management Plan, Building Life Cycle Report, Ecological Impact Assessment and the Engineering Services Report. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix B – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination

1: Description of the project

I have considered the Old Fort Road SHD in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

There are no European sites in the immediate vicinity of the proposed development site. Figure 4-1 and Table 4-1 of the AA screening report establishes that Cork Harbour SPA (site code 004030) is identified within a 15km radius of the Site at a distance of 10.6km from the site.

In brief the development comprises the 123 no. apartments, creche and all associated site works.

Site surveys were carried out on 27th August 2021 to identify the habitats, flora and fauna present at the site. The surveys assessed the potential for all Qualifying Interests (QIs)/ Special Conservation Interests (SCIs) of European sites and third schedule invasive species to occur within the proposed site.

A Bat Survey was also undertaken on 27th August 2021, in addition a dawn re-entry survey was undertaken on 1st of September 2021 and dusk emergence survey was undertaken of 14th of September 2021.

Submissions and Observations

The planning authority referred to the application to the relevant prescribed Bodies. Submissions are set out in section 5.0 of the main report above.

2. Potential impact mechanisms from the project

Zone of Influence

All of the European sites present in the vicinity of the proposed development are shown on Figure 4.1 of the AA screening report submitted and the QIs/SCIs of the European sites in the vicinity of the proposed development are provided in Table 4-2.

In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, and I have also visited the site.

Habitat Impact

The site is not within or directly adjoining any Natura 2000 sites. Cork Harbour SPA (004030) is the closest Natura 2000 sites to the proposed development. It is separated from Cork Harbour SPA by c.10.63km this distance, in addition most of the intervening land reflect significant urban development. Accordingly, I do not consider that there is potential for any direct impacts such as habitat loss / modification, direct emissions, or species mortality/disturbance.

The site is suburban urban in nature. Habitats on site consist of Spoil and Bare Ground (ED2), Recolonising Bare Ground (ED3), Scrub (WS1), Treelines (WL2), Hedgerow/Treeline (WL1/WL2) and screening vegetation.

There are no Annex I habitats present within the proposed development site or immediate environs. The main habitats within the proposed project site comprise hedgerow and treeline. The habitat types are described in greater detail in the Ecological Impact Assessment Report accompanying this application. No watercourses are present on site.

Habitat survey in August 2021 determined that the majority of birds utilising the proposed works areas were common in the local landscape. No Annex I bird species were recorded during the site surveys. No signs of SCI birds were recorded here, or in the fields surrounding the proposed development site during site surveys. The vegetation onsite does not provide suitable foraging habitat for wading birds. The proposed development will not result in any significant deterioration in habitat quality or loss of habitat within the Cork Harbour SPA. Therefore, it is concluded that the proposed development will not result in any loss, deterioration or fragmentation of habitat within Natura 2000 sites.

Water Quality

There will be no direct discharges from the proposed development to any watercourse during the construction phases of the development. All construction associated with the development will take place within this site. The CEMP sets out that surface water during construction will be contained at the lower point on the site in a bunded area, it is proposed

to discharge the cleaned settled water into the storm system in view of the fact there is an existing storm pipe traversing the site. In any case the development will be separated from the River Lee by existing infrastructure including buildings, roads and sports fields.

During the operational phase of the development, all drainage will be directed through new foul drainage infrastructure which connects to the existing public system and the Ballincollig WWTP to the north of the site. No attenuation tank is required due to the existing storm sewer having sufficient capacity for any increase in run-off generated by the proposed development.

Conclusion on the extent of the Zone of Influence

The development is for a residential scheme and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not considered likely that the proposed development will interfere with any of the key relationships of any Natura 2000 site. There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site. It is considered that there will be no long-term residual impacts from the proposed works upon the key relationships that define any Natura 2000 sites.

3. European Sites at risk

I am satisfied that no risks to the conservation objectives of Cork Harbour SPA (site code 004030) or any Natura 2000 sites are considered likely due to one or more of the following:

- Lack of direct connectivity between the proposed works areas and the designated areas. There will be no loss of habitat within any Natura 2000 site as a result of the proposed works. It is not anticipated that the loss of any species of conservation interest will occur as a result of the proposed works due to injury or mortality.
- Significant buffer between the proposed works area and the designated. No significant risk of disruption to any Natura 2000 sites are likely during this project.
- No habitat fragmentation to any Natura 2000 site is predicted.
- There will be no additional emissions of water from the site. Drainage and wastewater will be to existing mains. No emissions are predicted that will impact upon any Natura 2000 site.

Based on a consideration of the likely impacts arising from the proposed works and a review of their significance in terms of the conservation interests and objectives of the

Natura 2000 Sites screened, no significant impacts have been identified on the Natura 2000 sites as a result of the proposed development.

I refer the Board to section 5 *Screening and Assessment of Potential Impacts* of the AA screening report. I agree with the conclusion presented therein.

4: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’

In combination or Cumulative Effects

The applicant’s Appropriate Assessment Screening Report has considered cumulative / in-combination impacts in section 5.3.

It is set out that a review of the Cork City Planning Search did not identify any current or previous plans or projects in the immediate vicinity that are considered likely to result in significant impacts on Natura 2000 sites. Furthermore, the development is considered unlikely to have any cumulative impact on any Natura 2000 sites in the context of the existing infrastructure and associated activities taking place at this site.

- The statement is supported by:
- The distance separating the site from Natura 2000 sites;
- The urban setting of the local environment; and
- The localised nature of the proposed development

The Cork City Development Plan 2022-2028 include a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Cork Harbour SPA (site code 004030) or any European site, in view of the sites’ conservation objectives.

Overall Conclusion- Screening Determination

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore

determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- During the construction stage, surface water will be banded and cleaned settled water will be discharged into the storm system in view of the fact there is an existing storm pipe traversing the site.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- Foul and surface waters will discharge to the existing network and will travel to Ballincollig wastewater treatment plant for treatment prior to discharge; the Ballincollig wastewater treatment plant is required to operate under EPA licence and meet environmental standards.

No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.