



An
Bord
Pleanála

Inspector's Report

ABP-313739-22

Development

94 residential units, provision of 1 no. café and revisions to existing vehicular entrance. Ashbourne House is a Protected Structure.

Location

Ashbourne House, Johnstown,
Glounthaune, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

215072

Applicant(s)

Barlow Properties Limited

Type of Application

Permission

Planning Authority Decision

Split Decision

Type of Appeal

First & Third Party

Appellant(s)

1. Sheila Miller
2. Barlow Properties Limited

Observer(s)

1. Terence Reeves-Smyth
2. Northern Ireland Heritage Gardens Trust

3. Glounthaune Sustainable Development Committee
4. Tree Council of Ireland
5. James Barrett
6. Hester Forde
7. Glounthaune Community Association
8. Hanne & Freddie Pedersen
9. Residents of Johnstown
10. Regina Murphy
11. Jesper Pedersen
12. Irish Georgian Society

Date of Site Inspection

1st September 2022

Inspector

Liam Bowe

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 3.65 hectares, comprises an irregular shaped area of land located to the eastern side of Glounthaune, County Cork. The site is located in the townland of Johnstown on the edge of the urban part of Glounthaune. Glounthaune is located approximately 10km to the east of Cork City and Midleton is a further 9km to the east.
- 1.2. The site is located to the north of the L3004 local road, from which vehicular access will be provided, and to the south of a local access road. Part of the Dunkettle to Carrigtwohill pedestrian / cycle path also bounds the site to the south, and this runs between the L-3004 local road and the appeal site. There is a water channel immediately to the south of the pedestrian / cycle path. Glounthaune train station is located immediately to the southeast of the appeal site. This serves the Cork to Cobh / Midleton railway line.
- 1.3. Further to the south are mudflats associated with a river tributary which flows into the River Lee. The N25 Cork to Rosslare national primary road is located south of the tributary / mudflats associated with the River Lee. The N25 is the main road serving east Cork, but it by-passes the subject site. Interchanges between the local road network and the N25 are available to the east and west of Glounthaune at Little Island and Carrigtwohill.
- 1.4. There are three houses immediately to the north of the appeal site and more houses to the north on the opposite side of the local access road (L-2970) known as The Terrace. There is a small residential scheme immediately opposite and to the north of the appeal site and a significant residential area to the northeast / east, comprising Johnstown Close, The Woods, Johnstown Park and Gort Fada residential developments.
- 1.5. The appeal site slopes from north to south, from a point at 19m OD to 3m OD in the south-east corner. The site is formed around Ashbourne House, which is a protected structure, formerly associated with the Beamish family. The house is located towards the north-eastern part of the site with associated outbuildings to the side/ rear and a gate lodge located at the existing access to the south. A significant aspect to the protected structure is the associated historical gardens, which hosts a significant number of champion and specimen trees. The historical garden is divided by the

internal access road from the main entrance to Ashbourne House. The parcel of land to the east of the access road is known as the Bog Garden, whilst the vast majority of the historical garden is located to the west of the access road and Ashbourne House.

- 1.6. Ashbourne House was recently in use as a hotel. Presently, it is being used to accommodate refugees. The historical garden has become overgrown and was largely inaccessible on the day of my site inspection.

2.0 Proposed Development

- 2.1. The proposed development originally comprised the construction of 94 residential units, a café, and all ancillary works on the grounds of Ashbourne House, which is a protected structure (RPS No. 00498). It is proposed to demolish the modern extensions to Ashbourne House, refurbish the building and provide residential apartments within the building. The residential units were proposed as 8 no. detached houses, 4 no. duplex apartments, 9 no. 3-bed apartments, 65 no. 2-bed apartments and 8 no. 1-bed apartments. The principal open spaces would be located in the northwestern and eastern parts of the site. There is one local play area also proposed within the scheme. The development would be served by a mains water supply and public sewer.
- 2.2. Access to the development would be via the existing access to the south with improvement works and the provision of a pedestrian access to the north.
- 2.3. The application was accompanied by various technical reports and drawings, including the following:
- Architectural Heritage & Historical Landscape Impact Assessment
 - Tree Survey
 - Outdoor Lighting Report
 - Planning Statement
 - Childcare Needs Assessment
 - Water Report
 - Engineering Design Report

- Ecological Impact Assessment
- Screening for Appropriate Assessment

2.4. The Board should note that the proposed development per the First Party appeal is for 53 no. residential units comprising 7 no. 1 bed apartments, 38 no. 2 bed apartments, 1 no. 2 bed detached house, 1 no. 3 bed apartment, 2 no. 3 bed semi-detached houses and 4 no. 3 bed detached houses.

3.0 Planning Authority Decision

3.1. Further Information Request

3.1.1. Prior to issuing a notification of decision, the Planning Authority issued a further information request on 16th June 2021 requiring details in relation to a revised layout reducing the impact on the woodland habitat, a revised Tree Survey Report, a revised landscape plan, management details for proposed wildflower areas, a detailed Invasive Species Management Plan, a bat survey, a faunal species survey, a phasing scheme, the provision of additional family units, an amended Architectural Heritage & Historical Landscape Impact Assessment (AHHLIA), design and layout of apartment blocks and pedestrian links, revised childcare provision / proposals, a Traffic & Transport Assessment (TTA), revised proposals for the disposal of surface water, a site-specific Construction & Demolition Waste Management Plan, an Environmental Management Plan, a Surface Water Management Plan for the construction phase, and revised public lighting proposals.

3.1.2. The applicant submitted a response to this further information request to the Planning Authority on 4th February 2022, which included:

- A revised strategy for the development of the site based on an Arboricultural Champion & Heritage Tree Report,
- A Tree Survey drawing,
- Revised architectural drawings,
- A revised Landscape Masterplan,
- A revised Layout Landscape Plan Report,
- A revised Photomontage and CGI booklet,

- A detailed Invasive Species Management Plan,
- A Bat Survey,
- A report on cumulative impacts on fauna,
- A phasing drawing,
- Alterations to the unit mix,
- A revised AHHLIA,
- A justification for providing no on-site childcare facility,
- A TTA,
- Revised proposals for the disposal of surface water,
- A Preliminary Construction & Demolition Waste Management Plan,
- A Preliminary Construction Environmental Management Plan,
- A Construction Surface Water Management Plan, and
- A revised Public Lighting Design Report.

3.2. Clarification of Further Information

- 3.2.1. The Planning Authority issued a clarification of further information request on 3rd March 2022 requiring details in relation to a revised development design with modified footprint by omitting Block D, a revised Tree Survey Report, a revised landscape plan, details of operational site lighting, a revised assessment on the cumulative impacts on fauna, an updated phasing plan, a revised AHHLIA, a revised Landscape Masterplan, clarifications on the TTA, further proposals for the disposal of surface water, and revised proposals for Part V or proof of purchase date of the site.
- 3.2.2. The applicant submitted a response to this clarification of further information request to the Planning Authority on 24th March 2022, which included:
- Revised architectural drawings including Block D,
 - A revised Tree Survey schedule table,
 - A revised Landscape Masterplan drawing,

- Details of operational site lighting,
- An updated phasing scheme,
- An amended AHHLIA,
- Revised landscaping proposals,
- Revised proposals under an updated TTA,
- Revised proposals for the disposal of surface water, and
- Revised Part V proposals.

3.3. **Decision**

3.3.1. By order dated 9th May 2022 Cork County Council issued a Notification of a Split Decision for the proposed development.

Permission was granted for 30 no. residential units (comprising 23 no. apartments and 7 no. houses), the provision of a café in the gate lodge building, and associated works, subject to 68 no. conditions. Of note are the following conditions:

Condition No.2: Requiring Block F (2 semi-detached dwellings) to be recessed back into the site.

Condition No.5: Requiring the ground floor apartments in Block A to have own door access.

Condition No.12: Confirming that the development is for Blocks A, B, C, F and the gate lodge.

Condition No.18: Requiring an Ecological Clerk of Works during construction.

Condition No.19: Requiring a survey of bats, badgers and red squirrel to be carried out prior to construction.

Condition No.'s 23-28: Requiring tree and landscape protection measures.

Condition No.51: Requiring works to be carried out in accordance with the Construction & Environmental Management Plan.

Condition No.66: Requirement of a Section 47 agreement restricting first occupation of all residential units to individual purchasers.

3.3.2. Permission was refused for 50 apartments in Blocks D and E for the following reason:

Block D, E and the associated access road are located within the curtilage of a Protected Structure, Ashbourne House. The proposed development involves the loss of a significant number of trees including a number of heritage and champion trees. The development proposed in this part of the site would irrevocably compromise the integrity of the Protected Structure. Their removal constitutes a significant adverse effect to the site and its well established, ecologically and culturally valuable woodland habitat which is also of biodiversity value. This is contrary to the Cork County Development Plan 2014, Objectives GI 3-1 and GI 3-2 which seeks to protect, manage, and enhance Green Infrastructure; Objective HE 2-3 which seeks to protect biodiversity outside protected areas; Objective HE 2-5 which seeks to preserve, protect and enhance trees and woodlands; Objective HE 4-1 which seeks to protect all Protected Structures and their curtilage and attendant grounds; HE 4-3 which seeks protection of non-structural elements of built heritage; and Objective HE 4-6 which seeks to ensure that new buildings respect the character, pattern and tradition of existing places, built forms and that fit appropriately into the landscape. Having regard to the interventions involved in the development of Blocks D and E, and their substantial scale and form, it is considered that the development contravenes these objectives of the County Development Plan.

3.4. Planning Authority Reports

3.4.1. Planning Reports

There are three Planning Reports on file dated 16th June 2021, 2nd March 2022 and 5th May 2022, respectively. The Planning Officer in the initial report stated the relevant development plan policies, planning history, pre-planning, summarised the third-party submissions and the responses from the internal and statutory consultees. The Planning Officer accepted the principle of the proposed development but raised issues in relation to a revised layout reducing the impact on the woodland habitat, a revised Tree Survey Report, a revised landscape plan, management details for proposed wildflower areas, a detailed Invasive Species Management Plan, a bat survey, a faunal species survey, a phasing scheme, the

provision of additional family units, an amended Architectural Heritage & Historical Landscape Impact Assessment (AHHLIA), design and layout of apartment blocks and pedestrian links, revised childcare provision / proposals, a Traffic & Transport Assessment (TTA), revised proposals for the disposal of surface water, a site-specific Construction & Demolition Waste Management Plan, an Environmental Management Plan, a Surface Water Management Plan for the construction phase, and revised public lighting proposals, which is reflected in the decision of the Planning Authority.

Screening for AA was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

A second Planner's Report (dated 2nd March 2022) refers to the further information submitted and considered that, having regard to the additional information, clarification was required in relation to a revised development design with modified footprint by omitting Block D, a revised Tree Survey Report, a revised landscape plan, details of operational site lighting, a revised assessment on the cumulative impacts on fauna, an updated phasing plan, a revised AHHLIA, a revised Landscape Masterplan, clarifications on the TTA, further proposals for the disposal of surface water, and revised proposals for Part V or proof of purchase date of the site, which is reflected in the decision of the Planning Authority.

A third Planner's Report (dated 5th May 2022) refers to the further information submitted and considered that, having regard to the clarification of additional information, permission should be granted for part of the proposed development and permission should be refused for Blocks D and E, which is reflected in the decision of the Planning Authority.

3.4.2. Other Technical Reports

Area Engineer: The initial Area Engineer's report dated 18th May 2021 stated that the Council did not approve of soakaways for surface water disposal and further information was sought on an alternative system with attenuation.

A second Area Engineer's report dated 2nd March 2022 stated that there was no objection. Conditions recommended.

A third Area Engineer's report dated 4th May 2022 stated that there was no objection. An additional condition recommended.

Traffic & Transportation – The initial Roads Engineer's report dated 28th May 2021 stated that a Traffic & Transportation Assessment was required and that internal pedestrian / cycle paths needed to be shown between Terrace Road and the L-3004.

A second Roads Engineer's report dated 2nd March 2021 sought clarification of details in relation to internal pedestrian / cycle paths between Terrace Road and the L-3004, and sightlines at the main entrance.

A third Roads Engineer's report dated 4th May 2022 stated that there was no objection. Special contribution condition recommended.

Housing: No objection within reports dated 19th May 2021, 10th February 2022, and 4th May 2022. Condition recommended.

Ecology – The Ecologist's report dated 4th June 2021 assesses the potential impacts on the ecology of the site / area, assesses the submitted EcIA, and carries out a Stage I Appropriate Assessment Screening of the proposed development. The AA Screening concluded that the proposed development, by itself or in combination with other plans or projects, would not be likely to have the potential for significant effects to any European site. Further details were sought in relation to discrepancies in the number of heritage and champion trees listed, a revised landscape plan, an Invasive Alien Species Plan, a bat survey, an assessment of cumulative impact on fauna in the area, and possible revisions to the surface water disposal system.

The second report dated 2nd March 2022 stated that there was still a number of concerns relating to the proposals and clarification was sought in relation to reducing the impact on habitats of high heritage and cultural value, revisions to the Tree Survey Report, a revised landscape plan, details of operational site lighting, and a revised assessment of the cumulative impact on fauna.

A third report dated 4th May 2022 stated the outstanding concerns in relation to the ecological (habitat and bat species) impact on the woodland area associated with Ashbourne House. Conditions recommended including inter alia the omission of Blocks D and E and associated infrastructure.

Public Lighting: No objection within reports dated 19th May 2021, 14th February 2022, and 1st April 2022. Conditions recommended.

Water Services: No objection within report dated 21st May 2021. Conditions recommended.

The second report dated 25th February 2022 stated that IW would not be accepting surface water into the storm sewer and sought further information regarding a CoF from IW with agreed details for discharging storm water with the Roads Department.

The engineer in the third report dated 7th April 2022 stated no further comments.

Estates Engineer – The initial report dated 9th June 2021 sought further details in relation to surface water disposal, pedestrian access from the L-2970 local road, childcare provision, and car parking provision.

The second report dated 1st March 2022 sought clarification of details in relation to surface water disposal, a management company, and childcare provision.

A third report dated 8th April 2022 stated that there was no objection. Condition recommended.

NRDO: No objection.

Conservation Officer: The initial report dated 14th June 2021 stated that there is no objection to the proposals for the removal of modern extensions and renovation of Ashbourne House. Further details were sought in relation to the AHHLIA, re-design of Blocks A and B, the omission of Blocks D, D1 and E, a phasing plan, the management of utilities / dishes, and a revised landscaping plan.

The second report dated 1st March 2022 stated that Blocks D and E are inappropriate and sought further details in relation to a revised AHHLIA, redesign of Blocks A and B, a revised landscape masterplan, details for treatment of utilities, and details of the future management of the protected structure when in multiple occupancy.

A third report dated 6th May 2022 stated the outstanding concerns in relation to the scale and design of Blocks D and E within the curtilage of Ashbourne House, a protected structure. Conditions recommended and refusal recommended for Blocks D and E.

Architect: The initial report dated 1st March 2022 stated opposition to the general image, style, height, material execution and placement of some of the blocks. Further details were sought in relation to the removal of Blocks D and E, and redesign of Block B and other parts of the proposed development.

The second report dated 5th May 2022 confirmed that Blocks D and E would cause irreparable damage to the landscape and site. Further conditions recommended.

Environment – The initial report dated 14th June 2021 sought further details in relation to a site-specific Construction & Demolition Waste Management Plan, an Environmental Management Plan, and a Surface Water Management Plan for the construction phase.

The second report dated 1st March 2022 stated no objection. Conditions recommended.

A third report dated 11th April 2022 stated that there were no further comments.

3.5. **Prescribed Bodies**

Irish Water – No objection. Condition recommended.

An Taisce – The Planning & Environmental Officer stated that An Taisce is concerned about the proposed removal of a significant number of trees within the 6-acre garden associated with Ashbourne House and the Beamish family. Further information is sought in relation to clarification of the number and identity of champion trees on the site.

Iarnród Éireann: No objections. Conditions recommended.

IFI – Requests that Irish Water signify that there is sufficient hydrological and organic capacity in the wastewater treatment facilities.

Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media: No objection. Conditions recommended.

TII – No observations to make.

3.6. **Third Party Observations**

- 3.6.1. Submissions were received from the Tree Council of Ireland, Royal Horticultural Society of Ireland, Glounthaune Sustainable Development, The Woods Management Complex Ltd., Glounthuane Community Association, Jesper Pedersen, Chris Grade,

Sir Freddie Pedersen, Cllr. Alan O'Connor, Cllr. Sheila Uí Dhubhghaill & Cuimin Ó Dubhghaill, Sheila Miller, Sharon Nugent, Patricia McGrath, Thomas O'Sullivan, Henry Browne, Damien Donovan, Odhran Stapleton, Richard Cuddy, Bluescape Limited, Alf McEvoy, Jonathan & Nathalie Howlett, Hugh O'Donnell, Hester Forde, Hanne & Freddie Pedersen, Gerard O'Sullivan, Iseult O'Connor, Dr. Harry Doyle & Sheila Doyle, and Sharon Nugent. The issues raised are similar to those referenced in the observations on this appeal. These include concerns regarding the loss of trees & impact on the historical garden, lack of community facilities, density, access, impact on walkway / cycleway, no provision of creche, no wheelchair access at the train station, and pedestrian / cycling facilities on the Terrace.

4.0 Planning History

4.1. Appeal site:

No relevant planning history referenced in the Planning Officer's report.

4.2. Adjacent sites:

ABP-312222-21: Permission refused for 289 residential units (201 no. houses, 88 no. apartments), creche and associated site works on a site immediately to the west and northwest of the appeal site. Two reasons for refusal were issued as follows:

1. Having regard to the existing local road network which is substandard in terms of suitable pedestrian and cyclist facilities, it is considered that the increased demand generated by this development would result in future residents walking and cycling along the local roads and would lead to conflict between vehicular traffic, pedestrians, and cyclists. The proposed development would, therefore, endanger public safety by reason of traffic hazard.
2. Having regard to the topography of the site, and in particular the steeply sloping nature of the site, it is considered that the provision of suitable and useable pedestrian/ cyclist facilities cannot be achieved to an acceptable level and that consequently, the proposed development would be dominated by car use for most journeys, including local trips to Glounthaune village, schools, and the railway station. The development would therefore generate a significant volume of traffic which the road network in the vicinity of the site is not capable of

accommodating safely due to the restricted width and capacity of the L-2968 Local Road in the vicinity of the site and the restricted capacity of its junction at the 'Dry Bridge' with the L-2970 Local Road. The proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard.

ABP-300128-17 (P.A. Ref. No. 17/5699) – Permission granted for 31 no. houses on a site to the northwest.

P.A. Ref. No. 18/6312 – Permission granted for 7 no. additional houses on a site to the northwest (amendment to ABP-300128-17).

5.0 Policy Context

5.1. National Planning Framework

- 5.1.1. The site is located within the Southern Regional Assembly Area identified in the NPF. The NPF projects that around 2 million people will live in this region by 2040.
- 5.1.2. 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”.

5.1.3. 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.’

5.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development:

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2022).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).

- Childcare Facilities Guidelines for Planning Authorities (2001).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

Other Relevant Policy Documents include:

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Design Manual for Urban Roads and Streets (2013).
- Permeability Best Practice Guide – National Transport Authority.

5.3. Regional Spatial and Economic Strategy for the Southern Region 2019-2031

- 5.3.1. 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. Glounthaune is located within the designated metropolitan area. The only specific reference to Glounthaune is under section 6.3.6.3 – ‘Transport Priorities for the Cork Metropolitan Area’ and reference to the improvement of the commuter rail network in the area to include upgrades to existing stations such as Glounthaune.

5.4. Cork Metropolitan Area Transport Strategy (CMATS) 2040

- 5.4.1. The Cork Metropolitan Area Transport Strategy 2040 proposes a number of enhanced public transport services to be created over the next two decades, including a light rail system between Ballincollig and Mahon Point via Cork City Centre; eight new railway stations, upgrades to the railway network and 100 km of bus lanes. A key principle for CMATS is to reduce dependency on the private car within the Cork Metropolitan Area, while encouraging the use of sustainable transport options.

5.5. Cork County Development Plan 2022-2028

5.5.1. I draw the Board's attention to the adoption of the County Development Plan on 25th April 2022, which came into effect as the statutory plan for the county on 6th June 2022.

5.5.2. The Plan states that 'within the Cork County Metropolitan Area, the majority of the population allocation is to be facilitated within the Metropolitan Towns and Key Villages over 1,500 population as these settlements are considered suitable for growth due to their location within the MASP area and also the availability of existing or planned infrastructure.'

5.5.3. Glounthaune is designated as 'Key Village to grow in excess of 1,500' with a population target of 2,432. This will require the delivery of 379 units for the plan period. The target was decided on the basis of the following considerations:

1. A detailed analysis of the carrying capacity of zoned lands, including wastewater and water supply infrastructure, public transport accessibility and environmental/flooding sensitivity.
2. A detailed analysis of the existing, unimplemented permissions granted within the village.
3. Its existing scale of population and social/community infrastructure.
4. The sustainable travel opportunity afforded by its rail station.
5. The recognition of the need for community facilities in the village and zoning provision for same.
6. Strong market demand in the village as evidenced by recent development.

5.5.4. The appeal site has a land use zoning of 'Residential' and the specific development objective (**GN-R-01**) for 1 ha. of the site states:

'High density residential development to be sensitively designed to complement significant existing woodland setting and habitat. Development is to protect site character and biodiversity value as much as possible particularly through retention of trees. The site contains a high concentration of champion trees and trees of special heritage value which are to be protected. Development of the site is to include recreation or small scale community use.'

5.5.5. Objective HE 16-14: Record of Protected Structures

- a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan as resources allow.
- c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.
- d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.
- h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.
- i) In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. the proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure.

5.5.6. **Objective HE 16-16: Protection of Non-Structural Elements of Built Heritage**

Protect non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings, follies, gates, bridges, shopfronts and street furniture. The Council will promote awareness and best practice in relation to these elements.

5.5.7. **Objectives HE 16-20: Historic Landscapes**

- a) Recognise the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources.
- b) Protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork.
- c) All new development within historic landscapes should be assessed in accordance with and giving due regard to Cork County Councils 'Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estates and their Settings' or any other relevant guidance notes or documents issued during the lifetime of the Plan.

5.6. **Natural Heritage Designations**

The appeal site is not located within any designated European sites. The closest designated sites are Cork Harbour SPA (site code: 004030) and Great Island Channel SAC (site code: 001058), which are both located approximately 35m to the south of the appeal site.

5.7. **EIA Screening**

The project falls under Class 15, Schedule 7 of the Planning and Development Regulations 2001, as amended. The project is below the threshold for triggering the need to submit an EIAR and having regard to the nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped services are available there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

First Party

6.1.1. The grounds of appeal are submitted by Coakley O'Neill Town Planning Limited, NSC Campus, Mahon, Cork on behalf of Barlow Properties Limited. The main points made can be summarised as follows:

- Presents details of a revised scheme for consideration, generally including:
 - i. Block B,
 - ii. Block C
 - iii. Block E (redesigned with 23 no. apartments)
 - iv. The Coach House,
 - v. 4 no. detached houses, and
 - vi. The Gate Lodge.
- The total units now proposed is 53 no. (comprised of 46 no. apartments and 7 no. houses) on an area of 1.5ha. and a density of 35.3 units/ha.
- Contend that the principle of the proposed development has been established on the site with the grant of permission that issued and the high density residential zoning under the Cork County Development Plan 2022-2028.
- Contend that the 30 residential units permitted is low density and would result in an in-efficient land use.
- Confirm that it is proposed to retain 78% (329 no.) of the existing trees on the site and to plant an additional 260 no. native trees.
- Confirm that it is proposed to retain and protect 54 no. heritage trees and 16 no. champion trees (c.96%) and to remove 2 no. heritage trees and 1 no. champion tree.
- Include an equipped play area and a café for the enhancement of social and community infrastructure in Glounthaune village.

- Contend that the revised scheme presented to the Board can be considered appropriate from a conservation perspective.

Third Party

6.1.2. The grounds of appeal are submitted by Sheila Miller, 'Lofoten', Prospect Hall, Kinsalebeg, Co. Cork, P36 RA01. The main points made can be summarised as follows:

- States that she was head gardener at Ashbourne House in the 1980's and 1990's when the garden was restored through the use of Bord Fáilte funding.
- Contends that the gardens cannot sustain heavy building works without a serious impact on the quality of the trees and the ecosystem of the six acres.
- Agrees with Cork County Council's decision to refuse Blocks D and E but contends that the reason for refusal should apply to the entire six acres of the garden as the area to the east of the access road, known as the Bog Garden, is far more valuable in a botanical sense, intensely planted and contains a higher density of extant Heritage and Champion trees.
- States that area where Block F is proposed is a boggy area and has naturally drained under the road to the estuary.

A map of the eastern portion of the appeal site is included with the appeal and a list of trees and features is also included.

6.2. Planning Authority Response

The Planning Authority has stated that revised drawing no. 1973-153A Undevelopable Areas shows a pedestrian access to The Terrace Road and request that this is omitted per Condition no.63. The Planning Authority advise that the revised proposal submitted to An Bord Pleanála is materially different to that submitted to and decided on by Cork County Council and has not been subject to public consultation. The Planning Authority considers the updated documents to be incomplete and insufficient to enable a full assessment of the impact of the proposed development. The Planning Authority states that the proposed amended scheme does not address the reason for refusal as detailed in the decision issued by Cork County Council on 9th May 2022.

6.3. Further Responses

6.3.1. The First Party submitted a response to the Third Party appeal, which can be summarised as follows:

- Contends that the third-party appeal appears to be premised on a site layout that is no longer proposed and states that Block F (2 no. semi-detached houses) has been revised following the Planning Authority's request for clarification.

A Heritage & Conservation Report prepared by Southgate Associates, a Landscape Report prepared by Cunnane Strattan & Reynolds Planning Consultants, and an Ecology Report prepared by Greenleaf Ecology were submitted as part of this response to the appeal.

6.4. Observations

6.4.1. A total of 12 observations were received.

A submission was made by the Irish Georgian Society, Residents of Johnstown, Glounthaune Community Association, Glounthaune Sustainable Development Committee, Northern Ireland Heritage Gardens Trust, Tree Council of Ireland, and the other submissions were from individual members of the public.

6.4.2. The Irish Georgian Society raised the following issues:

- Urges that the application be refused due to the detrimental impact it would have on this garden of recognised national heritage importance.
- Contends that the curtilage of Ashbourne House is protected and includes lands in different ownership.
- Contends that the house, a protected structure, with recent degradations represents a lesser part of the heritage value of the site.
- Considers the heritage assessment of the landscape and buildings inadequate to inform the insertion of the proposed development.
- Contends that a full inventory of plants on the site should be carried out and plotted as part of a thorough historic landscape assessment.

- Concerned about possible increased threats to the garden's survival associated with residential occupation.

6.4.3. Jesper Pedersen, 4 Combermere, Glounthaune, Co. Cork raised the following issues:

- States that the recently launched heritage strategy for Ireland seeks to protect this type of a garden.
- Contends that the 4 no. houses permitted in the main garden and the 2 no. houses permitted in the eastern garden should be omitted.
- Would welcome an alternative approach restricting development to the area around the house and car park, which could be designed to facilitate higher buildings and more housing units.
- Highlights other alternative developable land in proximity to the railway line.

6.4.4. Regina Murphy, Palm Springs, Upper Annmount, Lackenroe, Glounthaune, Co. Cork raised the following issues:

- Considers development within the gardens with the largest concentration of heritage and champion trees in the country to be a regressive step.

6.4.5. Residents of Johnstown (42 no. signatories) raised the following issues:

- Disagree with the proposed development and state that the historic garden and its vista of trees is at the centre of their community.
- Highlight the concerns outlined by gardener Sheila Miller regarding development in the pond area of the appeal site.

6.4.6. Hanne & Freddie Pedersen, Comberbere House, The Terrace, Glounthaune, Co. Cork raised the following issues:

- Concerned that the 6 no. permitted houses and the proposed apartment block fail to protect the unique historic gardens.
- Contend that development should be restricted to the existing house, outbuildings and car park area.

6.4.7. Glounthaune Community Association raised the following issues:

- Concerned about the destruction of the gardens, in full or in part, as they contend that they are irreplaceable.
- Note the submissions from state / national bodies on the planning file commenting on the national importance of the gardens.

Copies of letters from Terence Reeves-Smyth, The Irish Tree Society, The International Dendrology Society, Head Gardener at Fota Arboretum & Gardens, GM of Strokestown House & Gardens, Desmond McMahon, Martin & Janet Edwardes, and Mary Leland are included with the observation.

6.4.8. Hester Forde, 15 Johnstown Park, Glounthaune, Co. Cork raised the following issues:

- Concerned that the proposal does not provide amenities / space for the community.
- Contends that the proposed plans will adversely affect the unique and significant collection of trees on the grounds.
- Proposes that development be confined to the house.

6.4.9. Terence Reeves-Smyth, 10 Gleno Village, Co. Antrim, BT4-3LG raised the following issues:

- Contends that development within such a confined area will have a seriously detrimental impact on the setting of the protected structure and damage to the trees and shrubs by the proposed development would be considerable and the historic integrity of the entire site would be lost.
- Outlines a brief history of the house and gardens.
- Contends that the proposed housing development was not accompanied by any research or study into this historically significant historic garden.

6.4.10. James Barrett, Lois An Uisce, Lower Annmount, Glounthaune, Co. Cork raised the following issues:

- Contends that all the area known as The Rockery and the gardens are within the curtilage of Ashbourne House, a protected structure.

- Contents that Cork County Council were in error not requesting an EIAR.
- Request that the right specialised Inspector assess the appeal.

6.4.11. The Tree Council of Ireland raised the following issues:

- States that according to the Tree Register of Ireland Ashbourne House has a total of 25 no. height or girth champion trees for Ireland.
- States that there are further 118 no. trees that are exceedingly valuable both for biodiversity and carbon sequestration.
- Contend that removal of these trees would be in direct opposition to Government policy outlined in declared National Biodiversity Emergency in 2019.

6.4.12. Glounthaune Sustainable Development Committee raised the following issues:

- Concerned that the assessment of impacts on the historic garden by a competent specialist has not been undertaken.
- Concerned that the proposed development would have a permanent and profound impact on the historic gardens, contravening Objectives HE 4-1 and HE 4-3 of the CDP (HE 16-14 and HE 16-16 of the 2022 CDP).
- References Justice Holland's judgement regarding the curtilage of a protected structure in Monkstown Road Residents Association v. An Bord Pleanála (2022 IEHC 318) and contends that the entire gardens of Ashbourne House are part of the protected structure.
- References NPO's 17 and 60, and NSO 7 of the NPF, the Architectural Heritage Protection Guidelines for Planning Authorities, quotes two objectives about historic gardens contained in Heritage Ireland 2030 and requests the Board to adhere to these objectives and guidelines.
- Concerned that cultural impacts had not been considered in an EIAR.
- Requests that the concerns outlined in the 3rd Party appeal regarding the Bog Garden be given full and careful consideration by the Board.
- Contends that the 1st Party appeal does not clearly set out the grounds of the appeal but sets out a revised design proposal.

6.4.13. Northern Ireland Heritage Gardens Trust raised the following issues:

- Concerned with the proposal to grant thirty residential units within the grounds of Ashbourne House.
- States that this historic garden contains an important range of veteran foreign plants, many the oldest of their kind growing in Ireland and, as this horticultural collection forms an important part of our heritage, it should be properly presented and preserved.

6.5. Prescribed Bodies

An Taisce: Considers that every effort should be made to retain as many trees as possible, up to an including revising the proposal.

Includes a report from Terence Reeves-Smyth, the leading expert on the Ashbourne House gardens.

The Heritage Council: Sets out the heritage significance of the Gardens and a broader argument (within an attached Appendix) on why gardens should be included as part of the national heritage.

Acknowledge that the gardens are now in poor condition, but many special flowers, trees and shrubs survive and state that the garden is restorable, as occurred before.

Reference section 10.17.1 of the Cork County Development Plan 2022-2028 and the requirement for a detailed appraisal of a culturally significant garden per Cork County Council's 'Guidance Notes for the Appraisals of Historic Gardens, Demesnes, Estates and their Settings'.

Foresees that botanical collections will have increasing significance for world biodiversity, and food security, as climate impacts deepen.

States that the Arboricultural Champion and Heritage Tree Report does not assert how a development might be laid out or modified in order to secure the protection of the heritage assets on the appeal site.

Asserts that the full extent of the historical garden is the curtilage of Ashbourne House.

Contend that any new buildings in the extended garden area will bring physical and horticultural disruption to the micro-ecosystem and constructing buildings in the garden cannot but alter its character.

Foreseen impacts include:

- *A Ehritrea Dicksonii* (very rare tree) will be removed for the development of Block E, and
- The proposed semi-detached houses in Block F will impact upon the substantial and significant planting survivals in the area called the 'Bog Garden'.

Contends that a decision to grant permission will significantly compromise the garden's special interest, character and public value.

7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of Development
- Density and Scale of Development
- Design and Layout
- Impact on Protected Structure and Gardens
- Impact on Ecology
- Other Issues
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The proposed development initially comprised 94 residential units (8 houses and 86 apartments), a café, and all ancillary works on the grounds of Ashbourne House. Following a response to an RFI, the First Party reduced the proposed development to 88 residential units (5 houses and 83 apartments). Following a further response to clarification of this RFI, the First Party reduced the proposed development to 80 residential units (5 houses and 75 apartments).
- 7.1.2. Cork County Council's notification of decision granted permission for Blocks A, B, C, F, and the change of use of the gate lodge, and refused permission for Blocks D and E. This decision resulted in permission been granted for 30 residential units ((7 houses (4 no. detached houses, the Coach House and Block F) and 23 apartments)). The Board should now note that the nature and scale of proposed development is subject to a revised scheme layout submitted as part of the First Party appeal. This revised scheme is comprised of 53 residential units, consisting of 46 apartments and 7 houses. The First Party has redesigned and re-included Block E within the proposed scheme, which comprises a proposal for 23 apartments in addition to the 30 residential units permitted within the notification of decision issued by Cork County Council.

- 7.1.3. I have assessed the revised layout submitted under this appeal by the First Party and I consider that the proposed development is fundamentally similar to that which was originally proposed at planning application stage and I am, therefore, accepting this revised proposal and will proceed to carry out an assessment of this hereunder.
- 7.1.4. The site is located within the 'Settlement Boundary' of Glounthaune approximately 9km to the east of Cork City and is located within the Cork County area. The subject site is subject to the requirements relating to Glounthaune that are contained within the Cork County Development Plan 2022-2028. Glounthaune is designated as 'Key Village to grow in excess of 1,500' with a population target of 2,432. This will require the delivery of 379 units for the plan period. The appeal site has a land use zoning of 'Residential' and the specific development objective (**GN-R-01**) of the site states:
- 'High density residential development to be sensitively designed to complement significant existing woodland setting and habitat. Development is to protect site character and biodiversity value as much as possible particularly through retention of trees. The site contains a high concentration of champion trees and trees of special heritage value which are to be protected. Development of the site is to include recreation or small scale community use.'
- 7.1.5. I note a difference in parts of the adopted County Development Plan in relation to the amount of land with this land use zoning at this location. The appeal site has a stated area of 3.65 ha. and the associated mapping in the County Development Plan indicates a residential zoning on an area of 3.27 ha. However, the specific zoning objective for the site outlined in Volume 4, Section 2.10.29 of the County Development Plan refers to the development of housing units on 1.0 ha. of this site.
- 7.1.6. I consider that it is clear within the development objective for this site that the 'high concentration of champion trees and trees of special heritage value' are to be protected. I further consider that the Planning Authority also did not envisage residential development on the entire site. In particular, I note the statement in the County Development Plan under Green Infrastructure and Biodiversity (Volume 4, Section 2.10.16) which states:
- "Other features of biodiversity value within the settlement include a significant number of mature trees, woodland and hedgerows. The area around Ashbourne House contains an unusually large collection of significant trees - the largest

concentration nationally, in any single location, of champion trees and trees of special heritage value. Champion trees are the largest or tallest example nationally of their species.”

- 7.1.7. The Board should note that the proposed development presented by the First Party under this appeal represents the development of 1.5 ha. of the appeal site. In this regard, I note and agree with the comments of A/Senior Planner in his report dated 8th May 2022 where he highlights that **Objective GN-R-01** of the new County Development Plan applies to 1 hectare of the application site and that the minimum density requirement is 50 dwelling units per hectare. It is further stated:

“An appropriate design strategy for the site should seek to achieve the density in such a way that the woodland setting is protected and that the trees of special heritage value and champion trees are protected. The high density zoning objective applies to a significantly smaller portion of the site than the area proposed for development by the applicant.”

- 7.1.8. I agree with the interpretation of this aspect of the newly adopted County Development Plan and, on this basis, I consider that the First Party’s revised proposal under this appeal to include Block E (23 apartments) and associated works would conflict with the stated objective in the County Development Plan and should, therefore, be omitted from the proposed development.

- 7.1.9. I consider the proposal for the development of the remainder of the appeal site i.e., approximately 1 hectare, comprising dwelling units within Blocks A, B, C, and F to be acceptable in principle. I also consider the principle of change of use of the gate lodge to use as a café to be acceptable.

7.2. Density and Scale of Development

- 7.2.1. Under the County Development Plan (Volume 4, Section 2.10.7, Population and Housing), the strategy for Glounthaune provides for the population of the key village to grow to 2,432 persons, from figures estimated from Census 2016 (1,440). In order to accommodate this level of population growth, an additional 379 housing units will be required during the lifetime of the Plan. It is stated in the Plan that it is expected that “an existing permission for 40 units, and the development of other sites zoned in this plan, including the completion of Harper’s Creek, could yield approximately 379

new residential units.” I, therefore, consider that the scale of the development (53 residential units) is consistent with the population projections in the County Development Plan and acceptable in principle at this location on suitably zoned lands in Glounthaune.

7.2.2. A net site density measure is a more refined estimate than a gross site density measure and includes only those areas which will be developed for housing and directly associated uses. It excludes:

- major and local distributor roads,
- primary schools, churches, local shopping etc.,
- open spaces serving a wider area, and
- significant landscape buffer strips.¹

7.2.3. The appeal site has a stated area of 3.65 hectares and the net proposed area to be developed is 1.5 hectares. The net area is calculated by omitting parts of the garden area associated with Ashbourne House. The proposal for 53 residential units therefore provides for a net density of 35.3 units per hectare.

7.2.4. As outlined earlier in this report, the appeal site has a land use zoning of ‘Residential’ and the specific development objective (**GN-R-01**) for 1 hectare of the site requires a ‘high density residential development’. With regard to high density, Cork County Development Plan 2014–2020 states:

“Outside town centres, higher density development is generally considered to involve the construction of apartments within the building typologies. In order to align the Plan with Government Guidelines, the minimum threshold is being increased from 35 to 50 units/ha with no upper limit. This zoning category is applicable to suitable lands adjoining existing or planned high frequency public transport stations or bus stops within Metropolitan Cork.”

7.2.5. The First Party’s Planning Report contends that the proposed residential density of 35.3 units per hectare falls within the definition of high density in the County

¹ P.68-69, Appendix A: Measuring residential density, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009).

Development Plan. As the appeal site adjoins an existing high frequency public transport train station within Metropolitan Cork, I consider that the requirement for a minimum density of 50 units per hectare is appropriate at this location. The CMATS also seeks to enhance public transport provision in the area and to achieve compact growth and more sustainable travel led developments that will seek to be a driver of population and employment growth along the upgraded suburban rail network.

- 7.2.6. I consider that policy in County Development Plan is clear in stating that Objective GN-R-01 relates to 1 hectare of the overall site that comprises Ashbourne House and Gardens. In accordance with the County Development Plan and the national guidelines, I consider that a minimum of 50 dwelling units should be provided on this developable area.
- 7.2.7. As stated in Section 7.1 above, I consider that the First Party's revised proposal under this appeal to include Block E (23 apartments) and associated works would conflict with the stated objective in the County Development Plan and should, therefore, be omitted from the proposed development. Consequently, if permitted without Block E², the proposed scheme would result in the provision of 30 residential units on a developable site area of approximately 1 hectare giving an even lower density of development at 30 units per hectare.
- 7.2.8. I note the First Party's suggestion that if the Board considers the proposed residential density to be unacceptably low, the First Party is amenable to a condition requiring an additional floor / floors on Block E. As I have stated above in this report, I do not consider the development Block E suitable in the first instance and I, therefore, would advise against such a requirement.
- 7.2.9. I therefore consider that, although the scale can be accommodated within this village setting on zoned serviced land, the density of development is not acceptable having regard to relevant guidance, the established character of the area and, in particular, with the availability of public transport with a good frequency and capacity and proposals to further expand the public transport provision in the area as outlined in CMATS and Bus Connects Cork.

² Also, per Cork County Council's notification of decision issued on 9th May, 2022.

7.2.10. Therefore, it is not reasonable, nor can any rational justification be provided for permitting residential development on zoned land at the density proposed. It would not be a sustainable use of zoned and serviced land and I, therefore, consider that the proposal herein should be refused on the grounds of insufficient density.

7.3. Design and Layout

7.3.1. The site is predominantly south facing and rises steeply from its southern boundary. It is a long site on an east to west axis. The residential part of Glounthaune is more generally located to the west and northwest of the site but there is also residential development to the east and northeast of the site. I, therefore, consider that the proposed development will consolidate the existing urban development in this part of Glounthaune.

7.3.2. The First Party submitted an Architectural Design Statement prepared on their behalf by Cook Architects as unsolicited FI in May 2021. It outlined a design concept that was based on addressing the key fundamentals of the site namely:

- Ashbourne House and outbuildings,
- The Bog Garden,
- The tennis courts,
- The existing hardstanding (car park),
- The Gate Lodge, and
- The laurel walk.

7.3.3. Three areas within the appeal site were considered undevelopable. These were:

- a) The very steep northwestern quarter of the site,
- b) The area to the east of the site containing important trees and 2 no. ponds,
and
- c) The area along the southern boundary of the site that provides a landscaping buffer and is also very steep.

7.3.4. It is stated that the overall strategy is informed by the distinctiveness of several quarters within the site. Given the constraints of the existing road to the north of the

appeal site, the opportunity for linkages is not realistically available. Revisions have been made to the developable area following concerns outlined by the Planning Authority and a more comprehensive site survey / analysis was submitted in relation to heritage and champion trees at RFI stage. The final site layout plan highlighting the stated undevelopable areas was submitted with this appeal (Drawing No. 1973-153A refers).

- 7.3.5. The layout consists of a single access onto the L-3004 Johnstown Road in the southeast corner of the appeal site. The access road runs northwards towards Ashbourne House and the proposed residential development within and adjacent to the protected structure. The access road splits at a junction almost midway along the main access road and provides a link that runs in an easterly direction to service four no. detached houses and an apartment building (Block E) further to the east. This access road terminates at the apartment block. Block E comprises 23 units within a part four storey and five storey building.
- 7.3.6. I am of the opinion that the original design statement was based on an incomplete site analysis / tree survey and, consequently, included proposals that involved the removal of a significant number of heritage and champion trees. I consider that each of the amended design solutions presented a RFI stage, CoRFI stage and now under this appeal have attempted to retrospectively address this issue. The First Party's present proposal for the re-inclusion of Block E (23 no. apartments) and associated infrastructure under this appeal will result in the removal of 2 heritage trees and 1 champion tree. I consider that the starting point with any site analysis on this site would be the identification of all heritage and champion trees. Following this, a design concept / solution should be formulated and, given the significance of the gardens (see sections 7.4 and 7.5 below), I consider that the basis of the design solution should involve the retention of all heritage and champion trees in-situ.
- 7.3.7. I, therefore, agree with the Planning Authority's reasoning for refusing Block D, Block E and associated infrastructure works. I am satisfied that this reasoning remains applicable to the First Party's revised proposals under this appeal and, consequently, I consider that Block E and associated infrastructure should be omitted from the proposed development. I also consider, for the same reasoning, that the 4 no. detached houses proposed to the south of Ashbourne House and along the proposed access road to Block E should also be omitted.

- 7.3.8. Furthermore, I note the comments within the Third Party appeal in relation to Block F and I would give significant credence to the opinion of the former gardener for Ashbourne House & Gardens in relation to concerns expressed regarding possible impacts on the hydrological regime in the area known as the Bog Garden. I, therefore, consider that Block F should be also omitted from the proposed development at present. If more thorough investigations about possible impacts on the hydrological regime at this area of the site were carried out, I consider that it might be possible for development to be carried out within this area of the appeal site. However, I consider, due to both the integrity of the gardens and the development constraints in this area, that additional residential units could be incorporated into the development / hardstanding areas immediately adjacent to Ashbourne House and development within the Bog Garden area would then be unnecessary.
- 7.3.9. I am not satisfied the First Party gave due consideration to policy objectives HE 2-3, HE 2-5, HE 4-1, HE 4-3 and HE 4-6 of the Cork County Development Plan 2014. Objective HE 16-20 of the Cork County Development Plan 2022-2028 is now relevant and seeks to 'recognise the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources' and to 'protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork.'
- 7.3.10. In conclusion, although the proposed development allows for the consolidation of this part of Glounthaune, I consider that the proposed layout is not acceptable due the proposal for detached houses and a large apartment block within the garden and woodland area associated with Ashbourne House and the need for heavy engineering features to accommodate this development. I consider that these aspects of the proposed development would all substantially change the views of the site and have an adverse impact on the character of the area which is designated as having a High Landscape Value.

Unit Mix

- 7.3.11. A total of 53 residential units in the form of houses and apartments is proposed and is summarised in the table below:

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	Total
Number of Apartments	7	38	1	46
Number of Houses		1	6	7
Total	7	39	7	53

7.3.12. As can be seen from the above table, there is a good mix of unit types, and a good mix within the apartment / house types. The proposed unit mix demonstrates compliance with Specific Planning Policy Requirement 1 (SPPR 1) of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

7.3.13. If the Board is minded to issue permission for a total of 30 residential units in accordance with Cork County Council's notification of decision, the mix of houses and apartments proposed also demonstrates compliance with SPPR 1 and is summarised in the table below:

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	Total
Number of Apartments	3	19	1	23
Number of Houses		1	6	7
Total	3	20	7	30

Quality of Units – Floor Area

7.3.14. A Schedule of Accommodation submitted with the application provides a detailed breakdown of each of the proposed apartment units for Blocks A, B and C. Although the First Party has not submitted a revised schedule of accommodation under this appeal for the proposed apartments in Block E, I have examined the drawings and consider that the 19 no. 2-bed apartments have a floor area in excess of 73m² and the 4 no. 1-bed apartments have a floor area in excess of 45m². Therefore, all units exceed the minimum required floor areas, and the majority of which 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'.

- 7.3.15. The proposed houses are also well in excess of the required minimum standards as set out in the 'Quality Housing for Sustainable Communities, 2007' in terms of room sizes and the overall floor area provision.
- 7.3.16. Apartment Block E is a part four storey and five storey building providing for a total of 23 apartments. A central lift and stairwell provide access to the upper floors. The provision of a lift to serve the upper floors in the apartment block demonstrates compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. All apartments are provided with adequate storage space, which is easily accessible for future occupants of these units.
- 7.3.17. In conclusion, the proposed development provides for an adequate mix of unit types, and 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.

Quality of Units – Amenity Space

- 7.3.18. The apartment block 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. This private open space is accessed from living room areas and can be used without impacting on adjoining bedrooms ensuring the protection of residential amenity.
- 7.3.19. The refurbishment of Ashbourne House facilitates the provision of 8 residential units. Each of these units has been designed within the existing built form of Ashbourne House. For building refurbishment schemes on sites of any size, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.³ I consider this to be acceptable on this protected structure.

³ P.29, Section 3.39 Private Amenity Space, Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH 2022)

- 7.3.20. The proposed houses are provided with adequate private amenity space. The two-bedroom unit within the Coach House is provided with 80m² of open space, well in excess of the required 48m².
- 7.3.21. I am satisfied that the site is provided with extensive and high-quality areas of public open space, and which includes a play area adjacent to the Gate Lodge / proposed café. The proposed development provides for suitable private and communal open space areas. Overall, the development will provide for a good standard of residential amenity.

Unit Aspect

- 7.3.22. All of the proposed apartment units are dual aspect and are therefore be provided with a good aspect and receive good daylight and sunlight. In this regard, I am satisfied that the proposed development block demonstrates compliance with SPPR 4 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

Daylight and Sunlight

- 7.3.23. The Cork County Development Plan 2022-2028 does not specifically refer to any requirements in relation to daylight and sunlight. Under Section 3.3.7 it is stated:
- “A minimum clearance distance of 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks or in instances of challenging topography (steep level difference), a greater separation distance may be required having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant will submit a daylight availability analysis for the proposed development.”
- 7.3.24. No specific daylight and / or sunlight study was provided with the application. I have had full regard to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and which describe recommended values (e.g., ADF, VSC, APSH, etc) to measure daylight, sunlight and overshadowing impact. It should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE

guidelines also state in paragraph 1.6 that: 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'

- 7.3.25. The BRE document notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and the arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.3.26. I am satisfied that the proposed layout and separation distances will ensure that proposed units will receive adequate daylight and sunlight. The issue of topography and the orientation of units on site, ensures that all units will receive adequate sunlight and daylight.

Existing Site

- 7.3.27. The development of a greenfield site within an area that has existing residential development, primarily to the north, will give rise to a level of nuisance and disturbance to existing residents during the construction phase only.
- 7.3.28. The proposed 3 storey Block A located to the northwest of the site is suitably separated from the existing houses further to the north as not to impact on daylight or sunlight levels. I am satisfied that all other neighbouring properties are situated a sufficient distance away from the development and would not experience any, or significant loss of light and / or increased overshadowing.
- 7.3.29. Overall, I am satisfied that daylight, sunlight, and overshadowing impact from the proposed development upon existing properties will not be noticeable due to the topography of the site, layout and separation distances. I have applied the guidance within the BRE guidelines and associated BS 17037:2018 in my assessment of this issue, and I am satisfied that existing residential amenity will not be impacted upon.

7.4. Impact on Protected Structure and Gardens

- 7.4.1. A Heritage & Conservation Report prepared by Southgate Associates, and a Landscape Report prepared by Cunnane Strattan & Reynolds Planning Consultants, were submitted as part of the response to the appeal. An Architectural Heritage & Historic Landscape Assessment prepared by Louise M. Harrington was submitted with the planning application and updated in March 2022 in response to the CoRFI. I have had regard to these reports.
- 7.4.2. I am satisfied that the proposed works to Ashbourne House, removing many of the extensions / additions that were put in place when the building functioned as a hotel, are appropriate and would be carried out in accordance with best conservation practice. I consider that the possible impact of the proposed development, due to the removal of mature, heritage and champion trees, on the setting of Ashbourne House, a protected structure (RPS Ref. No.00498), and its associated gardens is the main issue that requires consideration under this appeal.
- 7.4.3. In this regard, I note Cork County Council's Conservation Officer's reports and each of the Planning Reports assessing the proposed development. The Conservation Officer considered that Blocks D and E (as proposed at CoFI stage) would irrevocably compromise the integrity of the protected structure and its setting. The Conservation Officer is of the opinion that the area proposed for development contravenes objectives HE 4-1(d), (e) and (f), HE 4-3 of the County Development Plan and is not compatible with the new site-specific objective (GN-R-01) in the recently adopted Cork County Development Plan 2022-2028.
- 7.4.4. I also note, and agree with, the Heritage Council's assertion in its observation that the full extent of the historical garden is the curtilage of Ashbourne House. The Heritage Council references section 10.17.1 of the Cork County Development Plan 2022-2028 and the requirement for a detailed appraisal of a culturally significant garden per Cork County Council's 'Guidance Notes for the Appraisals of Historic Gardens, Demesnes, Estates and their Settings'. I agree with the Heritage Council's contention that the Arboricultural Champion and Heritage Tree Report does not assert how a development might be laid out or modified in order to secure the protection of the heritage assets on the appeal site.

- 7.4.5. Similarly, Northern Ireland Heritage Gardens Trust states that this historic garden contains an important range of veteran foreign plants, many the oldest of their kind growing in Ireland and, as this horticultural collection forms an important part of our heritage, it should be properly presented and preserved.
- 7.4.6. Glounthaune Sustainable Development Committee references Justice Holland's judgement regarding the curtilage of a protected structure in Monkstown Road Residents Association v. An Bord Pleanála (2022 IEHC 318) and contends that the entire gardens of Ashbourne House are part of the protected structure. This Committee are concerned that the proposed development would have a permanent and profound impact on the historic gardens, contravening Objectives HE 4-1 and HE 4-3 of the CDP (HE 16-14 and HE 16-16 of the 2022 CDP).
- 7.4.7. Almost all of the concerns outlined in the observations made on this appeal relate to the impact that the proposed development of residential units could have on the gardens associated with Ashbourne House and the significant impact that this would have on this heritage / cultural asset. At CoRFI stage, the First Party submitted a separate Tree Survey prepared by Tree Management Services to the Planning Authority. This precisely annotated the numbers of heritage, champion and mature trees growing on the appeal site and those to be removed to facilitate the proposed development. The proposed development will result in the loss of 93 no. trees within the mixed broadleaved woodland. The trees to be removed are listed in a schedule accompanying this Tree Survey and annotated on a map (Drawing no. TMS.ABH.20.02.02A refers) contained in Appendix 1 of the Tree Survey and on the maps (Drawing No.'s TMS.BPL.22.01.1A and 20.04.02A) submitted to the Planning Authority on 8th February 2022 as a response to the RFI. In summary, the trees to be removed include:
- 2 no. heritage trees (Caucasian fir & Austrian pine)
 - 1 no. champion tree (Deodar)⁴, and
 - 90 no. mature trees.

⁴ Tree ref. no.'s 213, 1010 and 1024 per Drawing No.TMS.BPL.22.01.1A and Tree Survey (March 2022).

- 7.4.8. The First Party submitted a revised Landscaping Scheme prepared by Cunnane Stratton and Reynolds Planning Consultants in support of this appeal. It demonstrates that 329 no. (78%) of the existing trees on the appeal site will be retained and additional planting of 260 no. native trees is proposed within the scheme. The First Party states that this includes the retention of 5 no. heritage trees and 16 no. champion trees on the appeal site.
- 7.4.9. In this regard, I refer the Board to the Architectural Heritage Protection Guidelines for Planning Authorities (2011), which states:
- “Designed gardens associated with, and in the curtilage of, protected structures can be an integral part of the setting of the building.”
- It advises that careful consideration should be given to proposals to ensure that they do not adversely affect the character of the protected structure or its curtilage.
- 7.4.10. I am satisfied that it is clear that the proposed development of residential units in the form of Block E, 4 no. detached houses and Block F and the associated road and engineering works would require the removal of a large number of trees, which form part of the cultural heritage associated with Ashbourne House, a protected structure, and I consider that this would have an adverse impact on both the cultural heritage of the area and setting of the protected structure.
- 7.4.11. I agree with the comment of the Heritage Council that a decision to refuse permission cannot guarantee its future restoration, but a decision to grant permission will significantly compromise its special interest / character. I consider that there may be a role for both Cork County Council and / or the Heritage Council in the development / maintenance of the gardens associated with Ashbourne House as an amenity or visitor attraction in consultation with the landowner(s). I also consider that this would not prevent the landowner from developing Ashbourne House, associated Gate Lodge and the hardstanding areas in a manner that would be sympathetic to the protected structure and its setting, achieve the required high density of the 1 ha. developable area and be in accordance with the policies and objectives of the Cork County Development Plan 2022-2028.
- 7.4.12. In conclusion, I agree with the contention of the Third Party that the reason for refusal of Blocks D and E in Cork County Council's notification of decision should be applied to the entire appeal site as I consider the proposed development of

residential units in the gardens associated with Ashbourne House would have a detrimental, and irreversible, impact on the character, special interest and setting of the protected structure.

7.5. Impact on Ecology

- 7.5.1. The First Party engaged the services of Greenleaf Ecology to prepare an Ecological Impact Assessment (April 2021) for the subject site. Field surveys were conducted by ecologist Karen Banks on 8th and 15th October 2020 to assess flora habitats, invasive species, protected species and mammal (badgers and bats) surveys were carried out on 8th and 15th October 2020. As part of the response to the appeal, the First Party submitted a revised Ecology Report (March 2022) also prepared on their behalf by Greenleaf Ecology. I have had regard to the contents of these documents.
- 7.5.2. The baseline environment is detailed in Section 3 of the EclA. The habitats within the development site are demonstrated on Figure 3.3 and include:
- Ashbourne House and associated buildings (BL3),
 - A mixed broadleaved conifer woodland (WD3),
 - A short section of drainage ditch (FW4),
 - Amenity grassland (GA2) in open areas,
 - An area of ornamental shrub (WS3) adjacent to the Gate Lodge, and
 - Recolonised tennis court area (ED3).
- 7.5.3. There are no nature conservation sites designated on the subject site. A separate Appropriate Assessment Screening Report has been prepared and is considered later in this report. Only two designated European sites (Great Island Channel Special Area of Conservation (site code: 001058) and Cork Harbour Special Protection Area (site code: 004030)) are located within 5km of the appeal site. These are mapped on Figures 3.1 and 3.2 of the EclA.
- 7.5.4. The nearest Natural Heritage Area is at Great Island Channel, which is a proposed Natural Heritage Area (site code: 001058). This is broadly contiguous with the Great Island Channel SAC. The EclA has identified a further three pNHAs within 5 km of the subject site, namely:

- Rockfarm Quarry pNHA (site code: 001074), 2.3km to the southwest,
- Dunkettle Shore pNHA (site code 001082), 2.6 km to the west;
- Douglas River Estuary pNHA (site code 001046), 3.9km to the southwest, and
- Glanmire Wood pNHA (site code: 001054), 4.6 km to the west.

Flora

- 7.5.5. No rare and / or protected plant species were identified on site during the field surveys undertaken in the preparation of the EclA. A number of high impact invasive alien plant species were recorded on the site (Rhododendron and Japanese Knotweed) and it is stated that the medium impact American Skunk Cabbage may be present in the 'bog garden' area of the site.

Fauna

- 7.5.6. Three species of bat activity was recorded at dusk on the site on 8th October 2020. A fourth species was recorded by means of a passive monitor between 8th-10th October. The four bat species recorded were common pipistrelle, soprano pipistrelle, Leisler's bat and a Myotis bat.
- 7.5.7. Birds recorded on this site on 15th October 2020 were typical of such a location, with jay, robin, blue tit, blackbird, wood pigeon, long-tailed tit, goldcrest, hooded crow, and great tit all recorded. The goldcrest is an Amber listed species and a Moderate conservation concern. The remaining eight species are Green listed and present no conservation concerns.
- 7.5.8. No signs of large mammals such as badger, hedgehog or red squirrel were found during the site surveys. It is stated in the EclA that the ponds in the old bog garden were overgrown and dry during the survey on 15th October 2020 but that the potential for smooth newt and common frog to breed in this area cannot be discounted.

Hydrology

- 7.5.9. There are no watercourses located within the appeal site. There is a drainage ditch running along the north eastern boundary. The appeal site overlies the Ballinhassig East Ground Water Body (GWB). This is a poorly productive GWB and it is unlikely that interactions between the groundwater and surface waters occur.

- 7.5.10. Surface water will be collected, attenuated and disposed of on-site and will not be necessary to construct a new outfall to Cork Harbour. This system will be provided in accordance with the requirements of Cork County Council.

Potential Impacts during Construction Phase

- 7.5.11. Potential impacts on the designated European Sites are considered within the Appropriate Assessment Screening Report. No designated conservation areas / European sites will be impacted by the proposed development and therefore no specific mitigation measures are required for the protection of such sites.
- 7.5.12. It is stated that there will be a temporary short-term loss of trees and that the re-planting / landscaping plan will have a positive impact on the mixed broadleaved woodland habitat in the medium to long term.
- 7.5.13. As outlined earlier in this report, the First Party submitted a separate Tree Survey prepared by Tree Management Services to the Planning Authority, which precisely annotated the numbers of heritage, champion and mature trees growing on the appeal site and those to be removed (93 no.) to facilitate the proposed development. It is stated that the retained trees must be managed through a proactive Tree Management Programme, mainly for safety reasons.
- 7.5.14. No buildings are being proposed near the old ponds in the eastern part of the site and, consequently, there will be no loss of habitat for frogs or newts. Local impacts could accrue spawning newts / frogs during clearance works to facilitate the restoration of the 'bog garden'.
- 7.5.15. Works to clear trees must be timed appropriately so as not to impact on bird species.
- 7.5.16. There is potential that the loss of woodland habitat would impact on foraging and commuting bats. Lighting may also cause disturbance to bats commuting through or feeding at the appeal site.
- 7.5.17. Although no badgers, red squirrels or hedgehogs were recorded in the surveys that were carried out, there is potential for disturbance, and loss of foraging and shelter habitat but this is not expected to result in a significant adverse effect on these species.
- 7.5.18. There is potential for the proposed works to cause the spread of Japanese Knotweed and Rhododendron.

Potential Impacts during Operational Phase

- 7.5.19. No significant adverse effects are expected to arise on European or nationally designated sites.
- 7.5.20. It is stated that there will likely be a positive effect on habitat biodiversity during the operational phase due to proposed landscaping, establishment of wildflower meadows, and small piles of brash / logs providing refuge for invertebrates, small mammals and amphibians.
- 7.5.21. Street and domestic lighting will increase light levels within the appeal site and this can create a barrier effects for bats to their feeding sites.
- 7.5.22. Perimeter fencing could exclude badgers and hedgehogs from this foraging area, if mitigation measures are not put in place.

Mitigation Measures – Habitats

- 7.5.23. It is stated that, with the successful implementation of the landscaping plan, there will be a net gain of approximately 23 trees and no adverse impacts during the operational phase.

Mitigation Measures – Fauna

- 7.5.24. No works to the ponds in the 'bog garden' will be undertaken during the breeding season for amphibians. The provision of log piles at the site will also provide refuge for amphibians.
- 7.5.25. No clearance of woodland or other vegetation will occur during the bird breeding season. Bird boxes (15 no.) will be placed throughout the site.
- 7.5.26. No bat roosts have been found on site, though it is accepted that bats may be present and that suitable measures will be taken. Pre-construction surveys of the buildings will be undertaken. Mature trees that are felled will be left overnight to allow bats to escape. All trees will be checked for Potential Roost Features (PRFs). Any loss of roosts will be replaced by bat boxes (1 box per tree) throughout the site. These bat boxes will be monitored to ascertain their acceptance of use by bats. Construction lighting will be directed away from woodland, hedgerow and linear habitats. Appropriate lighting will be used within the proposed development and dark buffer zones will be used to separate habitats.

7.5.27. Pre-construction surveys will be carried out for badgers and red squirrels and mitigation measures will be put in place by an ecologist if a sett or drey is found to be present.

7.5.28. An invasive plant species management plan will be prepared for the appeal site.

Cumulative Impacts

7.5.29. After concerns expressed by the Planning Authority in relation to the absence of information on possible cumulative impacts of the proposed development. The First Party submitted an addendum (March 2022) to the EclA prepared on their behalf by Greenleaf Ecology. This included an examination of the possible cumulative ecological impacts of the appeal site with the following proposed developments:

- A SHD site at Ballynaroan, Glounthaune (ABP-309151-21),
- A SHD site at Lackenroe, Glounthaune (ABP-312222-21), and
- Permission for 12 no. houses (P.A. Ref. No. 21/4622).

7.5.30. It is stated that in view of the site surveys for the appeal site and the EclA's for other proposed developments, there is no evidence of predicted cumulative impacts identified on ground mammal and bird species.

7.5.31. There is potential for short term moderate adverse effects on bat populations locally during the construction phase. With mitigation measures, these short-term impacts are not expected to be significant. Similarly, the retention of dark areas and use of wildlife friendly lighting will have a slightly adverse, but not significant cumulative impact on the bat population in the long term.

Assessment of the EclA

7.5.32. I have had full regard to the report submitted and I consider that it is thorough and has fully identified potential impacts and receptors that may be impacted by the development of this site. It is clear that the proposed development will result in a change from the current use of the site as a former hotel and associated gardens into a residential development of 53 units in the form of houses and apartments.

7.5.33. I have also had regard to the Cork County Council's Ecologist's reports and each of the Planning Reports assessing the proposed development. The Ecologist considers the woodland habitat to be of High Local Ecological Value and the fragmentation of

this woodland habitat, as proposed, would have a knock-on effect on biodiversity. The main concern relates to the direct loss of 118 no. trees and the challenges that will arise with regard to the root protection zones of trees to be retained. The Ecologist is of the opinion that the area proposed for development within the woodland habitat contravenes objectives HE 2-2 and HE 2-3 of the County Development Plan and is not compatible with the new site-specific objective (GN-R-01) in the recently adopted Cork County Development Plan 2022-2028.

7.5.34. Similar concerns are expressed in the Third Party appeal and most of the observations on this appeal. The Third Party contends that the gardens cannot sustain heavy building works without a serious impact on the quality of the trees and the ecosystem of the six acres and that the reason for refusal should apply to the entire six acres of the garden as the area to the east of the access road, known as the Bog Garden, is far more valuable in a botanical sense, intensely planted and contains a higher density of extant Heritage and Champion trees.

7.5.35. I have also had particular regard to the comments of both the Heritage Council and the Tree Council of Ireland. The Heritage Council highlight foreseen impacts such as the removal of a *Ehretia Dicksonii* (very rare tree)⁵ for the development of Block E, and the impact that Block F (semi-detached houses) would have upon the substantial and significant planting survivals in the area called the 'Bog Garden'. The Tree Council of Ireland state that, according to the Tree Register of Ireland, Ashbourne House has a total of 25 no. height or girth champion trees for Ireland and that the trees to be removed are exceedingly valuable both for biodiversity and carbon sequestration.

7.5.36. Overall, I am not satisfied that the EclA has fully considered the impacts from the proposed development on the ecological value of the woodland habitat, which it is stated objective (GN-R-01) in the recently adopted County Development Plan to protect:

“High density residential development to be sensitively designed to complement significant existing woodland setting and habitat. Development is to protect site character and biodiversity value as much as possible particularly through retention of

⁵ Tree ref. no.1092 per Drawing No.TMS.BPL.22.01.1A and Tree Survey (March 2022).

trees. The site contains a high concentration of champion trees and trees of special heritage value which are to be protected...”

7.5.37. In conclusion, I consider that the proposed development of Block E, 4 no. detached houses, and Block F would directly conflict with this objective of the County Development Plan and would have a significant adverse impact on the ecological value of the woodland habitat associated with Ashbourne House. I recommend to the Board that the proposed development should be refused for this reason.

7.6. Other Issues

Transportation, Traffic, Parking and Access

- 7.6.1. A TTA was submitted to the Planning Authority on 16th June 2021 in response to the RFI and I have had full regard to this document. I note that the appeal site will be accessed from an existing entrance located to the east of the Gate Lodge on the L-3004 local road. The details of improvements works to this access are annotated on the revised Road Layout (Drawing No. AH-RL-P01 refers) submitted to the Planning Authority on 24th March 2021.
- 7.6.2. The Board should also note that a pedestrian access is also proposed towards the western side of the appeal site providing a stepped access to proposed Block E from the cycleway / walkway immediately to the south (please refer to Drawing No.1973-151A submitted with the appeal on 7th June 2022).
- 7.6.3. I consider that the proposed development will generate additional vehicular traffic but I also consider that the level generated would be acceptable for a number of reasons as follows:
- The site will consolidate this part of the settlement and is located within an area surrounded by houses.
 - Footpaths and other pedestrian facilities are already in place along the length of the southern site boundary.
 - Cork County Council have already upgraded part of the pedestrian / cycle path along the L-3004 road and further works have commenced.

- The local road network benefits from the N25 to the south as the vast majority of traffic is carried on this national road. The L-3004, former main Cork to Midleton Road, is adequate to serve local traffic needs.

- 7.6.4. The existing public transport service is primarily in the form of the train service from Cork to Cobh / Midleton with a service provision of two trains per hour off peak and four per hour in the peaks. I note that significant improvements are proposed under the Cork Metropolitan Area Transport Strategy (CMATS) 2040, with increased service frequency and electrification of the railway line.
- 7.6.5. I note the comments made in the third-party observations about the issue of accessibility in the station. The existing bridge over the train tracks is not accessible and this issue can only be addressed by means of a new bridge as an underpass would require significantly more works which would be below the water level of the adjacent Cork Harbour. I would assume that the issue of accessibility will be addressed with the upgrade of the railway network under CMATS.
- 7.6.6. Bus service provision is limited at present. Glounthaune is served by a number of bus routes that operate between East Cork and the city centre, but these operate on an infrequent basis. I note that the Cork Bus Connects Plan provides for a service every 30 minutes through Glounthaune. In general, I consider the public transport provision in Glounthaune is good.
- 7.6.7. Car parking requirements for new developments are outlined in Table 12.6 of the Cork County Development Plan 2022–2028, where 2 spaces per house and 1.25 spaces per apartment is required. The total requirement per the County Development standards would be 71.5 spaces.⁶ A total of 54 no. car parking spaces are proposed. This is well below the requirement but the Plan states 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”. Given the proximity to the train station, the adjacent cycleway / walkway and its location on a future BusConnects Route⁷, I consider the car parking provision to be acceptable.

⁶ (7 houses x 2) + (46 apartments x 1.25) = 71.5 spaces

⁷ [Cork-New-Network-Outer-East.pdf \(busconnects.ie\)](https://www.buscconnects.ie/Cork-New-Network-Outer-East.pdf)

7.6.8. Cycle parking requirements for new residential developments are outlined in Table 12.8 of the Cork County Development Plan 2022–2028, where 1 space per house / apartment is required and 1 additional space per 2 apartments and / or 5 houses is also required. Therefore, under the current revised proposal for 53 no. residential units, the total requirement per the County Development standards would be 77 no. spaces.⁸ Although not clearly demarcated within the drawings submitted at appeal, the First Party indicated that they were amenable to the provision of additional cycle parking on the site. If the Board is minded to grant permission for the proposed development, I recommend that a condition be attached to such a permission requiring the provision of on-site cycle parking in accordance with the requirements of the County Development Plan.

7.6.9. The proposed development can be accessed in a safe manner from the station and the centre of the settlement. There are existing footpaths to / from the appeal site linking it with both the train station and Glounthaune village centre. The train service provides for a good frequency and capacity of service, and it is proposed to be improved in the future. I, therefore, have no reason to recommend a refusal of permission to the Board due to reasons of traffic and transportation provision.

Water Supply and Foul Drainage

7.6.10. Full details of water supply, foul drainage and surface water drainage are provided in the Engineering Report prepared by MHL & Associates Ltd. Consulting Engineers. I have had full regard to this report and the associated drawings in relation to these aspects of the development.

7.6.11. Irish Water have reported no objection to this development in relation to the connection to public foul drainage and water supply systems. The sewer connection can be made to the Johnstown Close Road at the entrance to the site. The drinking water connection can be made at The Terrace to the north of the site. No upgrade works are required in relation to the connection to public sewer or water network.

Surface Water Drainage

7.6.12. Full details of the proposed surface water drainage design are provided in the Engineering Report prepared by MHL & Associates Ltd. Consulting Engineers. I

⁸ (53 units x 1) + (46 apartments/2) + (7 houses/5) = 77.4 spaces

have had full regard to this report and the associated drawings in relation to these aspects of the development.

7.6.13. During the operation phase, it is proposed that enhanced SuDS measures will be incorporated into the scheme and surface water run-off from the residential units and associated hard standing areas will be controlled and collected by a proposed network of gravity storm sewers and collection chambers and directed to soakaways. Issues of capacity restrictions in the public surface water network were raised by Irish Water and Cork County Council. No issues of flooding from all relevant sources were identified.

7.6.14. I am satisfied that the site benefits from the sloping nature of the area allowing for gravity-based discharge of surface water drainage to soakaways.

Childcare

7.6.15. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' was for one childcare facility for every 75 units, able to accommodate 20 children. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' states:

"One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms."

7.6.16. The First Party submitted a 'Childcare Needs Assessment' with the planning application prepared by Coakley O'Neill Town Planning providing a justification as to how there was sufficient childcare spaces available in Glounthaune to cater for the development of 94 residential units. The proposed development under appeal is now for 53 units, consisting of a mix of 46 apartments and 7 houses, and the First Party has not proposed any specific childcare facility to serve the residents of this development. 7 no. of the 46 no. apartments proposed are 1-bedroom units, and these can be omitted from the requirement for childcare. I am, therefore, satisfied that there is no requirement on the First Party to provide a childcare facility within this proposed development.

Part V Housing Provision

- 7.6.17. Part V housing provision has been detailed within the Planning Statement prepared by Coakley O'Neill Town Planning Consultants in April 2021. A total of 9 units were to be provided on the basis of a 94 residential unit development. Following a number of alterations to the proposed development, Cork County Council issued a notification to grant permission for 30 residential units and attached a condition (No.2) requiring compliance with Part V of the Planning & Development Act, 2000 (as amended). The present amended proposal for consideration before the Board is for 53 residential units.
- 7.6.18. I note the 'Housing for All Plan' and the associated 'Affordable Housing Act, 2021' which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board decides to grant planning permission, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.
- 7.6.19. In conclusion, I am satisfied that the applicant can provide for adequate Part V housing in accordance with the requirements for such housing and this may be agreed by way of condition in the event that permission is to be granted for this development.

7.7. Appropriate Assessment

Stage 1 – Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.7.1. 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.

Background on the Application

- 7.7.2. The applicant has submitted a Stage 1 AA Screening Report as part of the planning application. This statement was prepared by Greenleaf Ecology on behalf of the first

party in April 2021. The First Party'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.

- 7.7.3. An Ecological Impact Assessment was also prepared by Greenleaf Ecology on behalf of the first party in April 2021. This includes a comprehensive site survey, a description of the proposed development and an assessment of the potential impacts during both the construction and operational phases of the proposed development.
- 7.7.4. Having reviewed the documents, I am not satisfied that the information contained in the Screening Report allows for a complete assessment of the possible impacts on the Natura 2000 sites in the vicinity of the appeal site to be carried out in accordance with Article 6 of the Habitats Directive adopted under Council Directive 92/43/EEC. In this regard, I draw the Board's attention to the Qualifying Interests for Cork Harbour SPA (004030) annotated in the Screening Report for Appropriate Assessment (April 2021) submitted by the First Party. The possible impacts of the proposed development is assessed on 23 species of waterbirds. The Board should note that there are 25 species of waterbirds protected under Article 4(1) and (2) of the Directive for this Natura 2000 site, and these are contained in Schedule 3 of S.I. No. 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021. My screening assessment below has been undertaken on the basis of the most recent statutory instrument (S.I. 391/2021) relating to the Cork Harbour site.

Screening for Appropriate Assessment - Test of likely significant effects

- 7.7.5. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.7.6. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

7.7.7. The First Party provided a description of the project on page 8 of the Screening Report of AA (April 2021). In summary, the development then comprised:

- The construction of 94 no. residential units,
- Works to Ashbourne House involving the demolition of modern extensions,
- The change of use of a gate lodge to a café,
- The provision of a new vehicular junction,
- The provision of a new foul and surface water disposal systems, and
- The provision of street lighting, internal roads, footpaths and landscaping.

7.7.8. The subject site with a stated area of 3.65 hectares is located to the southeastern part of Glounthaune Village and is adjacent to Glounthaune train station. The development site is described on pages 8 and 11 of the Stage 1 AA Screening Report. It is described as land that can broadly be divided into:

- i. The **buildings and artificial surfaces (BL3)** associated with Ashbourne House.
- ii. The grounds and woodlands associated with Ashbourne House corresponding to **mixed broadleaved / conifer woodland (WD2)**.
- iii. A short section of **drainage ditch (FW4)** at the north-east of the site.
- iv. **Amenity Grassland (GA2)** on open areas of the grounds.
- v. An area of **ornamental scrub (W53)** adjacent to the Gate Lodge.
- vi. The old tennis court to the west of the site is **recolonising (ED3)**.

European Sites

7.7.9. The development site is not located in or immediately adjacent to a European site. The closest European sites are Cork Harbour SPA (site code: 004030) and Great Island Channel SAC (site code: 001058), 35m to the south of the proposed development, respectively. All other European sites are located at a remote distance from the project site. A summary of these European Sites is presented in the table below.

Table 1: Summary Table of European Sites Within the Zone of Influence of the Proposed Development

European Site	List of Qualifying Interests (QI)/Special Conservation Interests (SCI)	Distance from Proposed Development	Connections (source, pathway, receptor)
Great Island Channel SAC	Mudflats and sandflats not covered by seawater at low tide Atlantic salt meadows	35m to the south	Groundwater
Cork Harbour SPA ⁹	Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck Wigeon Teal Mallard Pintail Shoveler Red-breasted Merganser Oystercatcher Golden Plover Grey Plover Lapwing Dunlin	35m to the south	Groundwater

⁹ SI 391, European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021.

	Black-tailed Godwit		
	Bar-tailed Godwit		
	Curlew		
	Redshank		
	Greenshank		
	Black-headed Gull		
	Common Gull		
	Lesser Black-backed Gull		
	Common Tern		
	Wetlands ¹⁰		

- 7.8.1. There are no watercourses on the site, and none are indicated on the EPA water features database. The nearest water feature is part of the estuary which is located to the south of the Cork to Cobh / Midleton railway line, approximately 35m to the south of the subject site.

Potential impacts during construction

- 7.8.2. It is recognised that all site clearance and construction activities have the potential to pose a risk to surface / ground water, through contamination of the water. Potential contaminants include suspended solids, hydrocarbons and concrete/ cement. In the absence of suitable management, such pollutants could temporarily risk surface water quality in the local road network during the construction phase of development.
- 7.8.3. There are no ecological connections between the subject site and any of these Natura 2000 sites. There is a potential impact-receptor link between the subject lands and the SAC / SPA a potential groundwater pathway between the subject site and the European sites should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water.

¹⁰ Wetlands is listed as a Conservation Objective for Cork Harbour SPA under the 'Conservation Objective Series Cork Harbour SPA 004030' (NPWS).

- 7.8.4. The construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development, given the nature and scale of the proposed development and its location at a remove from the designated European sites.
- 7.8.5. There is no possibility of any other potential direct, indirect or secondary impacts on any designated European site during the construction phase of the proposed development. There will be no land-take from any designated site and there will be no resource requirements such as water abstraction. There will be no emissions to air from construction vehicles that could potentially impact any European site. Dust, noise and vibration that occur during the construction phase will similarly be entirely remote from any European site. Demolition and construction related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.
- 7.8.6. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any designated site as a result of the construction of the proposed scheme, and no interference with the key relationships that define the structure or function of these sites. The subject site has very limited potential to attract water birds due to the nature of the habitats. The noise from any construction on the site will be attenuated by the natural screening and will likewise not affect water birds on the shoreline of Cork Harbour.

Potential Impacts during Operation Phase of Development

- 7.8.7. Surface Water Drainage: Surface water run-off from the proposed development / subject site, will be collected and attenuated on site. New developments are required to demonstrate compliance with SuDS, however, even in the absence of any such measures there would be no impacts on the European sites of Cork Harbour.
- 7.8.8. Foul Drainage: During the operational phase, wastewater from the proposed development will be collected via new foul drainage infrastructure and then discharge to Carrigrennan Wastewater Treatment Plant (WwTP) at Little Island. There will be no operational phase impacts as a result of wastewater discharge from the proposed development in Cork Harbour SPA or Great Island Channel SAC.

- 7.8.9. Some disturbance to birds may occur from increased human activity associated with walking / cycling. However, this would be limited, and it has been found that birds along the shoreline are habituated to such activity. The presence of the railway with its boundaries etc. would provide a barrier between the cycleway/ walkway and Cork Harbour.

In-Combinations Effects

- 7.8.10. It is a requirement of Section 177U, of the Planning and Development Act 2000 as amended, that when considering whether a plan or project will have a significant effect on a European site the assessment must consider in-combination effects with other relevant plans and projects. Such an assessment should consider plans and projects that are completed, approved but uncompleted, or proposed. If there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.
- 7.8.11. The Cork County Development Plan, when prepared, was subject to Habitats Directive Screening, by Cork County Council. That screening concluded, on the basis of the screening assessments which were completed at each stage of the plan-making process, that the CDP does not have the potential to give rise to significant negative impacts on any of the Natura 2000 sites.

Conclusion

- 7.8.12. There is no possibility of any other potential direct, indirect or secondary impacts on any European site once the proposed development is operational. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the operation of the proposed development, and no interference with the key relationships that define the structure or function of any designated Natura 2000 site. Significant effects as a result of the operation of the proposed development, on European sites or otherwise, can therefore be excluded.

Screening Assessment

- 7.8.13. 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 a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

7.8.14. 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 loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. The Great Island Channel SAC and Cork Harbour SPA are the sites most relevant to the subject site.

7.8.15. The conservation objectives of the Natura 2000 sites are as follows:

- Great Island Channel SAC – Conservation objectives are set out in the ‘Conservation Objectives Series Great Island Channel SAC 001058’ document published by the National Parks & Wildlife Service (NPWS). They are to maintain the favourable conservation condition of all habitats cited.
- Cork Harbour SPA – Conservation Objectives are set out in the ‘Conservation Objectives Series Cork Harbour SPA 004030’ document published by the NPWS. They are to maintain the favourable conservation condition of bird species and the wetland habitat.¹¹ I have also assessed the potential significant effects on Mallard with the objective of maintaining the favourable conservation condition of Mallard in Cork Harbour SPA.

7.8.16. Based on my examination of the Screening Report, and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, I agree with the conclusion of the First Party’s consultants that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required for two European sites referred to above, those being Cork Harbour SPA (site code: 004030) and Great Island Channel SAC (site code: 001058).

¹¹ Mallard and Greenshank are listed within SI 391, 2021 but there is no specific Conservation Objective for Mallard within the ‘Conservation Objectives Series Cork Harbour SPA 004030’ (NPWS). Wetlands is not specified as a Qualifying Interest within SI 391, 2021 but it is listed as a Conservation Objective for Cork Harbour SPA under the ‘Conservation Objective Series Cork Harbour SPA 004030’ (NPWS).

- 7.8.17. All other European sites can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive hydrological or ecological linkage between the proposed works and the other European sites. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.
- 7.8.18. No in-combination effects are foreseen having regard to plans and projects that are relevant to the Glounthaune area. Impacts from increased use of areas adjacent to Cork Harbour can be considered to be insignificant having regard to the scale and nature of the proposed development and its distance from the designated site.

Appropriate Assessment Screening Determination

- 7.8.19. It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Great Island Channel SAC (Site Code 00105) and Cork Harbour SPA (Site Code 004030), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.
- 7.8.20. There is no requirement therefore for a Stage 2 Appropriate Assessment (and submission of a NIS).

8.0 Recommendation

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

9.0 Reasons and Considerations

1. Under the Cork County Development Plan 2022-2028, Objective GN-R-01 states that it is policy of Cork County Council to seek to achieve a high density on 1 hectare of the proposed site and to seek to achieve the density in such a way that the woodland setting is protected and that the trees of special heritage value and champion trees are protected. Furthermore, Objective HE 16-20 seeks to recognise the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources and to protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork. It is considered that the extent of the development which exceeds 1 hectare together with the nature of the proposed development would result in the loss of trees of special heritage value within the garden and woodland area associated with Ashbourne House that it is a specific objective to protect. It is, therefore, considered that the proposed development would contravene these policy objectives and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the provisions of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” issued by the Department of the Environment, Heritage and Local Government (2009) and its associated Design Manual in relation to housing density, design and layout on an existing and planned public transport corridor, it is considered that the proposed development would result in an inadequate housing density that would give rise to an inefficient use of zoned residential land and of the infrastructure supporting it, would contravene Government policy to promote sustainable patterns of settlement and the policy provisions in the National Planning Framework, 2040, and would, therefore, be contrary to the provisions of the said Guidelines and national policy provisions. Furthermore, the proposed development would be contrary to the policy objectives in the Cork County Development Plan 2022–2028 as they relate to density for high residential density on suitably zoned lands, and therefore, the proposed development would be contrary to National and Local policy objectives and the proper planning and sustainable development of the area.

3. Ashbourne House is listed on the Cork County Record of Protected Structures (RPS no. 00498). The protected structure, associated gardens and woodland of Ashbourne House are substantially included in the subject site. A number of the trees located within the woodlands are of a high cultural and visual value to the setting of the protected structure. The proposed development includes the removal of a significant number of these trees, including one champion trees and two heritage trees, and it is considered that their removal would negatively impact on the visual amenity and the cultural heritage value of the area and would have a significant adverse impact on the setting of protected structure. Having regard to the guidance contained within the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and policy Objectives HE 14-14 and HE 14-16 in the Cork County Development Plan 2022-2028, it is considered that the proposed development of residential units in the gardens associated with Ashbourne House, a protected structure, would have a detrimental, and irreversible, impact on the character, special cultural interest and setting of the protected structure. Consequently, it is also considered that the proposed development would directly conflict with policy Objectives HE 14-14 and HE 14-16 of the Cork County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Liam Bowe
Planning Inspector

9th February 2023