



An
Bord
Pleanála

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

Inspector's Report ABP-313720-22

Strategic Housing Development

224 no residential units (22 no. houses and 202 no. apartments), crèche and associated site works.

Location

Kilmoney (townland), Kilmoney Road, Carrigaline, Co. Cork.

Planning Authority

Cork County Council

Applicant

Reside Investments Limited

Prescribed Bodies

- (1) Uisce Eireann
- (2) TII

Observer(s)

- (1) Brian O'Donoghue
- (2) Donal & Nora Dineen
- (3) Gerard & Geraldine Creaner
- (4) John & Clare McCarthy

Date of Site Inspection

25th March 2024

Inspector

Colin McBride

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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 subject site has a stated area of 3.7ha. The site is situated to the west of Carrigaline town centre. The western boundary of the site is defined by the Western Inner Relief Road (WIIR) and the northern boundary defined by the Owenboy River. To the east of the site is the Dairygold Co-op store and to the south are existing single-storey detached dwellings that back onto the southern boundary and front onto Kilmoney Road Lower. The site is currently under grass with a mixture of boundaries including boundaries defined by metal palisade fencing along the eastern boundary, the western boundary is defined by embankments along the WIIR and metal fencing, the southern boundary with the existing dwellings is a mixture of planting, post and rail wooden fencing, post and wire fencing and block walls. There is no defined boundary along the north of the site with the riverbank along Owenboy River defining the boundary. There are some areas along riverbank that there is existing trees vegetation. The site includes a portion of land that extends from the north eastern corner of the main body of the site and along the southern bank of the Owenboy River to the east of the main body of the site and extends to the Main Street to the east where there is an existing opening between buildings and gate set back from the Main Street. There is an existing section of roadway running on an east west access from the WIIR with an existing vehicular access in situ. There is a hardstanding area located to the north of the section of roadway with metal fencing defining its boundaries.

3.0 Proposed Strategic Housing Development

- 3.1. This is an application for a permission consisting of the construction of 224 no. residential units comprising 22 no. dwelling houses (comprising a mix of 1 and 2 bed townhouse and duplex units) and 202 no. apartments (1, 2 and 3 bed).
- 3.2. The provision of a 184sqm crèche/childcare facility.
- 3.3. The provision of landscaping and amenity areas to include 1 no. local play area, 1 no. kick about area, an activity trail/greenway along the river, gathering area/amphitheatre with tiered seating areas, a civic space/promenade and 2 no. courtyard areas.
- 3.4. The provision of 3 no. retail units, residential amenity and management spaces at ground and first floor level.
- 3.5. All associated ancillary development including vehicular access, and a cycle/pedestrian connection onto the R611/Main Street (via an activity trail/greenway along the river), lighting, drainage, roads, boundary treatments, ESB substation, bicycle and car parking and bin storage.
- 3.6. Key Development Statistics are outlined below:

	Proposed Development
Site Area	3.7 ha gross (1.9 ha net)
No. of Units	22 no. dwelling houses and 202 no. apartments
Density	118 units per ha. (net)
Height	6-7 storey apartment blocks 3-4 storey townhouses/duplex apartments
Dual Aspect	116 units (52%)
Other Uses/Residential Amenity	Crèche 184sqm 3 no. retail units 3,000sqm 67sqm 91sqm
Public Open Space	24,526sqm stated

Communal Open Space	Podium Courtyards 1,892sqm
Car Parking	255
Bicycle Parking	503

3.7. Unit mix Build-to-Rent is as follows:

Unit Type	1-bed	2-bed (3 person)	2-bed (4 person)	3-bed
Townhouse/duplex apartments	7		15	
Apartment	94	18	78	12
Total %	45%	8%	42%	5%

3.8. The application included the following:

- Response to ABP Opinion
- Design Statement
- Statement of Consistency
- Housing Quality Assessment
- Material Contravention Statement
- Engineering Services Report
- Building Height Rationale
- Residential Amenity Report
- Part V Report
- Landscape Design rationale
- Tree Survey
- Construction Traffic Management Plan
- Mobility Management Plan

- Road Safety Audit
- Quality Audit
- Statement on Compliance with DMURS
- Statement on Pedestrian and Cycle Connectivity
- Public Light Design report
- Daylight Sunlight and Overshadowing Report
- Archaeological Impact Assessment
- Property Management Strategy Report
- Social Infrastructure Audit
- Retail Impacts Assessment
- Flood Risk Assessment
- Construction Environmental Management Plan
- Operation Waste Management Plan
- Appropriate Assessment Screening
- Natura Impact Assessment
- Environmental Impact Assessment Report

4.0 Planning History

On the site

19/4642: Permission granted for construction of a wastewater pumping station and foul rising main including emergency storage tank, welfare kiosk, control kiosk, services, lighting and all ancillary site works. Granted 17/07/19.

North of the river

21/7464: Permission granted for the construction of a single storey discount food store and associated site works. Granted 19/05/22.

Site to the east

ABP-314953-22 (21/5966): Permission sought for demolition of existing discount foodstore and construction of new discount foodstore and all ancillary site development works. Pending decision.

5.0 Section 5 Pre-Application Consultation -311799-21

5.1. A Section 5 pre-application consultation took place on the 02nd of February 2022 in respect of a development for the construction of 224 no. residential units (22 no. townhouses/duplexes, 202 no. apartments), crèche, retail units and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The topics discussed at the meeting were...

- Development Strategy and compliance with CDP and LAP policy.
- Visual amenity.
- Connectivity, pedestrian and cycle access to wider.
- Functionality of open spaces areas and delivery of river walkway.
- Ecological Issues.
- Flood risk, surface water, storm water, water supply and sewerage disposal.
- Any Other Business.

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

5.3. In the Notice of Pre-Application Consultation Opinion dated 01st October 2021 (ABP-310351-21) An Bord Pleanála stated that it was of the opinion that the documents submitted constitute a reasonable basis for an application for strategic housing development and that the following specific information should be submitted with any application for permission arising:

1. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan or Local Area Plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless,

be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

2. A detailed statement of justification of the height proposed.
3. A visual impact assessment of the proposed development that addresses, inter alia, the height, scale and massing of the proposal in the context of the receiving environment.
4. A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, in particular with respect to pedestrian and cycle routes.
5. A Traffic and Transportation Impact Assessment and Mobility Management Plan.
6. Justification of layout, location and hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards.
7. An up to date Ecological Impact Assessment, inclusive of a Bat Survey.
8. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
9. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
10. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments.
11. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - (ii) Impact to any neighbouring properties.

12. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing.

13. A robust Ecological Impact Statement Report, AA screening report and NIS, as appropriate, which considers potential impacts on the Qualifying Interests of any Natura 2000 site.

14. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge.

15. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.

16. A response to matters raised within the PA Opinion submitted to ABP on the 24th November 2021.

17. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

18. Site Specific Construction and Demolition Waste Management Plan.

19. Details of public lighting.

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:

- Irish Water
- Transport Infrastructure Ireland (TII)
- Cork County Childcare Committee

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

5.5.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The Items that required further consideration are summarised below: -

Material contravention statement

A material contravention statement has been submitted with it noted the car parking provision is lower than 2014 CDP standards and building height is greater than four-storeys as stated under the 2022 CDP but justified in the context of Section 37(2)(b)(i),(ii).

Height

A Building Height Rationale has been submitted outlining justification for the height sought.

Visual Impact

A Visual Impact Assessment as part of the EIAR is provided and demonstrates the proposal will not have an adverse visual impact.

Connectivity

A statement on pedestrian and cycle connectivity submitted.

Traffic

A Traffic and Transportation Impact Assessment has been submitted.

Open Space

A Landscape Design Rationale Report is submitted providing justification of layout and clarity regarding compliance with Development Standards.

Ecological Impact

An Ecological Impact Assessment as part of EIAR is submitted including details of bat surveys carried out.

Landscaping

A detailed Landscape Masterplan has been submitted.

Green Infrastructure

A Green Infrastructure Plan and Landscaping Plan is submitted.

Housing Quality

A detailed Housing Quality Assessment is submitted demonstrating compliance with design standards.

Daylight, Sunlight

A Daylight and Shadow Impact Assessment has been submitted and demonstrates that the proposed development provides a sufficient level of daylight and sunlight and no adverse impact on adjoining properties.

Adjoining Amenity

A Residential Amenity Report is submitted illustrating the relationship between the proposal and existing dwellings adjoining the site.

Appropriate Assessment/EIAR

A Natura Impact Statement and an Environmental Impact Assessment Report have been submitted.

Drainage

An Engineering Services Report is submitted and details proposals for surface water management and flood risk.

Taking in Charge

A taking in charge drawing has been submitted.

Construction and Demolition Waste

A Construction and Demolition Waste Management Plan has been submitted.

Public Lighting

A public lighting scheme has been provided as part of the application documents.

6.0 Relevant Planning Policy

6.1. *Cork County Development Plan 2022 -2028*

6.1.1 The Cork County Development Plan 2022 – 2028 was adopted on the 25th April 2022 and came into force on the 6th June 2022 and is the current statutory plan for County Cork including Carrigaline/ the subject lands. Volume 1 provides the 'Main Policy' and relevant chapters to this development include Chapter 2 – Core Strategy, Chapter 3 – Settlements and Placemaking, Chapter 4 – Housing (provides details on housing mix, density), Chapter 6 – Social and Community, Chapter 11 – Water Management and Chapter 12 – Transport and Mobility (provides details on car parking and bicycle parking etc). Chapter 14 covers Green Infrastructure and Recreation and Chapter 18 – Zoning and Land Use.

6.1.2 The Core Strategy in Chapter 2 is supported with Appendix B which provides 'Core Strategy Tables'. Carrigaline, one of the designated Main Towns, is located within the 'County Metropolitan Cork Strategic Planning Area'. I have extracted the following relevant information for Carrigaline from Appendix B:

2016 Census Population	2028 Target Population	Net New Units required for the Plan Period
15,770	20,495	1,806

6.1.3 Volume 4 of the plan covers South Cork, and which includes Carrigaline, one of the Main Towns in the County. Section 1.4 of Volume 4 specifically refers to Carrigaline and its development.

6.1.4 The site is subject to the zoning objective 'Town Centre/Neighbourhood Centres' with a stated objective.

a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.

b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.

6.1.5 Under Section 4.8.8 of the plan, High Density Development it is stated: 'The Plan supports the delivery of high-density development within town centres of the larger towns with a population >1500 throughout the County and this represents a consistent approach to that taken historically in our towns and will serve to reinforce the character of existing places.' Under Objective HOU 4-7 it indicates a minimum density of 50 units net per hectare and no maximum net density limit (minimum 10% open space provision).

6.1.6 Objective HOU 4-8: Building Height and Amenity Support the provision of increased building height and densities in appropriate locations within the County, subject to the avoidance of undue impacts on the existing residential amenities. In mixed use schemes, proposals will include details of the sequencing of uses to enable the activation of supporting services. New development greater than 4 storeys will be required to address the development management criteria, as set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines (2018).

6.1.7 Public Open Space Provision – Quantitative/Qualitative Standards, Section 14.5.11, ‘Generally, at least 12% to 18% of a site for development excluding areas unsuitable for house construction should be allocated to the provision of public open space. However, the need to achieve higher qualitative standards in terms of design and layout is particularly important as it is this which helps to achieve a high-quality residential environment which fulfils the expectations of the users. In exceptional circumstances where there is a high standard of private open space and where public open space is designed to a very high-quality standard a reduced minimum value of 10% may be applied’.

6.1.8 Car parking Table 12.6

Retail: 1 space per 20 sqm + 1 Lorry space per 750 sqm

Residential: 2 spaces per dwelling unit 1.25 spaces per apartment unit

Creche: 1 space per 3 staff + 1 space per 10 children

6.1.9 Bicycle Parking Table 12.8

Apartments: 1 per bedroom (long) and 1 per 2 units (short)

Houses: 1 per unit (long) and 1 per 5 units (short)

Retail: 1 per 5 staff (long) and 1 per 100sqm (short)

Childcare: 1 per 5 staff (long) and 1 per 10 children (short)

6.2 Regional Spatial and Economic Strategy for the Southern Region

6.2.1 The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (The Six Munster Counties plus Wexford, Carlow, and Kilkenny) including the Cork County area, and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas. Carrigaline is located within the designated metropolitan area.

6.3 National Planning Framework

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

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Planning Objective 13 provides that "In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

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

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'.
- National Policy Objective 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.

- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

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 Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020.
- Urban Development and Building Heights Guidelines, 2018
- Sustainable Residential Development and Compact Settlement Guidelines 2024
- Design Manual for Urban Roads and Streets, 2013

6.5 ***Applicants Statement of Consistency***

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 County Development Plan 2014 and the Cork County Development Plan 2022-2028 (adopted at the time of lodgement of the application) and other regional and national planning policies. This has been examined and noted.

6.6 ***Material Contravention Statement***

- 6.6.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Cork County Development Plan 2014 in relation to car parking standards and deals with the potential issue of material contravention of the Cork County Development Plan 2022-2028 (adopted at the time of lodgement of the application) in relation to building height. The statement is summarised below: -

6.6.2 Car Parking Provision

Table 1a of the Cork County Development Plan 2014 required provision of 455 spaces with 255 provided.

Level of parking provided is justified on the basis of location with the town-centre and objectives of national and regional policy in regard to sustainable transport movements with it noted that the 2014 plan was adopted prior to the Apartment Guidelines.

In light of the foregoing, it is considered that the Board are entitled to grant permission under Section 37(2)(b)(i), (ii) and (iii) of the Act.

Building Height

Objective HOU 4-8 of the Cork County Development Plan 2022 state that 'New development greater than 4 storeys will be required to address the development management criteria, as set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines (2018)'. It is submitted that the development is in accordance with the Development Management Criteria outlined in Section 3.2 of the 2018 Building Height Guidelines and does not materially contravene development plan policy in relation to building height.

7.0 **Third Party Submissions**

Four third party submission have been received from the following...

Brian O'Donoghue

Donal & Nora Dineen

Gerard & Geraldine Creaner

John & Clare McCarthy

The grounds of appeal are as follows...

- Carrigaline is currently subject to severe traffic congestion with concerns regarding impact of additional traffic generated by the proposal with such demand premature until a number of road improvement projects including the M28, a local park and ride facility and upgrade to Main Street are completed/substantially completed.
- Criticism of the SHD process itself and the bypass of Local Authority.
- Impact on an existing dwelling (Cahirmore, Lower Kilmoney Road, due to increase in levels on site and construction of three-storey structures causing overlooking and adverse impact on natural light to the observers' dwelling. Lack of provision of secure physical boundary between the site and observers' dwelling and identification of incorrect boundary to the north of their property with an existing treeline within the observers' property and not the site with no permission given to remove such.
- Impact on an existing dwelling (Abbey Lodge, Kilmoney Road, Carrigaline, Co. Cork) with significant overlooking from the proposed apartment blocks and townhouses due to height, orientation and proximity the observers' property.
- The adjoining property owners raise concerns regarding the lack of acknowledgement of an existing drain that drains water from the observers' site and runs under the townhouse/duplex units. The observers are concerned regarding lack of acknowledgement that this drain exists and have concerns regarding protecting such.
- The owners of Abbey Lodge note that the site includes a piece of ground that the observers have had access to and use for a considerable period of time and request that the site layout is corrected to reflect such.
- An observation from the residents of Nova Court request that there is improved security/boundary treatment provided along the Western Inner Relief Road (WIIR) to protect existing dwellings in terms of privacy and noise from prospective development that is facilitated by the new road and such improvements should be secured against the provision of new commercial development that will impact on existing residential properties in the area.

- The issue of flood risk is noted with the observers questioning the historical flood data used by the applicant noting that the site has suffered multiple flooding incidences.

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 28th of July 2022. The report includes a summary of the pre-planning history, site location and description, relevant planning history, third-party submissions and prescribed bodies, the proposed development, internal reports and policy context.

The views of the elected members presented at the Carrigaline Municipal District meeting held on 26th July 2022 are summarised as follows: Concerns regarding scale and massing and proximity to existing residential properties, on-site flooding, inadequate car parking provision, public open space should be taken in charge, Active Travel infrastructure required, units should be 'build to sell', use of solar, green roofs and allotments desired, number of units could aid housing demand, positive views on quality of public spaces/walking/cycling infrastructure, apartments would meet certain housing demographic and that Carrigaline business community are largely in favour of the development.

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

Principle of Development and Compliance with CDP 2022

Principle of development compatible with the land use zoning. Proposal consistent with CDP policies and objectives.

Density

It is for the Board to determine whether the density is appropriate with it noted that the 2009 guidelines advocate no upper limit for town centres subject to a number of safeguards. The Urban Development and Building Height guidelines are relevant with Section 3.2 development management criteria noted.

Design /Layout

Design and layout is broadly acceptable with some concerns regarding residential amenities of existing dwellings along Kilmoney Rd due to intensity of development and elevated finished floor levels. Concern regarding long internal corridors and requirement for natural light and ventilation.

Recreation and Amenity

Proposal exceeds CDP public open space standards and provision of private open space is considered acceptable with the development broadly consistent with the Council's recreational and amenity policy.

Integration with Existing Development

Questions regarding relationship with existing dwellings to the south due to proximity, intensity of development and elevated finished floor levels.

Housing Mix

The housing mix is acceptable in the context of Development Plan policy and the Apartment guidelines.

Part V

The applicant proposes provision of 10% of the units for Part V use. The consideration for the Board is whether 10% or 20% allocation is required to meet Part V requirements.

Cache and Community Facilities

It is for the Board to determine whether the provision for childcare is adequate and how the communal facilities proposed are managed.

Drainage/Surface Water and Flood Risk

Surface water drainage management is acceptable. Part of the site is within flood zones A and B and at risk of fluvial and tidal flood sources. The proposals are to raise the site in particular locations could have a detrimental impact on existing river flow paths and have a knock-on effect upstream and downstream.

Traffic and Transportation

There is a shortfall of 204 car parking spaces from CDP standards however the site is well served by public transport with a reduced level of parking acceptable. The proposal is regarded as being satisfactory in the context of impact on the local road network. A Mobility Management Plan will be required. The proposed layout is DMURS compliant and provision of pedestrian and cycling connectivity is considered acceptable.

Appropriate Assessment/Ecology: The contents of the Natura Impact Assessment is noted. Measures are required to minimise noise and dust related impacts. Water quality management measures are considered acceptable with the location of the surface water management berm should be agreed with the PA and the location of the construction compound should be agreed prior to commencement of development due location within Flood zone A.

Ecology General

It is considered that subject to the mitigation measures proposed, the proposal is acceptable in the context of ecology.

Adequacy of the EIAR

The EIAR is considered to be adequate and in accordance with the EIAR Directive.

Archaeology

A geophysical survey is required to be submitted and test strategy required if features of archaeological potential are identified.

Retail Impact Assessment

The submission of a Retail Impact Assessment is noted, and the development is considered to be acceptable in terms of retail impact and accord with the sequential test as per the Retail Planning Guidelines.

Conclusion

Having regard to the location of the site with the settlement boundary of Carrigaline, the zoning of the site as town centre under the Cork County Development Plan 2022, having regard to national and regional guidance in relation to urban consolidation, it is recommended that the development be granted subject to conditions. The relevant conditions are noted below:

3. Revised plan submitted prior to the commencement of development reconfiguring block containing proposed townhouses/duplexes units (3A, 3B, 4A, 4B, 4C, 4D, 5A) so as not to exceed 2-storeys in height above ground level.
5. Prior to the commencement of development, to submit proposals to deliver the pedestrian bridge including timeline in accordance with Mapped Objective CL-U-03.
9. Prior to the commencement of development, the applicant shall submit a revised storm/surface water management plan to include additional capacity to cater for climate change uncertainty in accordance with best practice standards. The revised system shall incorporate on site attenuation and nature-based surface water drainage measures and SuDS.

23. Cargo bicycle parking shall be located near the retail development, details/quantum to be agreed with the planning authority. Bicycle parking should be secure and covered. Agree the location of the 10 no. surface level parking.
24. Updated mobility management plan submitted within 6 months of development opening.
25. Stages 2-4 Road safety Audit completed and submitted.
27. Submission of a Construction Traffic Management Plan.
31. Environmental protection measures set out within NIS to be implemented in full.
32. Submission of a Waste Management Plan.
33. Light to be directed and cowed to avoid light spill to adjoining residential properties.
34. Noise/vibration emission level values for construction phase.
35. Bilingual or Irish only names to be used and subject to agreement with the Planning Authority.
46. Conduct a geophysical survey.
47. Archeological monitoring.

49. Ecology condition including agreement of location of surface water management berm and submission of ecological mitigation plan prior to the commencement of development for agreement.

51. Section 47 condition restricting any houses and duple units to first occupation by individual purchasers.

8.3 Cork County Council Reports

Internal Departmental Reports

County Architect – Proposal generally acceptable apart from concern regarding consideration of breaking down long internal corridors to introduce better connectivity to natural daylight and ventilation.

Area Engineer – Concern regarding level of parking provision with issues of overspill into adjoining areas noted. Conditions recommended in the event of a grant of permission.

Ecology Office – No objection on ecological grounds subject to conditions.

Archaeology Officer – Conditions recommended requiring geophysical survey and archaeological monitoring.

Traffic and Transportation – Development contingent on construction of Relief Road which is not expected to open until Q3 of 2022. The report is supportive of the development.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6 (7) Opinion and included the following: -

- Uisce Eireann
- Transport Infrastructure Ireland (TII)

9.2. The following submission were received:

Uisce Eireann

In respect of Wastewater:

- The feasibility of wastewater connection is subject to the completion of a pumping station and rising main on the northern side of the development as part of the Carrigaline Western Relief Road project. This infrastructure is not being provided by Uisce Eireann but is anticipated to be complete by Q2 of 2022. The applicant will require permission from the owner of these assets to connect and obtain/provide full details of new Pump Station ahead of connection application stage.

In respect of Water:

- Connection is feasible without infrastructure upgrade with connection to be made to the new 180mm diameter PE water main on Kilmoney Road.

Design Acceptance:

- A statement of design acceptance has been issued by Uisce Eireann with revised drawings requested yet to be provided. Any connection agreement with Uisce Eireann will be subject to fully compliant layouts and design.

Conditions are recommended, including those relating to connections and agreements, and compliance with Uisce Éireann standards, codes, and practices.

Transport Infrastructure Ireland (TII)

The TII state they have no observations to make.

10.0 Assessment

- 10.1 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. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the

submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

10.2 In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

The assessment of the submitted development is therefore arranged as follows:

- Zoning/Principle of Development
- Core Strategy
- Density
- Unit Mix/Type
- Design and Layout
- Building Height
- Visual Impact
- Residential Amenities-Future Occupants
- Residential Amenities-Adjoining Properties
- Traffic and Transportation
- Drainage Infrastructure /Flooding
- Ecological Impact
- Retail Impact
- Other Issues
- Material Contravention
- Other Matters
- Planning Authority Recommendation

10.3 Zoning/ Principle of Development

- 10.3.1 The application site is located on lands zoned as ‘Town Centre/Neighbourhood Centres (TC)’ under the Cork County Development Plan 2022-2028, where it is an objective to “promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public”. The development consists of residential, childcare and retail uses which are all uses identified as being appropriate uses within the zoning under Section 18.3.42 of the County Development Plan.
- 10.3.2 CE Report Comment: The CE report outlines the zoning of the site and the fact that the principle of the proposed development is acceptable in this context.
- 10.3.3 Conclusions on principle of development: The proposed use, which is mainly residential in nature with an ancillary childcare facility and provision 3 no. retail units is acceptable in the context of the zoning of the site as ‘Town Centre/Neighbourhood Centres (TC)’ under the Cork County Development Plan 2022-2028. The principle of the proposed development is acceptable.
- 10.4 Core Strategy
- 10.4.1 The application site is within the development envelope of Carrigaline as defined by the Cork County Development Plan 2022-2028. Chapter 2 of the Development Plan relates to Core Strategy and Settlement Hierarchy. Carrigaline is located within the County Metropolitan Cork Strategic Planning Area and is classified as a Large Town (8-10,000) under the settlement hierarchy. The Core Strategy identifies a housing target of 1,806 units between 2022-2028. The proposed development entails the provision of 224 units.
- 10.4.2 CE Comment: The CE report makes no comment on core strategy.
- 10.4.3 Conclusion on section Core Strategy: The proposed development entails the provision of 224 units on a lands zoned for town centre/neighbourhood centres,

which includes residential, retail and childcare as appropriate uses. The development of the site in a comprehensive manner as proposed is also consistent with the national objectives set down under the National Planning Framework (NPO Objectives 3a, 3c, 33 and 35). I am of the view that the planning policy both national and local, advocates the provision of additional residential development on appropriate lands identified for such. In this case the lands are clearly identified for development of this type and I have no reason to conclude that the level of development is not within the capacity identified for Carrigaline under the core strategy of the development plan.

10.5 Density

10.5.1 The site has a gross site area of 3.7 hectares and net developable area of 1.9 hectares. The proposal is for 224 residential units giving a net density of 118 units per hectare. The County Development Plan “supports the delivery of high-density development within town centres of the larger towns with a population >1500 throughout the County and this represents a consistent approach to that taken historically in our towns and will serve to reinforce the character of existing places” (Section 4.8.8). In the context of the Apartment Guidelines the site is a ‘Central and/or Accessible Urban Location with such areas identified as being suitable for small-to-large scale and higher density development. In the context of the Sustainable Residential Development and Compact Settlements guidelines the site is located in the town centre of a Metropolitan Town (>1500 population) with it an objective that residential densities in the range of 50 dph to 150 dph (net) shall generally be applied in the centre and urban neighbourhoods of such settlements.

10.5.2 CE Report Comment: The CE report make no explicit comment on the appropriateness of the density proposed stating that it is up to the Board to reach a conclusion on whether such is acceptable. The CE Report raises no objection to the density proposed.

10.5.3 Conclusion on Density: The site is located within the town centre of Carrigaline with proposals for a strong pedestrian and cycling connectivity to the established town centre area and adjoining areas. Based on its town centre location the level of density proposed would not be excessive and is in keeping with national policy guidance and local policy and there is no reason to recommend refusal in regards to the density proposed.

10.6 Unit Mix/Type

10.6.1 The units mix as described is 224 units consisting of 22 no. houses and 202 no. apartments. Having inspected the plans I would clarify that the units mix is the provision of 22 no. duplex and simplex apartments (7 no. 1 bed and 15 no. 2 bed) in 2 no. blocks (three/four storeys) and provision of 202 no. apartments in 2 no. blocks (94 no. 1 bed, 18 no. 2 bed (three person), 78 no. 2 bed (four person) and 12 no. three bedroom).

10.6.2 CE Report Comment: The CE report states that the Development plan seeks to secure a mix of house types and sizes throughout the county and that the mix of units proposed is consistent with the Apartment Guidelines.

10.6.3 Conclusion: The proposed development is located on land zoned town centre and is an accessible location to the established town centre and surrounding area. The predominant type of residential unit in the surrounding area is conventionally suburban housing (detached three or more bed dwellings). The proposal for an apartment development at this location will be consistent with Development Plan policy seeking a mix of house types and sizes and the level of one bed units proposed (45%) is consistent with the Apartment Guidelines. I am satisfied that the mix of units proposed is satisfactory.

10.7 Design and Layout

10.7.1 The design and layout is defined by the provision of 2 no. u-shaped blocks (seven-storeys) with podium level courtyards (second floor level) located to the south of the

site with a podium level public amenity space between the blocks. At the south western corner of the site there is the provision of a mix of three and four-storey blocks housing duplex/simplex apartments. Along the northern side of the 2 no. u-shaped blocks is central access road (partially constructed) running on an east west axis and facilitating access from the Western Inner Relief Road (WIIR) running along the western boundary of the site. To the north of the central access road is the provision of public open space with a mixture of hard and soft landscaping and the provision of number of pedestrian/cycling paths including a riverside path that includes a linkage into the public road to the west and a path that runs along the river that will link into the Main Street to the east of the site. The Statement of Consistency submitted does include an assessment of the overall design and layout against the 12 criteria set out under the Urban Design Manual.

10.7.2 CE Report Comment: The CE Report considers the overall design and layout generally acceptable.

10.7.3 Conclusion: I am of the view that the overall design and layout provided is successful in providing for a high level of amenity space both public and private, connectivity to adjoining lands and services including the town centre, improved public realm, variation in the materials and facade, good architectural character including provision of an urban edge along the new WIIR and good quality pedestrian cycling routes. Overall I am satisfied the proposed development provides a design and layout of sufficient quality and architectural character.

10.8 Building height

10.8.1 The proposal entails the provision of 2 no. apartment blocks ranging in height from 6-7 storeys and a 2 no. duplex/simplex apartment blocks consisting of 3-4 storey development. Development Plan policy (Objective HOU 4-8) specifies New development greater than 4 storeys will be required to address the development management criteria, as set out in paragraph 3.2 of the Urban Development and

Building Heights Guidelines (2018). The applicants' statement of consistency includes an outline of how the proposal complies with the Development Management Criteria under Section 3.2 of the Building Height Guidelines which sets out criteria for assessing the scale of the development with regard to the city, street and site level.

10.8.2 Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority or An Bord Pleanála that the proposed development satisfies criteria at the scale of the relevant city or town, at the scale of district/neighbourhood/street and at the scale of site or building, in addition to specific assessments.

10.8.3 Scale of relevant city/town: The first criteria under section 3.2 of the Building Heights Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. I am satisfied that the site is well served by high capacity/frequency public transport services with bus stops within walking distance along Kilmoney Road Lower and the Main Street with a 220 bus route providing services every 15 minutes. The location is suitable area to support a critical mass of population due to its accessibility in accordance with national policy for consolidated urban growth and higher densities.

10.8.4 The second aspect of this criterion under this part of the section 3.2 criteria relates to the scale of the development and its ability to integrate into/enhance the character and public realm of an area, having regard to topography, cultural context, the setting of key landmarks and the protection of key views. I have inspected the site and the surrounding area. The visual impact assessment I undertake below in section 10.9 concludes that the proposed development would have an acceptable effect on the townscape.

10.8.5 In regards to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that the proposal provides a high level of

public space with a significant level located to north of the site and there is provision a riverside pedestrian/cycle path that connects into the surrounding area including the Main Street to the east of the site. The development includes improvements to the public realm along the Owenboy River, including a landscaped space and improved pedestrian facilities. I am satisfied that the development would make a positive contribution to place-making at the scale of the town.

10.8.6 Scale of District / Neighbourhood / Street: This section of the Building Heights Guidelines relate to how the proposals respond to the overall natural and built environment, the contribution of the proposals to the urban neighbourhood and streetscape, whether the proposal is monolithic in form, whether the proposal enhances the urban design of public spaces, legibility and integration with the wider urban area, and the contribution to building/dwelling typologies available in the neighbourhood. I am satisfied that the development responds to its overall natural and built environment by making a positive contribution to the urban neighbourhood, providing much-needed housing and facilitating the future redevelopment of the lands zoned town centre. The block arrangement, variation in external finishes, setbacks and variation in building heights would avoid the creation of a development monolithic in appearance with the provision of a high quality public open space that is appropriately supervised by the proposed development as well as providing an urban edge along the recently constructed WIIR. The development would provide for passive surveillance of the public realm, open spaces and the pedestrian and cycle routes running through the site.

10.8.7 In terms of how the development responds to the overall natural environment, I note the site is of low value in terms of flora and fauna with the proposal including new comprehensive landscaping proposals. I am satisfied that the development would respond appropriately to the existing built and natural environment and the height and scale of the buildings would positively contribute to the urban neighbourhood and streetscape. The issue of flood risk is a matter that is addressed further below in section 10.3 of this report.

10.8.8 With regard to the consideration of the criteria relating to legibility, the proposals would make a positive contribution to the improvement of legibility in the wider urban with provision of an urban edge along the WIIR with provision of good quality public open space area with clear pedestrian connectivity into the surrounding area. The mix of residential units was discussed earlier, and I am satisfied that given the existing nature of housing in the area, to be formed mainly by three and four bedroom family-size houses, the provision of apartments would add to the typology of housing in this area.

10.8.9 Scale of the site / building: In section 10.11 below, I assess in detail the impact of the height of the proposed buildings on the amenity of neighbouring properties, including the potential for overshadowing and loss of light, views and privacy. I consider the form of the proposed development to be well considered in this regard and issues in relation to sunlight, daylight and overshadowing have been adequately addressed as part of the proposed development (see sections 10.10.10 and 10.11.4 below). I am satisfied that given the scale of the site, the separation distances between existing and proposed buildings, and the immediate adjoining land uses, development at the height and scale proposed can be absorbed onto this site.

10.8.10 Specific Assessments: A number of specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight/daylight, air quality and noise impact. A Screening Report for AA, subsequent NIS. An Environmental Impact Assessment (incorporates Ecological Impact Assessment). I am satisfied that adequate information has been submitted and is available to enable me to undertake a comprehensive assessment of the impact of the proposed development.

10.8.11 CE Report Comment: The CE report comment state that it is up to Board to be satisfied regarding building height and expresses no significant concerns regarding building height of the 2 no. apartment blocks over four-storeys in height. The report does recommend that the three/four-storey townhouse/duplex blocks be revised to

be two-storeys over ground level in height in relation to proximity to existing dwellings.

10.8.12 Conclusion: Overall, I am satisfied that the proposed development would make a positive contribution to the area and would respond well to the natural and built environment in visual terms. At the scale of the neighbourhood there would be capacity to absorb buildings at the height proposed. I am also satisfied that the scale of the site and its context as part of the immediate area, would readily allow for development at the heights proposed. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas and would satisfy the criteria set down under Section 3.2 of the Urban Development and Building Heights guidelines. Having regard to such the proposed development would be in compliance with the policies and objectives in relation to building height set down under the Cork County Development Plan 2022-2028.

10.9 Visual Impact

10.9.1 The application is accompanied by an EIAR that includes a section on Landscape and Visual that outline a Landscape and Visual Impact Assessment for the proposal. This assessment includes a number of photomontages taken from 17 viewpoints in the surrounding area. The assessment indicates the development will have a slight to negative short term visual impact during construction but will have an overall moderate-slight/positive impact at this location and contribute positively to the visual setting of the area.

10.9.2 I would be of the view that the overall visual impact of the development in the wider area despite the height of the proposed development would not be significant or negative and that its location in the established built up area will mean views are intermittent and partial with a significant level of intervening structures and vegetation. In the immediately intervening area the visual impact of the proposal will be significant due to the change in scale from a greenfield site. Notwithstanding

such I am of the view that although the visual impact in particular along Kilmoney Road Lower and the Western Inner Relief Road is significant it would not be a negative visual impact. The appeal site is zoned town centre and is earmarked for development. As indicated earlier these are areas where increased building heights are supported by local and national policy. The development provides for a variation in height with three-four storeys adjoining existing dwellings. The visual impact from Kilmoney Road is mitigated by the fact the site has limited road frontage with development set back from the road and screened to a degree by established residential development. The proposal provides frontage development along the WIIR with three-four-storeys to the south of the site and adjoining the junction with Kilmoney Road increasing to six-seven storeys further north. I would be of the view the provision of an urban edge along the WIIR represents a significant and appropriate visual improvement.

10.9.3 CE Report Comment: The CE report raise no concerns regarding the overall visual impact of the development at this location.

10.9.4 Conclusion: I am satisfied that the overall visual impact of the development although entailing significant change in scale from a greenfield site and an increased scale over existing structures in the immediate vicinity can adequately be absorbed at this location and would be acceptable in the context of the visual amenities of the area.

10.10 Residential Amenities-Future Occupants

10.10.1 Quality of Units – Floor Area: A ‘Housing Quality Assessment’ prepared by Henry J Lyons has been submitted with the application and this provides a detailed breakdown of each of the proposed dwellings and apartment units. For assessment purposes the units are assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government, 2023). In the case of all units such meet the recommended standards in relation to gross floor area, room dimensions and storage provision.

10.10.2 In case of apartment units, all units exceed the minimum required floor areas, with 64 units (28.57%) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.10.3 In the case of the apartment units 52% (116) are dual aspect units and in compliance with SPPR 4 of the apartment guidelines for development in central or accessible locations (33% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. The provision of lifts per floor is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.10.4 CE Report Comment Section: The CE Report raise no concerns regarding residential amenity for future occupants with only issue taken with the length of internal corridors within the 2 no. apartment blocks.

10.10.5. Conclusion on Quality of Units: The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality. The comments of the Architect's Section in regards to the internal corridors is noted, however the development exhibits compliance with all standards relevant standards in terms of layout and dimensions.

10.10.6 Quality of Units – Amenity Space: All units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth.

10.10.7 The applicant has proposed a sated total of 24,526sqm of public open space, which is located to the north of the site and an area between Blocks 1 and 2. I would question the accuracy of this figure given the site area is 3.7 hectares (37,000sqm) with a net developable area of 1.9 hectares (19,000sqm). Having examined the plans I calculate that public open space on site including the area to the north of the site and the space between blocks 1 and 2 is approximately 10,744sqm (excludes the path running from the eastern boundary to main street). This represents 56% of the net developable area (1.9 hectares) and 29% of the entire site area (3.7 hectares). Development Plan policy identifies a figure of 12-18% of site area for public open space with the proposal providing open space in accordance with Development Plan requirements. In addition to public open space there are 2 no. courtyard areas at podium level providing communal open space of 1,892sqm as well as communal open to the rear of the townhouse/duplex blocks to the south west of the site (no measurement for this space). Based on the standards outlined under the Apartment Guidelines the entire development (all units) have a requirement of 1,372sqm of communal open space with in excess of the recommended standard provided.

10.10.8 CE Report Comment: The CE Report raises no concerns regarding level of public, private or communal open space and considers public open space provision to be satisfactory in terms quantity and quality.

10.10.9 Conclusion Quality of Units-Amenity Space: The level of provision of public, private and communal open space exceeds the minimum standards set out under Development Plan policy and the Apartment Guidelines and in the case of both public and communal open space exceeds such to a healthy degree.

10.10.10 Daylight and Sunlight: A 'Daylight, Sunlight and Overshadowing Analysis' has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development.

10.10.11 Site Sunlight and Shading: An assessment of sunlight within both the proposed communal open space areas (the courtyard areas within each of Block 1 and 2) indicate that both spaces meet the BRE requirement is that a minimum of 50% the amenity space shall receive two or more hours of sunlight on the 21st of March.

10.10.12 Daylight Analysis: The Daylight, Sunlight and Overshadowing Analysis report assesses the proposed units in terms of both Average Daylight factor (ADF) based on BS 8206-2:2008 and Spatial Daylight Autonomy based on EN 17037:2018. In relation to ADF 98% of bedrooms tested meet the target value of 1% (3 out 353 bedrooms marginally below target value) and 94.6% of the shared kitchen/living spaces meet the target value of 2% (11 spaces in total with 9 no. below 2% but above 1.5% and 2 no. spaces below 1.5%).

10.10.13 In relation to Spatial Daylight Autonomy 100% of the bedrooms meet the target value of 100 lux, 99.5% of the shared kitchen/living spaces meet the target value of 200 lux giving a total level of compliance at 99.8% of all rooms. In terms of compensatory measures the report highlights that 52% of the units are dual aspect and have full access to a courtyard amenity space that receives sufficient levels of sunlight in addition to the floor to ceiling heights of all units being higher than average at 2.7m.

10.10.14 CE Report Comment: The CE report raise no objection to the proposed development and acknowledges the results of the submitted Daylight, Sunlight and Overshadowing Analysis.

10.10.15 Conclusion on Daylight and Sunlight: The proposed development provides for sufficient levels of daylight and sunlight to the proposed residential units and associated communal open space areas and will result in an acceptable level of residential amenity for future occupants of this development.

10.11 Residential Amenity-Adjoining Properties

10.11.1 In terms of existing properties adjoining the site, there are a number of existing dwellings to the south of the site either fronting onto or accessed from Kilmoney Road Lower. The only other boundary of the site where it adjoins existing properties is to the east, which is commercial in nature (Dairygold Co-op superstore and associated parking). There have been a number of observations from the owners/residents of the existing dwellings to the south, which have been summarised above and relate to design and scale in proximity to existing dwellings.

10.11.2 The dwellings fronting Kilmoney Road Lower are single-storey dwellings. The majority of the dwellings feature deep back gardens that extend to back onto the application site. In two cases there are dwellings built behind the existing dwelling fronting Kilmoney Road and closer to the site boundary. The south western corner of the site also wraps around an existing dwelling (Cahirmore) fronting Kilmoney Road Lower with the site located to the north and west of the existing dwelling.

10.11.3 Daylight, sunlight, overshadowing: A Daylight and Sunlight: A 'Daylight, Sunlight and Overshadowing Analysis' has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development.

10.11.4 Daylight impact: The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

10.11.5 The applicant has assessed impact on a number of windows at the 12 no properties located to the south of the site (fronting or accessed off Kilmoney Road Lower). Of the 59 windows assessed on the 12 no. properties, all windows but one achieves the target value of 27% post development. Only one window located on the dwelling identified as Block 10 (dwelling south of Block 2) in the report fall below the target value (39.15 reduced to 25.73). Having inspected the site the window on Block 10 that falls below the target value is located on the northern elevation of the dwelling. Having inspected the site the only window on the northern elevation is on the roof plane and with no window on the north facing wall as indicated in the report. This window also appears to serve an attic space and is only window above ground floor level with the roof profile of the existing dwelling being quite shallow and unlikely to have habitable rooms at first floor level.

10.11.6 Sunlight and Shading: The submitted report includes an assessment of sunlight impact on amenity spaces associated with the closest residential development (the 12 no. properties to the south of the site). The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The results of the assessment are that all amenity spaces assessed associated with the existing dwellings retaining in excess of the target value under BRE guidelines.

10.11.7 Overlooking/physical impact: The issue of overlooking and physical overbearing impact is raised by the third-party observations with particular reference to the overlooking from the courtyard areas at podium level due to proximity and elevated height as well as overlooking from the three/four storey townhouse/duplex blocks to the south west of the site. The application is accompanied by a Residential Amenity Report, which goes into detail regarding the physical relationship between the development and the existing adjoining residential development. Blocks 1 and 2 are u-shaped blocks and feature two-storeys with 2 no. central courtyard spaces at podium level in addition of a public open space area between block 1 and 2 with five-storeys above. The podium level is elevated relative to the level of the adjoining dwelling to the south. The majority of dwellings to the south (those fronting Kilmoney Road Lower) are located sufficient distance from the southern boundary, however there are 2 no. dwellings located behind the dwellings along the public road and are closer to the site boundary. These consist of a dormer style and single-storey dwelling with one located south of Block 1 and one located south of Block 2. The overall design and configuration of the apartment blocks have regard to adjoining properties in their design. The open side of the u-shaped block is on the southern side with the blocks presenting their short sided gables to the southern boundary. In addition the blocks are stepped back and stepped down at their southern elevations. There are no south facing windows on the short-sided elevations and the short side of balconies on the southern gable are obscured by screens. I am satisfied that the design of the apartment blocks has adequate regard to the adjoining dwellings to the south in terms of overlooking. In relation to the podium level open space areas there is provision of a raised planter along the southern edge of the courtyard. A comprehensive landscaping scheme is

also proposed including screen planting along the boundaries where the site adjoining existing residences.

10.11.8 The development to the south west of the site consists of 2 no. blocks. The block includes a three-storey block (units 6A to 6F) with a north south orientation of their main facades/window walls and located north of the existing dwelling, Cahimore and west of Abbey Lodge. This block has external balcony areas at first floor level on its southern elevation. The finished floor level of this block is marginally higher than the existing ground levels. The other block is a mix of three and four-storeys (units 1A to 1D, 2A to 2D, 4A to 4D and 5A to 5B) with an east west orientation of their main facades/window walls and located west of the existing dwelling Cahimore. The scale of this block is three-storey relative to ground level of the existing dwelling with a lower ground floor level at lower finished floor level than the adjoining dwelling. This block also has external balcony areas on its eastern elevation at first floor level relative to the existing dwelling.

10.11.9 In terms of physical scale the two blocks in question are three-storeys (Block 1A to 5B feature lower ground floor level) relative to the existing dwellings (single-storey and dormer style dwellings). In relation to impact on overshadowing, I would refer to the previous section in relation daylight, sunlight and shading, which demonstrate that the proposal would not have detrimental impact on natural light levels to either existing windows or external amenity spaces associated with existing dwellings. The Daylight, Sunlight and Overshadowing Analysis submitted also includes shadow diagrams illustrating shadow impact for various dates of the year and times of the day. The proposed structures are located in the main to the north of existing structures with a small portion of the development located west of existing dwellings and would not cause significant overshadowing of existing dwellings at the proposed scale. In relation to physical separation of the gable of Block 6A to 6D is 10.45m from the western boundary of Abbey Lodge and 11.328m for the northern boundary of Cahimore. Block 1A to 5B is 13.056m from the western boundary of Cahimore and a significant

distance from Abbey Lodge (Block 6A to 6B is located between it and Abbey Lodge). I would be of the view that there is sufficient separation between the proposed and existing development in the context of a site zoned town centre and that the development does vary and reduce scale where it interfaces with existing dwellings. Both blocks do have main window walls orientated to the south and west. In the case of Abbey Lodge Block 6A to 6B presents a blank gable. In the case of Cahirmore the blocks do present a main facade both to the south and east with external balconies. I would acknowledge that the development does propose a significant change relative to the existing dwellings, however I would consider the urban context of the site to be a factor and that the expectancy of retention of total privacy is not realistic in this urban context. I am of the view that the nature and scale of the proposed development relative to existing residential properties is of an acceptable scale and relationship. I would note that the proposal does provide for additional landscaping including screening planting along the boundaries with existing properties and in the case of Cahirmore there is a lack of any solid boundary treatment between it and the site. I would be of the view that the additional planting will mitigate the impact of the development, however I would be of the view that more detail is required regarding boundary treatment with Cahirmore (can be dealt with by way of condition).

10.11.10 CE Report Comment: The CE report questions whether the proposal is adequately separated from the adjoining development in terms of noise, overshadowing and loss of light. It is notable in recommending permission the only alteration suggested is a reconfiguration of townhouse/duplex units 3A, 3B, 4A, 4B, 4C, 4D and 5A to protect the residential amenity of the adjoining dwelling by reducing the height to no more than two-storeys above the level of the existing dwellings, which would reduce each block by one-storey.

10.11.11 Conclusion: I am satisfied that the overall design and scale would have adequate regard to the amenities of adjoining properties and would be acceptable in the context of daylight and sunlight/overshadowing, impact in terms of overlooking and

its general physical relationship to existing residential development in the area. The proposal provides an appropriate balance between providing a development that is an efficient use of zoned, serviced accessible lands and protecting adjoining residential amenity.

10.12 Traffic and Transportation:

10.12.1 The application site is located to west of Kilmoney Town centre and is at the junction of Kilmoney Road Lower and the recently constructed Western Inner Relief Road (WIIR). Vehicular access is off the WIIR with in addition to pedestrian/cyclist access with the proposal also providing a pedestrian/cycle path to connect to main street to the east of the site. The third-party observations raise concerns regarding traffic impact in the context of existing traffic congestion within Carrigaline.

10.12.2 Traffic Assessment: The proposal entails vehicular access off the WIIR using an existing access that is already in place. A Traffic and Transport Assessment (TTA) has been carried out and is incorporated into Chapter of 12 of the EIAR. To accurately assess the impact of the proposed development in the future, the base traffic flows for the local network established by traffic surveys were expanded to the Year of Opening (2024) and the Design Years (2029 and 2039) using TII growth factors. An assessment of the local road network including a junction capacity analysis of a number of key junctions (7 junctions, Linsig for 6 junctions and Arcady for 1 junction (roundabout)) in the area was carried out. The analysis determines the degree of saturation (Linsig Analysis) for each arm of the various junctions based on opening and design years for the AM and PM peak periods with a DOS of 90% or less for signalised or controlled junctions considered acceptable. The analysis indicates that in case of most junctions operate with an acceptable DOS or capacity. There are a few instances where arms of Junction 7 (Church Road/R612) exceed 90% in future design years for the AM peak.

10.12.3 I am satisfied that the TTA is of sufficient scope and detail to reach a conclusion regarding traffic impact. I am satisfied that the assessment demonstrates that the

proposal would be satisfactory in the context of traffic impact on the local road network. I would consider that an important factor to consider is also the fact the site is zoned town centre and is accessible location in term of the established town centre, local employment and services as well as being well served by public transport. A Mobility Management Plan has been submitted with the application with an emphasis on shifting modes of transport away from vehicular traffic to other modes of transport.

10.12.4 Car Parking: Development Plan parking standards are set out under Table 12.6 for and are maximum rates. The maximum requirement for the residential component is 280 spaces (1.25 spaces per apartment) whereas for the retail uses it is 157 plus 4 lorry spaces (1 per 20sqm and 1 lorry space per 750sqm) giving a total of 437 spaces (4 lorry spaces also). For childcare the requirement is 1 space per 3 staff and 1 space per 10 children (unspecified staff and children number). Parking provision is 255 spaces. The provision of parking is at rate of 58% of the maximum parking standard. The majority of the car parking (245) is provided in ground floor under podium space and includes the provision 15 motorcycle spaces. Externally there is provision of 10 no. parallel parking spaces along the frontage of the large retail unit and 4 no. motorcycle spaces.

10.12.5 The parking standards are a maximum standard with the CDP stating that “a reduced car parking provision may be acceptable where the planning authority are satisfied that good public transport links are already available or planned and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development”.

10.12.6 The sites is well served in terms of public transport with a number bus routes in close proximity/walking distance of the site and the development proposing a pedestrian cycling route to the town centre/Main Street to the west. A Mobility Management Plan has been submitted and entails encouraging and facilitating travel by sustainable means. The objectives of such would be to reduce traffic

generation and promote and encourage use of public transport infrastructure, cycling and walking. It is my view that the proposed scheme is in accordance with the provisions of the Development Plan and of the Apartment Guidelines and that the proposed quantum of car parking is appropriate in this instance given the locational context of the site.

10.12.7 Bicycle Parking: The proposal entails the provision of 503 no. bicycle parking spaces distributed throughout the scheme. Table 12.8 and 12.9 of the CDP provides Cycle Parking standards (minimum) for residential and non-residential uses respectively. The minimum requirement under CDP policy for residential is 471 (long and short stay), the retail use and childcare requirement is hard to calculate accurately as it involves staff numbers and childcare numbers, which is information not available, however based on floor area of retail there is requirement for 32 short stay spaces giving a quantifiable total of 503 spaces required. It would appear there may be a requirement for additional spaces under CDP standards, however such is hard to quantify and it is unlikely to be significant level above that provided. The provision of cycle parking is well distributed throughout the site with a mixture of secure parking under podium level and bike standards provided externally in close proximity to the individual uses on site. I would consider although there may be a marginal shortfall in cycle parking based on CDP standards (not quantifiable), the level of cycle parking is of good standard and likely to be sufficient to provide for the future demand for such.

10.12.8 CE Report Comment: The CE Report raises no objection to the proposal on traffic grounds or the level of parking proposed (both car and cycle parking) and acknowledges the town centre location of the site in terms accessibility for pedestrian, cyclists and to public transport.

10.12.9 Conclusion: The proposed development is satisfactory in the context of its overall traffic impact at this location. Sufficient car and bicycle parking is provided with the level of car parking satisfactory in the context of the location of the site at an

accessible location in terms of the town centre, public transport, and local employment and services with regard had to need to shift the emphasis to use of alternative modes of transportation and reduce dependency on vehicular traffic in accordance with national, regional and local planning policy. The proposed development would provide an improved level of connectivity with enhanced cycle path and pedestrian infrastructure to the town centre and wider area.

10.13 Drainage Infrastructure/Flooding:

10.13.1 The proposal entails connection to existing water supply, foul drainage network and surface water drainage network with details provided in the Engineering Services Report submitted with the application. The proposal entails connection to an existing watermain along Kilmoney Road to the south. Foul drainage will be collected by a gravity foul system, which will discharge directly to the proposed new pumping station on the site (permitted and now constructed). All surface water generated by the proposed development will be collected discharge via gravity to the adjacent river. All drains will pass through a Class 1 Bypass separator before discharging to the river. Surface water drainage will be attenuated and discharge to the river will be restricted to greenfield run-off with the network designed to cater for 20% climate change and 1 in 100 year return period. The proposal includes attenuated storage which will be located under the covered car park area which is located outside the flood plain.

10.13.2 Uisce Eireann have issued a confirmation of feasibility to connect to drainage infrastructure with no upgrades required for water supply and subject to completion of a pumping station and rising main as part of WIIR (project is now completed).

10.13.3 The application is accompanied by a Flood Risk Assessment (FRA). Stage 1 of the FRA is Flood Risk Identification. The assessment identifies that the site is partially within Flood Zone A and B in relation to fluvial and tidal flooding sources. Parts of the site to north along the river are in Flood Zone A for both fluvial and tidal flood risk and

part of the central area of the site is within Flood Zone B for both fluvial and tidal flood risk and classified as high in regards to both. Risk of pluvial flooding is classified as low but can be impacted by poorly designed drainage infrastructure. Groundwater flood risk is classified as low.

10.13.4 Stage 2 of FRA confirms flood risk sources using a source pathway receptor model and confirms the flood risk sources with risk of fluvial and tidal high with tidal resulting in the worst flood levels and will be used to set flood protection levels for the site. Stage 3 of the FRA is a detailed flood risk assessment including a hydrological assessment, baseline hydrological monitoring and hydraulic modelling of development proposed including assessment of offsite impacts and impacts on flood storage. This section outline proposed flood mitigation measures, which include vulnerable development away from areas at risk of flooding, water compatible uses within flood risk areas, FFL within Flood Zones A and B set above the 0.5% AEP tidal event with climate change allowances and adequate provision of freeboard, vertical definition of uses (less vulnerable at lower levels), flood compensation within the site (flood crates/flood storage) to prevent increase in flood risk elsewhere. Residual flood risk in the event of failure of mitigation measures is outlined and impact upstream areas, which are currently greenfield sites. Emergency access will be to the road to west using the southern part of the site and it is proposed to implement a Flood Emergency Plan as part of development management. Surface Water Drainage strategy for the site includes restriction of surface water outflow to greenfield rates.

10.13.5 A Justification test has been carried out with the site zoned for development ('Town Centre/Neighbourhood Centres'). It is considered that the proposal will not increase flood risk elsewhere based on hydraulic modelling and flood compensation provided. The development includes mitigation measures to prevent flood risk to property and the economy. The flood mitigation measures haven assessed in the context of residual risk and account for climate change. The development is compliant with wider planning objectives providing for development on town centre lands. It is concluded that the

proposed development passes the justification test and criteria set for such under The Planning System and Flood Risk Management Guidelines.

10.1.3.6 The issue of flooding is raised the third-party observations with it pointed out that there have been numerous flood incidences on the site and question the historical flood data used by the applicants.

10.13.7 CE report Comment: The Board should consider whether the modelling used is adequate to deal with fluvial, tidal and pluvial flood risk and adequately accounts for climate change factors. The Report questions whether the open space will retain its function as flood plain. The report questions whether a mid-range future scenario (20% increase in fluvial flows) is an appropriate climate change factor or whether a High-End Future Scenario should be applied in relation to storage from increased fluvial, tidal and pluvial loadings.

10.13.8 Conclusion: In relation to connection to existing drainage services I would refer to Uisce Eireann's confirmation of feasibility and the fact that works relating to the WIIR appear have been completed. I would also note that there is an existing permission on site permitting a pumping station. In regards to flood risk, I am satisfied that a flood risk assessment has been carried out in accordance with the Planning System and Flood Risk Management Guidelines (2009) and that the proposal includes measures to provide compensatory storage to mitigate against loss of floodplain. In relation to climate change the applicants have applied a mid-range scenario (20% increase) with the CE Report questioning whether such is sufficient in the case of climate change uncertainty. I would note that the CE Report recommend a condition (condition no. 89) providing for revised storm/surface water management plan to include additional capacity to cater for climate change uncertainty. The applicant has had regard to climate change in the design of their scheme, however the Board may wish to apply a similar condition in the event to account for uncertainty in the magnitude of climate

change in terms of flood risk. I am satisfied that the proposal would comply with the the Planning System and Flood Risk Management Guidelines (2009).

10.14 Ecological Impact:

10.14.1 The application was accompanied by an EIAR, which includes Chapter 5 relating to Biodiversity (refer to Section 11.7) which should be read in conjunction with this section. The ecological characteristics of the site. In terms of habitats the site is mainly Agricultural Grassland (GA1) with some sections of Dry Meadows and Grass Verges (GA2). Along the northern and southern boundaries are Deciduous Treelines (WL2) and a Drainage Ditch along the southern treeline (FW4). There are some sections of Buildings and Artificial Surfaces (BL3) on site and small sections of Hedgerows (WL1) and to north east of the site a section of Depositing/Lowland Rivers (FW2). A number of surveys were carried out including a common bird survey, bat surveys, invasive species surveys and wintering bird surveys. The higher value habitats are the Treelines and Depositing/Lowland Rivers and such are to be retained on site with minimal tree loss proposed (19 no. trees identified on site with loss of 8 no. trees) based on value and condition. The riparian corridor along the river is to be retained with the river walkway to be set back. The proposal includes mitigation measures consisting of additional tree planting and habitat creation, construction management measures to minimise, surface water pollution, dust, light and noise emissions, clearance of vegetation outside of the main bird breeding season, the hibernation period for small mammals and having regard to bat species, invasive species management during construction to avoid spread of such, provision of a bat box scheme, provision of a lighting scheme having regard to bat activity and to prevent disturbance along the riverside walkway, and provision of signage to deter human disturbance along the riparian buffer zone along the river.

10.14.2 CE report Comment: The CE report notes that ecological impact is assessed as part of the EIAR (Biodiversity Chapter) and refers to the fact that the Council's

Ecology/Heritage Officer is generally satisfied with mitigation measures proposed and that habitats or species of high natural value will not be significantly affected.

10.14.3 Conclusion on ecological impact: I am satisfied that it has been demonstrated that the site is not of high ecological value and that the habitats of most significant value (Treelines and Depositing/Lowland Rivers) are being retained with small level of tree loss. I am satisfied that the range of mitigation measures proposed are sufficient to ensure no significant impact on species of conservation value.

10.15 Retail Impact

10.15.1 The proposal entails the provision of 3 no. retail units including two small units (floor area of 67 and 91sqm) and a larger 3,000sqm unit. The site is zoned town centre and retail uses are compatible uses within the zoning. The application is accompanied by a Retail Impact Assessment. This assessment identifies that there is capacity for both comparison and convenience retail in the town and that the site complies with the Retail Planning Guidelines with it located in the town centre and being accessible walking distance to a large residential and employment population and accessible for multiple modes of transport.

10.15.2 CE Report Comment: The CE report acknowledges the Retail Impact Assessment submitted and the location of the site within the town centre. It is considered that the proposal complies with the Retail Planning Guidelines in terms of the sequential test (location) and is acceptable in the context of retail impact.

10.15.3 Conclusion: The proposal is an appropriate location for new retail development being located in the town centre zoning and will be accessible to the established Main Street of Carrigaline. I am satisfied with the conclusions of the Retail Impact Assessment and in terms of retail capacity and consider that the proposal will be consistent with the Retail Planning Guidelines.

10.16 Other Issues:

10.16.1 A number of other issues were raised in the third-party observations. One of observations from residents in Nova Court relate to the provision of improved security/boundary treatment provided along the WIIR. This observation appears to relate to issues regarding the WIIR, which is now in place and operational. I do not consider this is an issue that is relevant to consideration of the proposed development or that it is an obligation of the developers in this case to provide or contribute towards the provision of additional security or boundary treatment along the new road. The proposed development is being assessed on its merits and in the context of the proper planning and sustainable development of the area and I would refer to the previous sections of this assessment regarding the impact of the proposal on existing development in the surrounding area. The development is sufficiently separated from Nova Court so as to have no significant impact on such.

10.16.2 Two of the third-party observations raise issues concerning boundary and land ownership issues concerning the site. The observers at Cahirmore state that the existing treeline along the northern boundary of their property is not within the applicants' control with no consent to remove existing trees (5 trees along this boundary, 3 being removed due to poor condition). The observers at Abbey Lodge have indicated that an area within the site boundary is that is habitually used by the observers and should not be included within the site. The observers at Abbey Lodge also state that there is an existing drain that drains water from their site and goes under the proposed townhouse blocks.

10.16.3 In terms of ownership the applicants have included a drawing indicating extent of ownership (P-1060) with the only parts of the site not within their ownership indicated as an area along the western boundary/WIIR in Council ownership and the area of the riverside walkway extending from the eastern boundary to the Main Street (part of

Dairygold premises with a letter consent provided). There appears to be some disagreement regarding extent of ownership in the case of the treeline between the site and Cahirmore and a small area of the site adjoining Abbey Lodge. In this regard I would draw attention to Section 34 (13) of the Planning and Development Act 2000 (as amended) which reads 'a person shall not be entitled solely by reason of a permission under this section to carry out development'.

10.16.4 Having inspected the site I would note that there is an open section of drain running along the western boundary of Cahirmore and eastern boundary of the site (south western corner) and runs on a north south axis. It is not clear where this drain runs underground through the remainder of the site. The likelihood is that the existing dwellings to the south and east of the site link into this surface water drain, which is likely to discharge to the River to the north. I would note that the drainage layout does not acknowledge the presence of the existing surface water drain. The proposal entails provision of storm water layout and there is no reason that existing drainage onto the site from the adjoining dwellings cannot be facilitated. I would recommend a condition requiring that drainage design to facilitate such including clarification of alterations if any to existing drain between the site and Cahirmore.

10.16.5 The proposal provides for a future bridge connection to the lands to the north (car park associated with Super Valu). The CE Report recommends a condition to submit proposals to deliver this pedestrian bridge including timeline in accordance with Mapped Objective CL-U-03 as part of a pedestrian street parallel to Main Street. This objective is part of the current Development Plan. I would consider that the scheme does provide for its future implementation and that condition requiring provision of the bridge itself would inappropriate given such would require a separate consent as well as consent from the landowners on the opposite side of the river. In this regard I would consider that the proposal has adequate regard to this objective.

10.16.6 CE report Comment: The CE report does not mention these issues in its assessment.

10.16.7 Conclusion: As stated above the issue of boundary treatment and security barriers along the WIIR is not a relevant consideration. The issue of disagreement over land ownership is not a relevant consideration and I would reiterate reference to Section 34 (13) of the Planning Act.

10.17 Material Contravention:

10.17.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Cork County Development Plan 2014 (in force at time of lodgement) in relation to car parking standards and deals with the potential issue of material contravention of the Cork County Development Plan 2022-2028 (Adopted (25th April 2022) at the time of lodgement and came into effect on the 06th June 2022) in relation to building height. The statement is summarised above (Section 6.3).

10.17.2 In relation to car parking the 2014 Plan has been superseded by the 2022 Plan and parking standards as set under Table 12.6 of the Development Plan are maximum standard and a reduced parking level is acceptable in circumstances relating to locational context and public transport.

10.17.3 In relation to building height Objective HOU 4-8 states that new development greater than 4 storeys will be required to address the development management criteria, as set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines (2018). The applicant submitted an assessment of development within the Statement of Consistency outlining how the development complies with these criteria and I have set out my own assessment of how the development is compliant with such under Section 10.8, Building Height.

10.17.4 CE report Comment: The CE Report states that there is requirement to demonstrate compliance with the development management criteria under Section

3.2 of the Building Height Guidelines. The report does not identify any circumstances under which the proposed development materially contravenes the current County Development Plan, which was at draft stage at the time of lodgement.

10.17.5 Conclusion: The proposed development does not materially contravene any policies or objectives of the Cork County Development Plan 2022 -2028.

11.0 Environmental Impact Assessment

11.1 Environmental Impact Assessment Report

11.1.1 This section sets out an Environmental Impact Assessment (EIA) of the proposed project and it should be read in conjunction with the planning assessment above. The development provides for the construction of a residential development consisting of 224 no. residential units comprising 22 no. dwelling houses (comprising a mix of 1 and 2 bed townhouse and duplex units) and 202 no. apartments (1, 2 and 3 bed), provision of a 184sqm crèche/childcare facility, 3 no. retail units and associated site works. The site is located within the administrative area of Cork County Council.

11.1.2 This application was submitted to the Board after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Schedule 5 of the Planning and Development Regulations 2001- as amended identifies projects in respect of which the submission of an EIAR is mandatory.

Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- 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.

This section sets out an Environmental Impact Assessment (EIA) of the proposed development. The total site area for the proposed works is c. 3.7 hectares (ha) with a net developable area of 1.9 hectares and it's on this basis that an EIAR was carried out. The EIAR comprises a non-technical summary (Volume 1), a main volume (Volume 2) and supporting appendices (Volume 3). Section 1.11 of Volume 2 set out details of contributors to the EIA Report and the Chapters to which they contributed with detail of their qualifications and expertise at the start of each chapter they have contributed to.

11.1.3 I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. 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.

11.2 **Vulnerability of Project to Major Accidents and/or Disaster**

11.2.1 Consideration of risks associated with major accidents and/or disasters. Article 3(2) of the Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

The 2018 Guidelines on carrying out Environmental Impact Assessment identify two key considerations:

- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.
- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.

11.2.2 The EIAR addresses the vulnerability of the project to major accidents and/or disaster under Chapter 13, Risk Management. Table 13-3 outlines lists the major accidents and/or disasters reviewed. This vulnerability of the project to major accidents or disaster is not considered significant. The site is not a Seveso facility and is not within the consultation distance of any Seveso facility and there are no implications for major accidents or hazards at the proposed development site.

11.2.3 Annex IV of the Directive 2011/92/EU as amended by Directive 2014/52/EU refers to both a proposal's potential to cause accidents/disasters and to the vulnerability of the proposal to accidents/disasters. These risks can be from both man-made and natural disasters and there is a requirement to build resilience into projects and to invest in risk prevention. Principal risks include accidental spillages, ground instability, landslides, flooding, major traffic accidents, and work-place construction accidents. The EIAR concluded that none of these risks are considered to be significant.

11.2.4 The application is accompanied by a site-specific flood risk assessment, and Chapter 7 of the EIAR considers the risk of flooding (Hydrology). This concludes that the site the proposed development is partially with Flood Zone A and B for fluvial and tidal flood sources and the design and mitigation measures take account of such with the proposal not at significant risk of flooding from external sources and will not give rise to flooding impacts elsewhere. Having regard to the nature of the proposed residential and retail development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

11.3 Alternatives:

11.3.1 Article 5(1) (d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

11.3.2 Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

11.3.3 Chapter 2 addressed 'Alternative Locations' and notes that the zoning of the site is appropriate for residential and retail development. The site is considered to an appropriate for new residential development in close proximity to the urban core, public transport and local services/facilities. Section 4.13 of the guideline's states that "some projects may be site specific so the consideration of alternative sites may not be relevant." Additionally, the Guidelines on the Information to be contained in Environmental Impact Assessment Reports (EPA. 2022), states that in some instances alternative locations may not be applicable or available for a specific project which is identified for a specific location considered and the reasons for not proceeding with each.

11.3.4 Alternative designs and layouts were also considered during the design process. This chapter outlines a number of alternative design layouts and configurations considered. The proposed design is the culmination of a considered design process, having regard to the zoning objective, considerations of the amenities of adjoining properties and natural features on site. I am satisfied that the alternative designs

and layouts have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

11.4 Consultations

11.4.1 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.

11.5 Likely Significant Direct and Indirect Effects

11.5.1 The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.6 Population and Human Health

11.6.1 Population and Human Health: Population and Human Health is addressed in Chapter 5 of the EIAR. The methodology for assessment is described as well as the receiving environment. The site is located in the Carrigaline. Recent demographic and socio-economic trends are examined.

11.6.2 The EIAR notes that the study area (two electoral divisions, Carrigaline North and Carrigaline South) has seen population growth of 15.1% between the 2011 and 2016 census (14,648 total). Average Household size of 2.9 for Carrigaline N and 2.7

for Carrigaline S person based on census information. Employment figures show a decreasing rates of unemployment. This chapter outlines proximity to local services with 6 no. primary schools and 3 no. primary schools within 2.5km of the site and 11 no. childcare facilities within 2.6km. The availability of education facilities and childcare facilities is outlined in the Social Infrastructure Audit report submitted with the application.

11.6.3 The closest neighbouring sensitive properties to the proposed development are the residential dwellings off Kilmoney Road Lower located to the south of site. Other development adjoining the site to the east are commercial properties.

11.6.4 The EIAR noted that following an analysis of education, childcare and school capacity the potential demand generated from the proposed development can be absorbed by the available capacity in the area.

11.6.5 The construction phase is anticipated to be 18 months. The main negative effects on existing population in the area would be in relation to the construction phase with construction activity having the potential to cause disturbance, traffic, noise and dust. The predicted impact during the construction phase is slight, localised and short term with the construction phase also likely to have positive, short-term impact in relation iconic activity due to employment during construction phase. During the operational phase the scheme would contribute to the population growth and would have a positive impact on employment, open space and community facilities. The predicted impact during the operational phase is long-term, neutral and not-significant with respect to the operational phase in terms of human health impacts.

11.6.6 Mitigation measures are outlined within Chapter 5 and relate to the construction phase to limit disturbance caused during the construction phase. The measures largely relate to good practice construction management to limit noise, pollution and disturbance caused by construction works. It is considered that there is no potential for significant impact as a result of the proposed development. There will be no

negative residual effects with positive residual effects due to the provision of additional housing, commercial development and improved public realm. In relation to the conclusions of the EIAR, I concur with same, in particular I am of the view that long-term significant positive impacts result from the provision of housing and commercial development on the site. I am also of the view that significant positive cumulative effects on population and human health result from the provision of housing on this site, in combination with other sites, either with permissions for housing development or already under construction. While not significant, I am of the view that any impacts on population and human health as a result of noise and air quality, at construction stage, would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, and such measures are as described in other sections of this EIAR. I am therefore satisfied that the proposed development would not have any significant direct, indirect, or cumulative effects in terms of population and human health

11.6.7 Noise and Vibration: Chapter 9 of the EIAR deals with noise and vibration. The methodology for assessment is described. Potential impacts are mainly associated with the construction phase of the development, arising from demolition, site preparation works, foundations/basement excavation, and general construction works, landscaping and construction traffic. The EIAR identifies the sensitive receptors around the site, which are the residential dwellings and developments (Table 9-3) closest to the boundaries of the site, to the south along Kilmoney Road Upper. In the absence of mitigation, impact upon noise sensitive receptors during the construction phase is predicted to be short-term impact with operation of equipment within noise emission levels in accordance with BS5228-1. In terms of vibration, potential impact include generation of vibration through construction, demolition and operation of machinery with such to be carried out within emission levels based on BS5228:2009+A1:2014.

11.6.8 Operational phase impacts are identified as mechanical plant noise and additional traffic generation. An Acoustic Design Statement has been carried out to assess operational impact. The impact of noise during the operational phase is anticipated to

negligible with no negative impacts. In relation to vibration there is no significant impact on such during the operational phase.

11.6.9 Mitigation is described in section 9.6 of the EIAR. During construction phase mitigation is largely formed of the application of best practice control measures for noise and vibration from construction sites (BS 5228 [2009 +A1 2014] Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2). Measures include the selection of quiet plant, enclosures and screens around noise sources, limiting hours of work, noise and vibration monitoring and liaison with neighbours. During operational phase mechanical plant is also designed to minimise noise and vibration.

11.6.10 Cumulative impact in terms of the construction and operational phase with other permitted and proposed development is predicted to be negligible subject to adherence to mitigation measures. During construction and operational phase, no residual impact is predicted on surrounding occupiers with mitigation in place.

11.6.11 I am satisfied that with the application of the mitigation measures described, there is no significant permanent impacts resulting from noise and vibration associated with the development, or for future residents of the proposed development. There is likely to be disruption to users and occupiers of the area surrounding the subject site during the construction of the proposed development, however this will be temporary and incorporate mitigation to limit the degree of disturbance. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction and Environmental Management Plan (outline CEMP submitted) for the proposed development. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would be unlikely to have significant adverse direct, indirect or cumulative effects in relation to noise and vibration.

11.7 Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

11.7.1 Chapter 5 deals with Biodiversity. The biodiversity chapter details the survey methodology of the assessment and fieldwork dates (Table 8.1) and such include habitat surveying, mapping and evaluation, bird surveys (common birds, winter waterfowl and shorebird, breeding birds), mammal survey, bat survey (roost inspection and activity) and invasive species survey. An Appropriate Assessment Screening Report was prepared and is assessed in section 12 of my report, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

11.7.2 The habitat character of the site is defined by mainly agricultural grassland (GA1) with some sections of Dry Meadows and Grass Verges (GA2). There are other habitat characteristics on site including Deciduous Treelines (WL2), a Drainage Ditch (FW4) and some section of Buildings and Artificial Surfaces (BL3) on site. There is a small section of Hedgerows (WL1) and to north east of the site a section of Depositing/Lowland Rivers (FW2). The treelines (WL2) and depositing lowland rivers FW2 are not classified as Local Importance (Higher Value) with all other habitats on site being of Local Importance (Lower Value).

11.7.3 A number of surveys were carried out including a common bird survey, winter waterfowl and shorebird survey, breeding birds survey, bat surveys and invasive species. There were no rare or protected flora recorded on site. There are four invasive species identified on site (butterfly bush, sycamore, turkey oak and himalyan honeysuckle). There is no signs of terrestrial mammal species protected under the Wildlife Act, 1976 and Wildlife (Amendment) Act, 2000, table 5-9 of the EIAR refers. There is suitable habitat for badgers and pygmy shrews on site (dry meadows and grassy verges) with no badger setts or sign of badger activity recorded. Evidence of otter recorded along the banks of the Owneboy River adjacent the site. Visible signs of red fox recorded but no dens. Four bat species were recorded on site (Soprano

Pipistrelle (*Pipistrellus pygmaeus*), Leisler's Bat (*Nyctalus Leisleri*), Daubenton's Bat (*Myotis daubentonii*) and one record of *Pipistrellus* sp) with no roosts discovered on site. The majority of bat activity is along the riparian corridor along the river to the north of the site with some activity along the treeline to the south of the site.

11.7.4 In relation to birds, the bird surveys identified 28 species (listed in Table 5-13) with 1 no. red-listed species (Black Headed Gull, Grey Wagtail, Herring Gull and Curlew) and 8 no. amber listed species (Snipe, Stonechat, Robin, Mistle Thrush, Starling, Common Gull, Cormorant) associated with the site. In relation to winter waterfowl and shorebird survey all species were recorded flying over the site with the snipe the only species observed foraging on the site. The flight activity of these species is not at collision risk based on manoeuvrability and the elevation at which they fly. In relation to breeding birds only the grey wagtail was recorded breeding on site.

11.7.5 In relation to fish species there is potential impact on atlantic salmon, lamprey and European eel, which are species that pass through Cork Harbour which has hydrological connection to the site through the Owenboy River. In relation to other vertebrates there are no records of Common Frog, Smooth Newt or Common Lizard on site or connected to the site with the same identified to be case for vertebrates such as White-Clawed Crayfish and Marsh Fritillary. An Evaluation of Fauna recorded on site is included under Table 5-16 with the Key Ecological Receptors (KER) identified. Bird Assemblage (Amber) and (Red), Hedgehog, Pygmy Shrew, Bat Assemblage, Otter, Atlantic Salmon, Lamprey and European Eel are all identified as KER's and evaluated as being of Local Importance (Higher Value).

11.7.6 Section 5.5 of the EIAR describes the potential impact of the proposed development during the construction stage, which include loss of habitat including removal of 8 no. trees (treelines WL2 and depositing/lowland rivers (FW2) will be retained). Loss of habitat will be negative, local, permanent. For birds there is potential risk of disturbance though noise, dust, vibration etc having a negative, local, short-term, slight impact. There is loss of foraging habitat for snipe on part of the site which is

negative, local, permanent, slight. For bats there is risk of damage to a tree of roosting potential and the potential for negative, local, short-term, moderate impacts on bat activity due to increased lighting associated with the construction phase. In relation to aquatic species there is potential for negative, local, short-term, significant impacts due to contamination of surface water during construction phase. For mammals habitat clearance and disturbance have a potential to result in a negative, local, short-term, moderate impacts for hedgehogs and pygmy shrew on site and disturbance of otters which are active along the Owenboy River. In terms of invasive species, the removal of topsoil from the site may facilitate spread of such having a negative impact.

11.7.7 The operational phase impact on birds has potential for negative, local, permanent, moderate impacts due to increased human activity and lighting causing disturbance. Collision risk impact is considered to be negligible. For bats potential impact is negative, local, permanent, moderate due to increased night-time lighting. For aquatic species potential impact is negative, local, permanent, slight due to surface water discharges to water bodies. The impact on mammals has potential for negative, local, permanent, moderate impacts due to increased human activity and lighting causing disturbance. For invasive species there is potential for negative impact with introduction of invasive species during the operational phase landscaping and maintenance.

11.7.8 Cumulative impacts with other projects is examined in section 5.5.4 with potential for cumulative impact on water quality with a housing project (38 units) permitted 260m to the south.

11.7.9 Mitigation measures are identified under Section 5.6 and include during the construction phase, retention of trees on site and tree protection measures, surface water management measures, direct watercourse protection measures, noise mitigation, dust mitigation and minimisation measures , site management, a construction lighting plan to minimise impact on bats, vegetation clearance outside bird breeding season and vegetation clearance taking account of potential presence

of mammal species on site (hedgehog and pygmy shrew). Mitigation by design measures include additional planting and habitat creation, retention of riparian zone along Owneboy River including setback of riverside walkway and incorporation of Sustainable Urban Drainage Systems (SuDs).

11.7.10 Residual impact of implementation of the mitigation measures is estimated to reduce impact on ecological receptors to not significant as well as having positive residual impact due to eradication of invasive species on site and increasing biodiversity potential with proposed landscaping and amenity spaces. There are still some negative, local, permanent, slight impacts in the case of loss of foraging habitat for the snipe and increased lighting and human disturbance on bat species and otters active along the Owneboy River. I am of the view that the EIAR appropriately describes the nature and value of the key ecological reports on site including habitats and species. While I note the removal of some habitat areas and related disturbance as described above, the proposal does entail retention of the majority of trees on site, entails the provision of a significant level of landscaped amenity areas and a buffer zone from the riverbank and habitat enhancement measures that would render impact not significant and enhancement measures that would benefit biodiversity. I am of the view that the loss of foraging habitat for the snipe and the level of disturbance of bat and otter species to be not significant. Sufficient information has been provided to reach a conclusion that the proposed development will not have significant effects in relation to biodiversity. I draw the Boards attention to the AA section of my report (Section 9) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

11.8 Land, soil, water, air and climate

11.8.1 Lands and soil: Chapter 6 of the EIAR addresses land and soil. The methodology for assessment is described as well as the receiving environment. According to on site investigations, soil at ground surface is underlain by brown/red sand and gravel to a maximum depth of 2.9mbGL, underlying soils orange/brown sandy, gravelly clay to between 1.0mbGL and 2.7 mbGL, grey/brown slightly sandy, clayey gravel between

3mbGL and 8.5 with bedrock (dark grey siltstone) encountered at depths below 7.5 mbGL.

11.8.2. The construction phase of development will require excavation of soil and subsoils to a maximum depth of 2.0mbGL and will require importation of aggregates. Impacts during the construction phase include stripping of topsoil, excavation of subsoil layers, intervention through foundations and basement construction, imported fill, construction traffic and potential for accidental spillages and contamination. Removal of soil and subsoil will have a negative, slight and permanent impact with importation of material having neutral impact unless it contains contaminated material. No geological hazards are identified in relation to the site.

11.8.3 There is no anticipated impacts on land soil and geology during the operational phase with all impacts confined to the construction phase. No direct impacts are associated with the operational phase and assessed as neutral, imperceptible and permanent.

11.8.4 Mitigation measures include re-use of topsoil on site, screening of imported fill, appropriate disposal of material exported off site, construction management measures in terms excavation, avoidance of spillages/contamination, management of storage/stockpiling and construction traffic. Residual impact is predicted to mainly imperceptible with some slight impacts. No mitigation is proposed for the operational phase.

11.8.5 During the construction phase of the proposed development there are several potential processes that could impact lands and soils with such confined to the construction phase. There is risk of contamination due to accidental release of hydrocarbons or polluting material. The outline CEMP sets out the proposed procedures and operations to be utilised on the proposed construction site to protect lands and soil including avoidance of contamination, screening of imported material, appropriate storage of excavation material on site and appropriate disposal of waste

material. These measures are sufficient to ensure no significant effects and the completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion.

11.8.6 I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant direct, indirect or cumulative effects on land and soil.

11.8.7 Water: Chapter 7 of the EIAR deals with Hydrology & Hydrogeology. The methodology for assessment is described as well as the receiving environment. The main hydrological receptor within the zone of influence of the project is the Owenboy River running along the northern boundary which flows into Cork Harbour to the west. The site is within the Southwestern River Basin District (SWRBD) with the Owenboy River classified as being moderate status and of being at risk of not meeting WFD objectives.

11.8.8 The application was accompanied by a Site-Specific Flood Risk Assessment that determined the site is at risk of flooding from both fluvial and tidal sources and is partially located within Flood Zone A and B. The proposed project was subject to Site Specific Flood Risk Assessment (SSFRA) in accordance with OPW Flood Risk Management Guidelines and is included with the planning application as separate document. The SSFRA uses hydraulic modelling to assess whether risk can be eliminated by provision of compensatory storage with it determined the proposed development won't be at significant risk or cause flood risk elsewhere with the proposal also satisfying the criteria of a Justification Test.

11.8.9 Foul drainage will be collected via a network of pipes and discharges to sump to the north west of the site and pumped off site (pumping station already permitted on site) and discharged to the existing wastewater infrastructure in the area. Surface

water drainage will be to an attenuation pond with controlled release to the Owneboy River. Water supply to the proposed development entails taking a connection from the existing 180mm diameter PE watermain on Kilmoney Road.

- 11.8.10. Potential impact on water arises during the construction of the proposed development from the emission of sediments or hydrocarbons to Ownerboy River/surface water. Changes in hydrological regime of the Owenboy River due to de-watering activities if required, disruption of local drainage, potential increase in hardstanding and soil compaction. The impacts are likely to be short term and moderate without mitigation.
- 11.8.11 During the operational phase potential impacts include increase in impermeable surface area causing increased surface water run-off and flooding downstream. Potential for accidental spillages contaminating surface water.
- 11.8.12 Mitigation measures are outlined in section 7.2.6 and for the construction phase include avoidance of construction and location of site compounds on floodplains, construction management measures to prevent discharge of sediments and hydrocarbons, managed fuelling and maintenance of plant equipment, provision of a 10m riparian buffer corridor along Owneboy River prior to site clearance. Operational phase mitigation measures by imbedded design features including compensatory storage for loss of the floodplain, surface water attenuation, interceptors to prevent pollutants in terms of surface water drainage.
- 11.8.13 Potential cumulative impact with other plans or projects subject to mitigation and provision standard surface water management strategies such SuDs is considered negligible.
- 11.8.14 Residual impacts through implementation of mitigation measures and imbedded design features will be imperceptible.

11.8.15 I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water and hydrology. Regarding cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

11.8.16 Air Quality, Climate and Microclimate: Air Quality Air Quality, Climate and Microclimate is outlined in chapter 8 of the EIAR. The methodology for assessment is described. The Chapter includes an assessment of ambient air quality standards and estimation of dust impact based on the characteristics of construction activity (demolition, excavation, construction, machinery movements). An assessment of traffic in terms of emissions. Regarding the construction stage the greatest potential for air quality impacts is from dust emissions. Impacts can also occur as a result of vehicle and machinery emissions. The nearest sensitive receptors are the existing dwellings to the south along Kilmoney Road Lower. The impact of dust during the construction stage is considered infrequent due to the requirement for prevailing wind conditions and dust prevention will be subject to mitigation. For traffic/machinery emissions impact is considered to be imperceptible with increases in emissions not significant relative to ambient air quality. Any potential dust impacts can be mitigated through the use of best practice and minimisation measures which are outlined in Section 8.1.6 of the EIAR and relate to best practice construction measures and maintenance of machinery. Dust impacts with mitigation are considered to be imperceptible at all nearby sensitive receptors whereas traffic emissions with mitigation are considered to remain imperceptible.

11.8.17 In terms of the operational phase the proposed development and associated open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. There is potential for increased traffic emissions. Overall, the potential impact of the proposed development on ambient air quality in the operational stage is considered not significant. There are no significant cumulative impacts to air quality predicted for the construction or operational phases.

- 11.8.18 The residual construction impact of the proposed development is considered to be imperceptible and not significant. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on air quality.
- 11.8.19 Climate: Climate is also outlined under Chapter 8. The methodology for assessment is described and includes a Green House Gas Assessment and Traffic Assessment to define the baseline scenario. There is the potential for a number of greenhouse gas emissions to atmosphere during the construction of the development. During the construction stage the main source of climate impacts will be as a result of GHG emissions and embodied carbon associated with the construction materials and activities for the proposed construction of new buildings.
- 11.8.20 The proposed development is not predicted to significantly impact climate during the operational stage. Increases in traffic emissions is anticipated to be marginal in terms of overall GHG emissions estimates and it is anticipated that CO₂ emissions for vehicular traffic will reduce substantially due to increased use of electric and hybrid vehicles. Cumulative impacts are possible in terms of construction in tandem with other permitted developments.
- 11.8.21 Mitigation measures are outlined 8.1.6 and relate to the construction phase and are measures to reduce dust and emissions related to construction activities and machinery and are best practice construction management measures. The implementation of these measures would reduce construction impact in terms of greenhouses gases and climate with no significant residual impact.
- 11.8.22 I have considered all the written submissions made in relation to air quality and climate. 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 be unlikely to have any significant effects in relation to climate.

11.9 Material assets, cultural heritage and the landscape:

11.9.1 Archaeology and Cultural Heritage: Chapter 11 of the EIAR addresses Archaeology and Cultural Heritage. The methodology for assessment is described and the receiving environment is described. There are no recorded monuments within the proposed development site with closest being the site of a ringfort-rath (CO086-57); located c535m to the north west and is one of 12 no. recorded monuments within 1km of the application site.

11.9.2 Details of archaeological investigations in the area are outlined with no previous archaeological investigations on site. An archaeological field survey was carried out across the proposed development area with it noted that a fenced off area covered in hardstanding coincides with a potential archaeological feature identified from aerial photography. It is noted no surface traces of archaeological features were recorded. There are no structures of architectural heritage value on site with 3no. protected structures and 8 no. structures on the National Inventory of Architectural Heritage within 1km of the site.

11.9.3 Potential impact during the construction phase will be from ground disturbance through excavation and the provision of a large basement area, groundworks and movement of machines and storage of material on site. In absence of mitigation measures significant impacts on potential buried archaeological remains within the site could be caused during the construction phase. This would be a negative, direct and permanent impact.

11.9.4 No potential impacts are identified during the operational phase as it is anticipated that issues of archaeological and cultural heritage interest will have been resolved prior to or during the construction phase.

11.9.5 No features of archaeological significance have been identified on site to date and no cumulative impacts are identified.

11.9.6 Mitigation measures are provided including carrying out a geophysical survey followed by test trenching with targeted investigation of geophysical anomalies. If archaeological features are revealed such will be recorded, cordoned off and left in-situ until consultation with the National Monuments Service to determine future mitigation strategy. No impacts are anticipated on architectural elements of cultural heritage.

11.9.7 No residual impacts are anticipated but may occur in the event of uncovering features or material of archaeological significance. The level of detail regarding the archaeological characteristics of the site is sufficient to determine that the site is not of significant archaeological potential and that potential for impact is low. I would consider that the implementation of archaeological monitoring on site is sufficient in terms of mitigation and will allow appropriate response in the case of archaeological material being uncovered.

11.9.8 I am satisfied that Cultural Heritage – Archaeology has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

11.9.9 Landscape and Visual: Chapter 9 outlines landscape and the visual impacts that would arise from the development. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the suburban environs of the site from an urban design and planning context in the planning assessment of my report. The EIAR states that the character of the site environs is greenfield. The site is not covered by any Conservation Area (CA) or

Architectural Conservation Area (ACA) designation. There are no views or prospects identified for protection in the site's receiving environment. The site contains amenity grassland, trees and hedgerow.

11.9.10 Appeal submission and observations have highlighted strong concerns about the negative visual impact of the development, particularly when compared to the existing scale of residential development in the vicinity. The scale and height of the proposed development is criticised.

11.9.11 This section of the EIAR includes a landscape and visual impact assessment with the methodology set out including assessment of townscape sensitivity, magnitude of townscape change, significance of effects, viewpoint/visual receptor sensitivity, magnitude of visual change and significance of visual effects. 17 viewpoints within the development the site and surrounding area have been used and CGI's/photomontages/visualisations have been provided to illustrate visual impact. Assessment of potential visual effects from the various viewpoints in the intervening area are outlined under Section 10.5.2.1.

11.9.12 Construction phase impact will be incremental growth of structures with an indirect effect and magnitude of change classified as medium-high but temporary. The visual effects are moderate, negative but short term and reduce in significance with increased distance from the site.

11.9.13 Operational phase impact will be a visible change in the extent and scale of structures on site. Most viewpoints in the area are classified as medium sensitivity with several viewpoints classified as of high sensitivity (from the Main Street, Nova Court, Kilmoney Road Lower, Droin an Oir, Church Hill). Table 10-7 outlines the assessment visual effects.

11.9.14 Mitigation measures during construction include site management, control of site lighting, delivery of materials and site boundary hoarding. Mitigation measures during the operational phase include tree retention and landscaping, across the site.

11.9.15 Residual impact of implementation of the mitigation measures is estimated to reduce visual impact. I have considered third-party objections in relation to negative visual impact, however I am of the view that the EIAR appropriately describes the magnitude of visual effect of the development in the surrounding area. While the proposal will entail a visible change in the scale of structures on site the layout and design including provision of lower structures adjacent the site boundaries and existing development and the level of open space and retaining existing trees/new planting on site render the proposal satisfactory in terms of impact on landscape and magnitude of effect will be not significant. In addition, the site is within an existing urban area and zoned for urban development.

11.9.16 I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that landscape has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

11.9.17 Material Assets – Traffic and Transportation: Chapter 12 of the EIAR addresses Transportation. The methodology for assessment is described and the receiving environment is outlined. The observations have raised concerns about traffic impact in relation to the capacity of the local road network. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts. My assessment of Traffic and Transportation impact in Section 9.10 also considers these matters and I refer the Board to same.

11.9.18 In the case of the construction phase, the main construction entrance will be the existing entrance off the Western Inner Relief Road entrance location on the western boundary of the site. A construction period of up to 18 months is anticipated. A Construction & Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) would be implemented, which has been submitted as part of the application documents. Overall, it is considered that the impact of the construction phase on Traffic and Transport will be a temporary negative impact.

11.9.19 The operational phase impact is assessed with the cumulative traffic impact of other proposed developments in the area considered and included for in the traffic assessment. To accurately assess the impact of the proposed development in the future, the base traffic flows for the local network established by traffic surveys were expanded to the Year of Opening and the Design Years using the medium-range TII growth factors. An assessment of the local road network including a junction capacity analysis of a number of key junctions (7 junctions) in the area was carried out. It is anticipated that there is likely to be a slight long-term traffic impact will be made on the local road environment stemming from residential and employee trips to and from the site. The analysis carried out indicates no concerns regarding junction capacity within the area. The cumulative traffic impact of other proposed developments in the area was considered and included for in the traffic assessment. This provided for a robust assessment of the cumulative traffic impact of the proposed development.

11.9.20 Mitigation measures are outlined under section 15.6 of the EIAR and include for the construction phase construction management with an outline Construction and Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) included with the application. For the operational phase measures implementation of a Mobility Management Plan (MMP) to encourage sustainable travel practices (MMP included with the application), provision of appropriate pedestrian and cycling infrastructure and connectivity. For the construction phase residual impact is anticipated to be short term and not significant.

11.9.21 I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network and that the site is located at an accessible location where alternative modes of transport such as public transport, walking and cycling can be availed of. The impact of construction traffic is temporary, can be accommodated for within the site boundaries and can be managed by the mitigation measures proposed. I have considered all the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant adverse direct, indirect or cumulative effects in relation to Traffic and Transportation

11.9.22 Material Assets – Waste: Chapter 12 of the EIAR addresses Waste and Utilities. The methodology for assessment is described and the receiving environment is outlined. A Construction and Demolition Waste Management Plan (CDWMP) has been prepared for the demolition, excavation and construction phase of the development. In addition, an Operational Waste Management Plan (OWMP) has been prepared for the operational phase of development and submitted with the application.

11.9.23 During the construction phase the proposed development would generate a range of non-hazardous and hazardous waste materials during site demolition, excavation and construction. The site is to be excavated to 2.0mbGL with the ground level of the site brought up to +4,.000 OD. Soil generated during excavation will be reused on site with some material removed off site. Waste material will be segregated on site and removal, recovery and recycling of material will be carried out in accordance the Waste Management Act and appropriate statutory instruments. The impact is classified as temporary, negative and moderate.

11.9.24 During the operational phase residential, retail and childcare development will generate waste with the expected waste types listed in table 12-36. In absence of mitigation the impact from the operational phase is likely to be long term, negative and moderate.

11.9.25 Mitigation measures are outlined in Section 12.2.6 and for the construction phased include adherence to Construction and Demolition Waste Management Plan (CDWMP) which has been submitted that provides for appropriate storage, segregation and disposal of non-hazardous and hazardous material in accordance with best practice guidance and waste legislation. For the operational phase an Outline Waste Management Plan (OWMP) has been provided, which facilitates waste segregation, recycling and recovery.

11.9.26 Assuming the full and proper implementation of the mitigation measures set out in the EIAR, and, in the CDWMP and OWMP, no likely significant negative effects are predicted to occur as a result of the construction or operational of the proposed development.

11.9.27 Other developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate against any potential cumulative effects associated with waste generation and waste management.

11.9.28 I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on material assets (Waste). Regarding cumulative impacts, no significant cumulative impacts are anticipated.

11.9.29 Material Assets – Utilities: Chapter 16 of the EIAR deals with Material Assets –Site Services. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Services Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems. Confirmation of feasibility to connect has been received from Uisce Eirann.

11.9.30 Impacts are considered in relation to water supply, foul and surface water drainage, gas and telecommunications and the electrical network. In terms of construction there will be some disruption of electrical supply, which is likely to be negative, slight and short-term. The proposal requires no gas connection. In terms of Information and Communication Technology (ICT) connection is required however the temporary nature of construction render impact neutral, imperceptible and temporary. Construction phase will cause some disruption to water supply but will be controlled by Uisce Eireann and be negative, not significant and temporary. Impact on surface water network due to construction activities in particular discharge of material of sediments and hydrocarbons without mitigation having a negative, short-term and moderate impact. Impact on the wastewater network for the construction phase requires completion of a pumping station and rising main part of the works for the WIIR. The temporary nature of the construction phase will have a negative, slight and temporary impact in relation to wastewater.

11.9.31 For the operational phase there will be an increase in demand on the electricity supply network with potential impact neutral, long term and not significant. There is no requirement for gas connection. In terms of Information and Communication Technology (ICT) the site is located in an area that can be serviced with telecommunication services (broadband) and the height of proposed structures would have no significant impact on microwave links. Impacts will be neutral imperceptible and long-term. In relation to wastewater, water supply and surface water, the operational phase will generate demand for water supply, additional loading for the wastewater network and generate surface water. Uisce Eireann have

issued a confirmation feasibility to connect to existing drainage infrastructure with a neutral, imperceptible and long-term impact.

11.9.32 I consider that some cumulative effects that may arise from the proposed development together with existing and permitted developments, however these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

11.9.33 The final connection details are subject to agreement with the relevant provider. The connections would be conducted in parallel with other services. The implementation of mitigation measures within each chapter will ensure that the residual impacts on the material asset-site services during the operational phase will be not significant.

11.9.34 I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on material assets (utilities).

11.10 Interactions and Cumulative Effects

11.10.1 Chapter 14 addresses interactions and highlights those interactions which are considered to potentially be of significant in nature and Table 14.1 provides a matrix of interactions. Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative but short-term in duration. Mitigation measures are proposed throughout this EIA Report to minimise any potentially negative impacts.

11.10.2 The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction

between any of the disciplines was identified and no further mitigation measures were identified.

11.10.3 Cumulative Impact: Each individual chapter provides an assessment of the cumulative impact of the development.

11.10.4 The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the development plan that was subject to SEA. It is, therefore, concluded that the accumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.10.5 Each individual chapter provides details summary of mitigation measures with Chapter 15 providing a summary of mitigation measures and monitoring.

11.11 Reasoned Conclusion on the Significant Effects

11.11.1 Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area as well as additional retail activity at town centre location.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised greenfield site to residential and retail use. Given the location of the site within the built-up area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures including implementation of Construction and Environmental Management Plans.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme with no significant residual effects.
- Biodiversity impacts mitigated by retention of trees, additional planting/landscaping, buffer zone along riverbank, bat boxes, additional surveys and monitoring pre and during construction, and appropriate work practices with no significant residual effects.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water with no significant residual effects.
- Construction traffic impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.

- Archaeology and Architectural Heritage would be mitigated by archaeological monitoring during construction. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

12.0 Appropriate Assessment

12.1 Applicant's Stage 1 – Appropriate Assessment Screening

12.1.1 The applicant has engaged the services of Enviroguide Consulting, to carry out an appropriate assessment screening report. I have had regard to the contents of same.

12.1.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment

- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

12.1.3 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

12.1.4 The subject lands are described in section 3.2 of this report. Field surveys were undertaken (field surveys, habitat mapping, common bird survey, bat survey, invasive species, mammal survey and winter bird surveys) these informed the Ecological Impact Assessment (part of EIAR) as well as the AA Screening Report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

12.1.5 The screening report identifies 2 European Sites within the potential zone of influence, these are as follows:

Name	Site Code	Distance from Site
Great Islands Channel SAC Conservation Objectives:	(001058)	8.7km

<p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p>		
<p>Cork Harbour SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p>	(004030)	50m

Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]		
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12.1.6 Connectivity-Source-Pathway-Receptor: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified sites. The following is found in summary:

Site	Direct hydrological connection	Comment
Great Islands Channel SAC	No	Intervening distance between site and SAC as well potential for dilution with Cork Harbour sufficient to exclude significant effects.
Cork Harbour SPA	Yes	The site may provide ex-situ foraging habitat for qualifying interests of the SPA with potential for loss in foraging habitat. The proposed development may pose a collision risk for species that are qualifying interests of the SPA. The proposed development may lead to disturbance and/or displacement of species that are qualifying interest due to noise and dust emission during construction

		<p>phase and increased lighting emissions during the operation phase.</p> <p>There is hydrological pathway with surface discharge to the Owneboy River during construction and operational phase with potential to impact water quality in the SPA.</p>
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12.2 **Applicant's Screening Report Assessment of Likely Significant Effects:**

12.2.1 The submitted AA Screening Report, through section 3.5, considers the potential impacts on European Sites from the proposed development. The source pathway link with the Cork Harbour SPA (004030) means the potential for significant effects cannot be ruled out.

12.2.2 No habitat loss or alteration with the site outside the designated site and the site not being an ex-situ foraging habitat for bird species that are qualifying interests. No habitat/species fragmentation. Potential for surface water run-off during the construction phase due to proximity to Owneboy River and topography of the site. In absence of SuDs measures designed to treat surface water there is potential for contaminated surface waters from the site discharging to the designated site. No potential impact on water quality from discharges to the Cork Lower Harbour WWTP, which has spare capacity. Potential for disturbance and/or displacement of species due to disturbance such as noise and dust during construction.

No changes in population density with surveys indicating bird species overflying the site are not within collision risk zone. In-combination effects are addressed with a number of proposed developments in the vicinity. It is considered that there is potential for the proposed development to act in-combination with other

development in the vicinity to exercise significant effects on the Cork Harbour SPA (surface water contamination).

12.3 Applicants' AA Screening Conclusion:

12.3.1 The applicant in carrying out the AA screening, has not taken into account any specific mitigation measures. It cannot be ruled out that the proposed development would not have a significant effect on the Cork Harbour SPA (004030). The applicant considers it necessary to proceed to Stage 2 of the Appropriate Assessment Process and a Natura Impact Statement (NIS) has been prepared.

12.4 Applicants' Stage 2-Appropriate Assessment

12.4.1 The NIS examines and assesses the potential adverse effects of the proposed development on the Cork Harbour SPA, where it has been established that a Source-Pathway-Receptor link exists. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

12.4.2 The NIS identifies and assesses potential for significant effects of the proposed development on specific Qualifying Interests and Conservation Objectives of the designated sites. A summary description of the European sites is provided in Section 5.1 of the NIS and details the likelihood of significant effects are provided in Table 4. Impacts may occur during the Construction and Operational phases of the development as follows:

Construction Phase: Noise, dust and general disturbance of qualifying interests (bird species and wetlands), contamination of surface water affecting the status of habitats and foraging resources and quality of wetlands habitats.

Operational Phase: Disturbance caused by increased lighting of qualifying interests.

12.4.3 Mitigation measures are outlined in Section 9. Construction phase mitigation measure include noise abatement measures to comply with recommendations of BS

5228-1:2009+A1:2014 and European Communities (noise Emission by Equipment for Use Outdoors) regulations, 2001, dust minimisation in line with best practice guidance, construction management measure and monitoring to minimise activities in close proximity to sensitive receptors, measures to prevent light pollution during the construction phase, management of surface water during construction. During the operational phase mitigation includes surface water drainage proposals incorporated into the proposed development, provision of a lighting scheme to prevent light pollution and impact on species of conservation interest.

12.4.4 The NIS report has concluded beyond any reasonable scientific doubt, that once the mitigation measures recommended in this Report are implemented correctly and in full, the proposed development at Kilmoney, Carrigaline, Co. Cork will not result in any adverse effects on any European sites.

12.5 **Appropriate Assessment Screening**

12.5.1 **Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

12.5.2 **Background on Application**

The applicant has submitted a screening report for Appropriate Assessment and Natura Impact Statement as part of the application and these summarised in the previous sections. The applicant's **Stage 1 AA Screening Report** was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicants AA Screening Report concluded that it cannot be ruled out that the proposed development would not have a significant effect on the Cork Harbour SPA (004030). The applicant

considers it necessary to proceed to Stage 2 of the Appropriate Assessment Process and a Natura Impact Statement (NIS) has been prepared.

12.5.3 Having reviewed the documents, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

12.5.4 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

12.5.5 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no direct loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier (2 sites) with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. 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, as well as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

12.5.6 I concur with the conclusions of the applicant's screening that significant effects on Great Channel Islands SAC (001058) can be ruled out at the screening stage on the basis of the lack of source pathway connectivity. In the case of Cork Harbour SPA there is an indirect hydrological connection in form of potential discharge of surface water to the Owneboy River and subsequently the Cork Harbour SPA as well as the proximity of the site to the designated site (50m) in terms of disturbance of species that are qualifying interests of the designated site.

12.5.7 The qualifying interests of the designated include a habitat, wetlands and a list of bird species. I am of the view in relation to that significant effects as a result of deterioration of water quality and subsequent impact on the wetlands habitat can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and polluting materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDs measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. In relation to foul water drainage the proposal is to be connected to existing foul drainage system with effluent discharging to the Cork Lower Harbour WWTP which discharges to the local surface water bodies and is operated under licence. I note the information available in regards to the capacity status of the Cork Lower Harbour WWTP (Uisce Eireann Capacity Register and most up-to-date Annual Environmental Report) as well as the various measures outlined in the submitted, Engineering Services Report and the Construction and Environmental Management Plan for the construction and operational phase of the development. I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. I am satisfied that significant effects on the SPA in relation to impact on water quality and significant effects on the quality of the wetland habitat can be ruled out at the screening stage.

12.5.8 The application site is located 50m from the SPA and there is potential for disturbance of species that are qualifying interests (bird species) of the designated site, through construction activity, noise, dust, lighting and the operational phase due to human activity and artificial lighting. In this regard significant effects on this QI cannot be ruled out at the screening stage and I would consider that a Stage 2 Appropriate Assessment is required in relation to this aspect of the proposal.

12.5.9 In relation to in-combination effects, following the consideration of a number of plans and projects including planning applications in the area, which are mainly relating to other residential development, there is no potential for in-combination effects given the scale and location of the development and the fact that such are subject to the same construction management and drainage arrangements as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

12.5.10 Screening Conclusion: I would consider that the likelihood of significant effects on the bird species that make up the species qualifying interests Cork Harbour SPA, cannot be ruled out at the screening stage and that a Stage 2 Appropriate Assessment is required.

12.6 Stage 2 – Appropriate Assessment

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

12.6.2 The Cork Harbour SPA (004030) is subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for this site available through the NPWS website.

12.6.3 Aspects of the Development that could adversely affect the designated site: The only aspect of the development that could impact the conservation objectives of the European sites is the potential disturbance of the bird species that are qualifying interests of the designated site. It is clear based on the bird surveys carried out on site that the site is not an ex-situ habitat for any of the species listed as qualifying interests and the proposed development does not pose a collision risk for bird species overflying the site.

12.6.4 **Mitigation:** A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction phase and operational phase. These are outlined in Section 9 of the NIS, but the main points are summarised here:

- Construction management to ensure construction noise and vibration levels are within best practice emission limit values, dust mitigation and minimisation measures, maintenance and management of on-site plant, lighting to minimise light spillage/wildlife friendly light during the construction phase and on-site monitoring during the construction phase.
- Incorporation of a high degree of landscaping and amenity space, provision of a buffer zone along the Owenboy River, a lighting scheme during the operational phase that will have regard to wildlife (designed in accordance with guidelines from Bat Conservation Trust, BCT, 2018) and reduce light spillage.

12.6.5 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of Cork Harbour SPA (004030) based on the outlined

mitigation measures. I consider that the mitigation measures are necessary having regard to the physical proximity of the site to the Cork Harbour SPA (004030).

Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

12.6.6 In Combination Effects: there is no likelihood of in-combination effects with other plans and projects subject to the full implementation of mitigation measures outlined in the NIS.

12.7. Appropriate Assessment Conclusion:

12.7.1 The proposed residential development at Kilmoney, Carrigaline, Co. Cork has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

12.7.2 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effects on Cork Harbour SPA (004030). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

12.7.3 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Cork Harbour SPA (004030).

12.7.4 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Cork Harbour SPA (004030).
- Detailed assessment of in-combination effects with other plans and projects including historical projects, plans and current proposals.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Cork Harbour SPA (004030).

12.7.5 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and reports submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Cork Harbour SPA (004030).

13.0 Conclusion and Recommendation

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area, and I recommend that permission is GRANTED, under section 9(4) of the Act subject to conditions set out below.

14.0 Reasons and Considerations

Having regard to:

- a. The site's location on lands with a zoning objective for 'Town Centre/Neighbourhood Centres';
- b. The policies and objectives in the Cork County Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024),

- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Southern Region;
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- j. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2023;
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- l. Chief Executive's Report; and
- m. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

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 03rd June 2022 by Reside Investments Limited.

Proposed Development:

Planning permission for a strategic housing development at this site of c. 3.7 ha on lands at the Kilmoney (townland), Kilmoney Road, Carrigaline.

The development will consist of:

The construction of a development consisting of 224 no. residential units comprising 22 no. dwelling houses (comprising a mix of 1 and 2 bed townhouse and duplex units) and 202 no. apartments (1, 2 and 3 bed), the provision of a 184sqm crèche/childcare facility and 3 no. retail units and all associated site works.

Decision:

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

Matters Considered

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

- a. The site's location on lands with a zoning objective for 'Town Centre/Neighbourhood Centres';
- b. The policies and objectives in the Cork County Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;

- e. The Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024);
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for Southern Region;
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- j. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2023;
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- l. Chief Executive's Report;
- m. Inspector's Report; and
- n. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account

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 documentation and the Inspector's report.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Cork Harbour SPA (004030), which is the European Sites for which there is a likelihood of significant effects.

Appropriate Assessment-Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Killarney Cork Harbour SPA (004030), in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

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

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

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

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

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the grounds of appeal, the submissions from the planning authority, the prescribed bodies and third parties in the course of the application and appeal, and
- (d) the Inspector's report.

Reasoned Conclusions on the Significant Effects

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning

authority, third parties and the prescribed bodies in the course of the application; and
(d) The Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area as well as additional retail activity at town centre location.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised greenfield site to residential and retail use. Given the location of the site within the built-up area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.

- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures including implementation of Construction and Environmental Management Plans.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme with no significant residual effects.
- Biodiversity impacts mitigated by retention of trees, additional planting/landscaping, buffer zone along riverbank, bat boxes, additional surveys and monitoring pre and during construction, and appropriate work practices with no significant residual effects.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water with no significant residual effects.
- Construction traffic impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Archaeology and Architectural Heritage would be mitigated by archaeological monitoring during construction. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant

environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this highly accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority.

16.0 Conditions

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

Reason: In the interest of clarity.

2. The mitigation measures outlined in the Environmental Impact Assessment and Natura Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment and in the interest of wildlife protection.

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

Reason: In the interest of visual amenity.

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

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

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other

external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. Prior to commencement of the development, the developer shall submit a Biodiversity Gain Plan. This Biodiversity net gain (BNG) assessment shall establish the current biodiversity metrics on site and identify ways the development will contribute to the recovery and enhancement of nature while developing the site.

Reason: To reduce fragmentation, protect and enhance the biodiversity and ecological value of the site.

7. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping proposal shall have particular regard to the boundary treatment with the adjoining dwellings to the south of the site in particular Cahirmore. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

8. In the interest of residential and visual amenity a schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning

authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

9. Prior to the commencement of any work on site, the developer:
- i) shall engage the services of an independent, qualified arborist, for the entire period of construction activity.
 - ii) shall inform the planning authority in writing of the appointment and name of the consultant. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the revised tree reports and plans, once agreed.
 - iii) shall ensure the protection of trees to be retained
 - iv) submit photographs and confirmation that fencing for retained trees meets BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" for the written agreement of the Planning Authority.
 - v) All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.
 - vi) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.
 - vii) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.
 - viii) A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.

ix) The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

Reason: To ensure the retention, protection and sustainability of trees during and after construction of the permitted development.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartments. The lighting scheme shall form an integral part of landscaping of the site.

Reason: In the interests of protection of bats, public safety and amenity, to prevent light pollution.

12. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground.

Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

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

14. The internal road network serving the site including set down areas, footpaths and kerbs, adjoining hotel and the underground car park and ramps to same shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. Details of signage in relation to cycle parking and safe access to same should also be submitted for agreement with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

15. The location of the surface water management berm, should be agreed in writing with the Planning Authority, prior to the commencement of development.

Reason: In the interest of orderly development and protection of surface water bodies adjoining the site.

16. Updated drainage layouts shall be submitted that clarify what alteration if any is being made to the existing open drainage channel adjoining the eastern boundary of the portion of the site with frontage along Kilmoney Road Lower and that adjoins the existing dwelling Cahirmore. In addition, such measures shall ensure that the existing drainage to such from the adjoining dwellings is not interrupted by the proposed development. These details should be submitted to the Planning Authority and agreed in writing prior to the commencement of development.

Reason: In the interests of orderly development.

17. The construction of the development shall be managed in accordance with a Construction Management Plan and Environmental Management Construction Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, traffic management arrangements/ measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety.

18. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan and construction environmental management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the preparation of resource & waste management plans for construction & demolition projects' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

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

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

20. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

23. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

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.

Colin McBride

Senior Planning Inspector

05th April 2024