



An
Bord
Pleanála

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

Inspector's Report ABP-313827-22

Strategic Housing Development

716 no. residential units (224 no. houses, 492 no. apartments), creche and associated site works.

Location

Castlelake, Terry's-land and Carrigtohill (Townlands), Carrigtwohill, Co. Cork.

Planning Authority

Cork County Council

Applicant

BAM Property Limited

Prescribed Bodies

Irish Water
Inland Fisheries Ireland
Irish Rail
Health and Safety Authority

Observers

Cllr. Alan O'Connor
Aoife O'Connell
Claire and Steve McCarthy
Colum McCarthy
John Lyons and Gemma Tierney
John Ryan
Padraig Fitzgearld
Robert Crawford
Shane Lynch
Tim and Dervil McCarthy
Mount Argus SPV

Date of Site Inspection

20th July 2023

Inspector

Rónán O'Connor

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Relevant Planning History	8
5.0 Section 5 Pre Application Consultation	9
6.0 Relevant Planning Policy	12
7.0 Observer Submissions.....	18
8.0 Planning Authority Submission	21
9.0 Prescribed Bodies.....	25
10.0 Assessment.....	26
11.0 Environmental Impact Assessment (EIA)	58
12.0 Appropriate Assessment	80
13.0 Conclusion and Recommendation	93
14.0 Recommended Order.....	93
15.0 Conditions	99

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The application site comprises seven distinct parcels of lands, with a stated area of some 18.126 ha, located at Castlelake, Terrylands and Carrigwohill, Co. Cork. Carrigwohill is located approx. 16 Km east of Cork city. The lands are bounded to the north by the railway tracks, to the east by Station Road and to the west by existing residential development. Carrigwohill train station is located to the north of Station Road. There is a landscaped park with a lake located to the south with Main Street, Carrigwohill located further to the south.
- 2.1.2. An east-west link road is currently under construction and will abut the southern boundary of a significant portion of the subject lands.
- 2.1.3. There are no buildings on the subject lands and are largely characterised by overgrown scrub. There are 2 no. existing under passes beneath the train tracks, on the northern portion of the lands, identified as Blandcrest.
- 2.1.4. Between the subject site and Main Street to the south is the new schools campus site which is currently under construction, planning ref. 19/5707.
- 2.1.5. There are a number of waterbodies on site. The Woodstock stream leading to the Anngrove Stream is the largest stream which enters the eastern-most land block near Station Road and flows in a westerly direction before turning south where it flows into the Slatty Pond. Another small stream bisects the main land block and flows in a southerly direction towards the Woodstock Stream at the southwest of the site.
- 2.1.6. There is a man-made lake (attenuation pond/lagoon) to the south of the main land block which is currently used as an amenity by local residents. The pond has an overflow into the Woodstock Stream.

3.0 Proposed Strategic Housing Development

A 10 year planning permission for a strategic housing development. The development will consist of the construction of a strategic housing development of 716 no. units comprising 224 no. houses, 284 no. duplex units and 208 no. apartments provided in 7 no. apartment building blocks. A 2 no. storey creche building is also provided. The 2 no. storey houses comprise of 48 no. detached, 126 no. semi-detached and 50 no. terraced houses consisting of 60 no. two bed units, 139 no. three bed units and 25 no. four bed units. The part-1 to part-3 storey duplex units are contained in 122 no. building blocks providing 82 no. one bed units, 142 no. two bed units and 60 no. three bed units. The 7 no. apartments building blocks range in height from part-1 to part- 5 no. storeys.

- Block 1 is 4 no. storeys and contains 34 no. units (7 no. one bed units, 19 no. two bed units and 8 no. three bed units).
- Block 2 is part-1 to part-5 no. storeys and contains 42 no. units (15 no. one bed units, 20 no. two bed units and 7 no. three bed units).
- Block 3 is 5 no. storeys and contains 17 no. units (8 no. one bed units and 9 no. two bed units).
- Block 4 is 4 no. storeys and contains 13 no. units (6 no. one bed units and 7 no. two bed units).
- Block 5 is 4 no. storeys and contains 13 no. units (6 no. one bed units and 7 no. two bed units).
- Block 6 is 4 no. storeys and contains 13 no. units (6 no. one bed units and 7 no. two bed units).
- Block 7 is 5 no. storeys over basement and contains 76 no. units (23 no. one bed units, 41 no. two bed units and 12 no. three bed units).

All blocks contain ancillary internal and external resident amenity spaces, and the proposed development also provides for: hard and soft landscaping including Multi Use Games Areas (MUGA's) and associated fencing; boundary treatments; public realm works; car parking; bicycle stores and shelters; bin stores; lighting;

photovoltaic panels; plant rooms; and all ancillary site development works above and below ground.

Access to the proposed development will via an extension to Castl lake Avenue with new entrances proposed from the existing Castl lake Avenue, Oakbrook, and Pine Court. 2 no. new entrances are proposed from the Castle Lake to Station Road Link Road currently under construction and permitted by Cork County Council Planning Reference 19/5707. A new entrance is proposed from the North South Link Road, (linking Station Road to the Castle Lake to Station Road Link Road) and permitted by Cork County Council Planning Reference 19/5707. The proposed development also makes provision for the construction of a portion of the Carrigtwohill to Midleton Inter Urban Cycleway Phase 1 and a portion of the Northern Spine Link Road.

Key Figures

Site Area	18.3 Ha
No. of units	716 no. units (244 no. houses, 284 no. duplex units and 208 no. apts)
Density	43 units/ha (net)
Site Coverage	18.1%
Public Open Space	30,655 sq. m (18.5% of site area)
Height	2 storey housing; 3 storey duplexes and 5 storey apartment blocks
Communal Space	4,495 sq. m
Part V	104 no. unit
Vehicular Access	Via Castl lake Access Road, Castl lake Link Road and the new second link road from Castl lake Link Road to Station Road
Car Parking	1,297 no. spaces
Bicycle Parking	918 no. spaces
Other uses	Creche (2 storey/978 sq. m)

3.1.1. The proposed development provides the following unit mix:

	Houses/Duplexes	
	Number	%
1 bed	82	16.3
2 bed	202	39.7
3 bed	199	39.1
4 bed	25	4.9
Total	508	100
	Apartments	
	Number	%
1 bed	71	34.1
2 bed	110	52.9
3 bed	27	13.0
Total	208	100
Overall		
1 bed	153	21.4%
2 bed	312	43.6%
3 bed	226	31.6%
4 bed	25	3.5%
Total	716	100%

4.0 Relevant Planning History

ABP Ref 301610-18 (PA Ref 17/5399) Construction of 277 residential units – Refuse permission [Decision Date 06/12/2018] for one reason as follows:

The "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" (Cities, Towns and Villages)" issued by the Department of the Environment, Heritage and Local Government in May, 2009, require a high quality approach to the design and layout of new housing. Having regard to the proposed site layout, and in particular the poor disposition and quality of public communal open space and future connectivity to Carrigtwohill Train station, it is considered that the proposed development would constitute a substandard form of development, would seriously injure the amenity for future occupants and, would, therefore, be contrary to the said Guidelines'.

Appeal Ref PL04.125446 (PA Reg Ref 00/7607) 771 dwellings – Grant Permission [Decision Date 31/05/2002]

Appeal Ref PL04.131129 (S/00/7674) – 813 dwellings – Grant permission [Decision Date 20/10/2003]

Other Relevant Projects

19/5707 Station Road Schools Campus: Permission granted [Decision Date: 28/04/2020] for construction of three no. new school buildings and the construction of a main link road with roundabout from Castlelake Housing Estate to Station Road and an additional link from the roundabout to Station Road. This campus comprises of two primary schools and one post-primary school.

Approved Part 8 Proposals

Carrigtwohill URDF – Public Realm Infrastructure Bundle: Part 8 proposal for Main Street and Station Road Public Realm Works including footpath widening, road realignment, resurfacing, signalisation, traffic calming measures, street lighting, demolition of buildings at the junction of Main Street and Station Road along with other small scale demolition works, and provision of new public spaces, upgrade of Wisers Road junction, additional capacity measures at N25 Junction 3 (Cobh Cross) including widening and realignment of approach roads to the roundabout. This scheme was approved at Full Council Meeting on 27th June 2022.

Carrigtwohill – Midleton Inter-Urban Cycleway Phase 1: Part 8. This was approved by Cork County Council on 14th March 2022. - Strategic cycleway scheme proposal extending from Wisers Road, north of the Cork to Midleton railway line at the western end of Carrigtwohill to the east of the Carrigane Road bridge at the eastern end of Carrigtwohill. The scheme will pass through the Carrigtwohill UEA, cross Wisers Road, Station Road, Leamlara Road and Carrigane Road. It will connect to the Carrigtwohill Train Station and the new school campus on Station Road. The scheme will provide connectivity between the existing IDA Business Park to the west of Wisers Road and the industrial zoned lands to the south of the Carrigane Road.

Enforcement

Planning Enforcement Ref. EF/21/192: Alleged non-compliance with condition no. 52 of planning ref. 19/5707 (relating to 3 no school buildings and construction of a main link road) i.e. realignment works to Woodstock River.

5.0 Section 5 Pre Application Consultation

- 5.1.1. A Section 5 Consultation meeting took place via Microsoft Teams on 3rd February 2022 in respect of the following development:
- The construction of 706 no. residential units (239 houses, 467 no. apartments, a creche and associated site works.
- 5.1.2. In the Notice of Pre-Application Consultation Opinion dated 28th February 2022 (ABP Ref. ABP-311855-21) the Board stated that it was of the opinion that the documentation submitted **constituted a reasonable basis for an application for strategic housing development.**
- 5.1.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:
1. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, *inter alia*, urban design considerations, visual impacts, site context, the locational attributes of the

area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address layout, urban design, disposition and quality of public open space and communal open space, finishes of the blocks, the design relationship between the individual blocks within the site, and to existing residential property to the west. The statement should be supported by contextual plans and contiguous elevations and sections.

2. A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network in Carrigtwohill, with other adjoining key infrastructure and to Carrigtwohill train station, in particular, with respect to pedestrian and cycle routes.
3. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan or Local Area Plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
4. A detailed statement of justification of the density proposed, in terms of suburban location, sequential approach, the road network, topography of the site and specific local objectives pertaining to the lands contained in the Cobh Municipal District Local Area Plan 2017.
5. A Traffic and Transportation Impact Assessment.
6. Cross-sections at appropriate intervals, photomontages, and any other information deemed relevant, illustrating FFL's levels, ground levels and topography of the site. In particular, showing proposal relative to the train line and to any adjoining existing development in the vicinity, useability and functionality of public open space and private open space / rear gardens.
7. Justification of layout, location and hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards.
8. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked

to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

9. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
10. An up-to-date Ecological Impact Assessment, inclusive of a Bat Survey.
11. A Noise Impact Assessment, with regard being had to proximity to the railway line.
12. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartments which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect, single aspect north facing and which apartments exceeds the floor area by 10%.
13. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - Impact to any neighbouring properties.
14. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.
15. A robust Ecological Impact Statement Report, AA screening report and NIS, as appropriate, which considers potential impacts on the Qualifying Interests of any Natura 2000 site.

16. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge.
17. A response to matters raised within the PA Opinion dated the 1st December 2021.
18. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
19. Site Specific Construction and Demolition Waste Management Plan.
20. Details of public lighting.

Applicant's Statement

- 5.1.4. The application includes a statement of response to the pre-application consultation (Planning Statement and Response to ABP's Pre-Application Opinion), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each item of specific information raised.

Material Contravention Statement

- 5.1.5. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Cork County Development Plan 2022-2028 in respect of the following matters:
 - Density
- 5.1.6. I refer the Board to Section 10.2.5 of this report which considers the issues of density and material contravention.

6.0 Relevant Planning Policy

National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. I also note the Government's Housing for All Plan (2021) which identifies the need to increase housing supply as a critical action.

Project Ireland 2040 - National Planning Framework (2018)

The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building 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.

National Policy Objective 33: 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: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management.

Section 28 Ministerial Guidelines

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020)¹
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013). Interim Advice Note- Covid 19 (May 2020).
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009)
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES)

The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Cork City and suburbs, which the appeal site is located within. A number of regional policy objectives are applicable to the proposed development, including:

- RPO 10: Compact Growth in Metropolitan Areas, includes; a. Prioritise housing and employment in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling. b. Identify initiatives for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.
- Cork MASP Policy Objective 1, includes b. To promote the Cork Metropolitan Area as a cohesive metropolitan employment and property market where population and employment growth is integrated with: (i) the city centre as the primary location at the heart of the metropolitan area and region reinforced by; (ii) the continued

¹ As per Circular NRUP 07/2022, all current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the 2020 of the Apartment Guidelines. This SHD application was lodged on 17th June 2022 and is therefore assessed under the 2020 version.

regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas, (iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs.

Local Policy Context

Cork County Development Plan 2022-2028

The Cork County Development Plan 2022 was adopted by the Elected Members of Cork County Council on 25th April 2022. The Plan came into effect on 6th June 2022.

Zoning

The northern portions of the site are zoned:

- Existing R - Existing Residential/Mixed Residential and Other Uses
- CT-R-01 – Residential - High density residential development. High quality pedestrian and cycle connectivity, particularly to adjoining schools campus and station quarter, to be provided
- There is a small portion of the site zoned - CT-X-01 – Special Policy Area. The specific policy objective relating to same refers to this area as ‘Station Quarter South’ and requires mixed used development to include enterprise development, high density residential, small scale retail and community uses.

The southern portions of the site are zoned:

- CT-T-02 – Town Centre/Neighbourhood Centres; Carrigtwohill North UEA. Medium A density residential development. Development on this site requires provision to be made for the delivery of the infrastructure described in Tables 4.2.6 and 4.2.7.
- CT-T-03 – Town Centre/Neighbourhood Centres - Carrigtwohill North UEA. Medium A density residential development. Development on this site requires provision to be made for the delivery of the infrastructure described in Tables 4.2.6 and 4.2.7.

The following Specific Development Objectives of the CCDP 2022 apply to the application site:

- CT-R-01 High density residential development. High quality pedestrian and cycle connectivity, particularly to adjoining schools campus and station quarter, to be

provided. CT-T-02 Town / neighbourhood centre in line with the overall uses acceptable in town centre areas. Careful consideration shall be given to the overall design approach given the prominence of the site to both the entrance to Castlelake and the start of the Main Street. Opportunity to connect to adjoining green infrastructure north of this site is to be taken into consideration in the layout and design of development.

- CT-T-03 Town centre development in line with the overall uses acceptable in town centre areas.
- CT-X-01 Station Quarter South – Mixed use development to include enterprise development, high density residential, small scale retail and community uses.
- CT-U-12 Completion of the Northern Spine Link Road linking the Western Spine Link Road via the underpass to lands south of the railway.
- CT-U-01 Provision of a new link road connecting Castle Lake to Station Road.

Table 4.1: Settlement Density Location Guide

Table 2.9 'Cork County Strategy Table' sets out a Housing Target (2022 – 2028) of 1,784 Housing Units, with a total of 2,002 units provided for in the plan (including additional provision).

Objective CS 2-3 (d) Within the Cork Metropolitan Area, and most notably along the existing rail corridor, plan for development to provide the homes and jobs that are necessary to serve the long term planned population prioritised in the following locations, Midleton, **Carrigtwohill**, Cobh and Little Island.

Chapter 4 – Housing

Objective HOU 4-7: Housing Density on Residentially Zoned Land

Table 4.1 Settlement Density Location Guide

Objective HOU 4-8: Building Height and Amenity

Support the provision of increased building height and densities in appropriate locations within the County, subject to the avoidance of undue impacts on the existing residential amenities. In mixed use schemes, proposals will include details of the sequencing of uses to enable the activation of supporting services. New development greater than 4 storeys will be required to address the development

management criteria, as set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines (2018).

Chapter 8 Economic Development

Section 8.14 'Seveso Sites'

Table 8.8 'Lower Tier Seveso Sites in Cork' – Notes that 'Merck Millipore Ltd is located at Tullagreen, Carrigtwohill, Co. Cork²

Chapter 12 Transport and Mobility

Car Parking

Objective TM 12-9: Parking - Secure the appropriate delivery of car parking and bicycle spaces and facilities in line with the Standards set out in Section 12.24

Table 12.6: Car Parking Requirements for New Developments/Table 12.8 Cycle Parking for residential development

Chapter 17 – Climate Action

Table 17.2: Climate Action Strategy - Policy to deliver higher levels of growth in locations benefitting from high quality public transport corridors (in particular Carrigtwohill, Midleton and Cobh, with increased levels of growth in Little Island).

Chapter 18 – Zoning and Land Use

Relevant Objectives include:

ZU 18-9: Existing Residential/Mixed Residential and Other Uses

ZU 18-11: Residential Areas

ZU 18-17: Town Centres/Neighbourhood Centres

ZU 18-20: Special Policy Areas

Volume 4 South Cork – Section 2.4 Carrigtwohill

Section 2.4.116 relates to specific zoning objectives as described above.

Page 123 of this Volume contains the Zoning Map.

² The application site is located approximately 519m north-east of the perimeter of this Lower Tier Seveso site at its closest point.

7.0 Observer Submissions

- 7.1.1. 11 no. observer submissions (10 no. raising objections/concerns and 1 no. in support) have been submitted and I have summarised same below.

Principle of Development

- Would significantly benefit efforts to resolve the current housing crisis.

Design including Density, Heights and Layout

- The proposed overall density for the proposed development is 43 units per hectare/material contravention of Cork County Council's development plan, which mandates a minimum of 50 units per hectare net density for CT-R-01.
- Higher densities encouraged in the Development Plan/National Planning Framework/RSES
- Reference made to previous Board's decision. 301961: 311 residential units at Ballyleary, Great Island, Cobh, Co. Cork. Refuse for reasons of insufficient density
- Site is highly accessible
- Houses comprise over half of the land
- The volume of units is also a concern along with the proposed costings of €330k for a 2 bed apartment. The high density being proposed is not in keeping with the locality

Traffic and Transport

- Proposal would be car dependant excess of car parking proposed/impact on quality of placemaking/average of 1.8 spaces per unit/Not consistent with Objective TM 12-9/Development is proposed to have 223 more spaces than the maximum as set out in the Development Plan/provision of 592 parking spaces for visitors/there should be no visitor parking with this development.
- Insufficient parking provided
- Removal of 2 no. parking spaces from Pine Cour
- Additional traffic congestion/Plans to alleviate traffic congestion are not clear

- Road safety implications
- Must implement speed mitigation and safety measures on Hazel Court Road and on the new extended road out to the train station
- The N25 and the junctions to/from Carrigwohill are already under pressure due to traffic volumes/planned N25 upgrade has also been shelved
- Infrastructure needs to be completed in advance of building these houses.
- Not everyone will work in Cork or Midleton/might require a car to get to work or go visit family members elsewhere.

Surrounding Residential Amenity

- Proposed development will dwarf the existing estate/cast shadows on many of the existing houses
- Impacts on specifically on The Cottage, Station Road/property adjoins directly to the north of the part of the Castl lake SHD/Visual impact/will be looking directly at the 11.35m tall concrete gable wall of a three storey duplex type (D41b) apartment building/Question findings of the Daylight/Sunlight Assessment/Daylight and sunlight will be reduced far beyond what is generally deemed to be acceptable/overshadowing of our home will be significant.
- Overlooking from the balconies of Duplex Block B
- Concerns relating to boundary treatments/Welcomes the plan for boundary wall treatment to the Station Road South Site/Request that the wall minimum height be 2100mm for this portion of the wall

Residential Amenities/Residential Standards/Social Infrastructure

- Lack of social amenities in the area/GAA, Soccer Club are not big enough/no swimming pool or library/ Very little provision for open spaces and or recreational areas/no library, hotel, no full gym, no youth café, no cinema, little choice of restaurants/Lack of amenities could lead to antisocial behaviour
- Existing facilities such as doctors, dentists etc are full to capacity

- Concerns relating to the proposed developments contribution to rapid population growth and lack of adequate and appropriate supports to develop the social infrastructure of the community.
- Only limited number of green spaces, one multi use games area, and one crèche proposed.
- Insufficient capacity in the creche

Environment/Biodiversity/Ecology/Appropriate Assessment

- Destruction of a section of the Woodstock River prior to the making of this application/Culverting of the stream/diminished hugely the habitat potential of the body of water/Alleged unauthorised works in relation to the Woodstock Rover/Contrary to Council policies in relation to biodiversity/Inconsistences in the EIAR in relation to the Woodstock River/culverting of same/Should be restored to its original channel, and no planning permission should given which would potentially make permanent the current situation.
- Impact on biodiversity/loss of meadow area/impact on foxes, hedgehogs, birds, frogs, swan cygnets.
- Impact on wildlife/meadow/area that children play on
- Impact on trees

Other Issues

- Window for 3rd party observations to be submitted at only five weeks is wholly inadequate
- Have concerns that the provisions of development plans and local area plans are being set aside in favour of approving SHD schemes
- Concern re cost of the units being proposed.
- Question if apartments will be built
- There will not be a sufficient demand for the proposed apartments.
- Will devalue properties

8.0 Planning Authority Submission

- 8.1.1. Cork County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. This was received on 12th August 2022. The contents of same are summarised below.

Recommendation

- 8.1.2. Section 5.2 of the Chief Executive's Report states that it is recommended that permission be **Granted**, subject to conditions. Recommended conditions of note are as follows:

1. Omission of Station Road North land parcel from the overall development arising from the current planning enforcement case.
2. Reconsider the layout or unit type / building height on the Station Road South Site to reduce the impact on the existing single-storey residential property to the north.
3. Conditions to ensure compatibility with proposed infrastructure projects in the wider area.
4. Special Development Contributions in relation to delivering key infrastructure projects.
5. Design Changes

Principle of the Development

- The principle of residential development on these lands has already been established under CCC Planning Ref. 00/7607 / Appeal ref. PL04.125446 and CCC Planning Ref. 00/7674 / Appeal Ref. PL04.131129.
- The site forms part of this unfinished residential scheme, which detracts from the visual qualities of the settlement/supports and welcomes the completion of this development subject to satisfying all normal proper planning and sustainable development considerations.

Density and Compliance with Specific Policy Objectives

- Overall net density of 43.1 no. units per ha/area subject to the CT-R-01 zoning objective (High density residential, with min density of 50 dph)

- Applicant calculates the developable area within CT-R-01 as 9.6ha, giving a net density of 51 dph.
- Planning Authority is generally supportive of the density proposed.
- Southern parcel of land Strategic Housing Development CE Report to An Bord Pleanála(Castlelake South site 01) is zoned as part of a larger zoning for Town Centre/ Neighbourhood Centre/Within town/neighbourhood centres, residential uses can be considered/Balance of the zoned neighbourhood/town centre zone here has been developed for such uses
- Station Rd South site (0.5 hectares) is part of a 5 hectare area zoned for town centre development which is largely undeveloped/principle of residential use within such a zoned is acceptable/density proposed, at 56dph, is acceptable.

Layout and Design

- Council Architect considers the overall design as proposed appears to comply generally with the National Guidance in terms of design strategy/Minor revisions suggested.

Impact on Existing Residential Amenity

- Proposed development which is situated 1.4445m from the northern boundary of the site is considered overbearing and likely to have a negative impact on the residential amenity of the existing single-storey dwelling where the main entrance is on the southern elevation.
- Proposed development provides for 18.5% (of the developable area) public open space
- Existing residents at Castlelake have raised concerns and opposition to the removal of the existing grass meadow on the Castlelake West parcel which is an existing amenity considered to be of some biodiversity value containing informal pathways used by residents/plot in question is zoned as part of the existing residential/mixed residential and other uses/not zoned for open space, nor reserved as such from the governing permission/biodiversity value has not been identified in the report of the Ecologist/principle of developing it is considered acceptable.

Housing Mix and Quality

- Housing mix acceptable
- 51% of apartments are dual aspect.
- Units meet minimum standards in terms of floor areas, floor to ceiling heights, aspect and private amenity space.
- Recommended that the location of the Part V units be revised on the basis that they are pepper-potted throughout the development in clusters no bigger than 4 units per cluster/suitable Part V condition should be attached to any grant of permission
- Provision of local services such as a convenience supermarket, pharmacy, café and healthcare centre have been delivered in the earlier phases of the Castl lake development and will also serve the proposed development.
- The provision of the crèche is welcomed

Flood Risk

- Applicant should ensure that proposed realignment of the Woodstock Stream does not impact upstream or downstream.
- Surface Water / Drainage / Wastewater / Water
- Detailed surface water management plan be prepared/revised details needed/conditions recommended

Traffic & Transportation

- Revised safety audit required
- Some concerns raised in relation to details proposed i.e. gradient of the access junction to Blandcrest Main Road 1 /revisions to the design are recommended by way of condition
- Detail and elements of the infrastructure proposed to serve the development is lacking/additional details required by condition
- Development will benefit from the approved Part 8 upgrade of Station Road with improved pedestrian and cycle connectivity to the train station and Main

Street/special contribution is recommended to cover an apportioned cost of this upgrade.

- Safety issues with the existing Station Road/currently no footpath connection to the train station from this site/recommended that the Applicant contribute to or deliver advanced interim measures to the train station and Main Street, within Parking Provision
- Planning Authority recommend a cap is placed on the number of car parking spaces in accordance with CDP maximum standards.
- Considered reasonable to allow a 10 year duration.
- Phasing should be agreed with the Planning Authority

Planning Enforcement

- There is an open enforcement case in respect of the alleged unauthorised diversion and culverting of a section of the Woodstock Stream located to the south of the proposed Station Road North Site.
- Recommendation of Cork County Council Ecology Office in respect of the alleged unauthorised works is that the recently culverted/diverted section of the stream be reinstated to a more natural morphological condition.
- Currently as the Strategic Housing Development proposal stands, the proposed design does not appear to allow for the possible reinstatement of the stream to a natural morphology given the proposed bridging of the stream and spatial constraints due to the proximity of an existing roadway (East/west connection road) to the south and proposed Station Road North
- Planning Authority recommend that this land parcel be omitted by condition and could instead be subject of a future planning application once a solution has been agreed.

Internal Reports

8.1.3. Internal Reports are generally referred to and summarised in the Chief Executive's Report, and I have taken account of same in the Planning Assessment below. I note that reports were received from the following

- Area Engineer

- Traffic & Transport
- Housing Infrastructure and Implementation Team (HIIT)
- Cork County Council Ecology Office
- Council Architect
- Estates
- Environment
- Roads Design Office
- Public Lighting

Elected Members

8.1.4. The following are the issues raised by the Elected Members at the Municipal District meeting on 27th July 2022.

- Low density of the proposal
- Excess of car parking
- Insufficient car parking and EV points
- Works to the Woodstock River
- Lack of social facilities including a hotel and football pitch
- Impact on wildflower meadow
- Surface water proposals and capacity of same
- Housing Mix/Lack of larger units
- Impact on residential amenity including overlooking and overshadowing
- Maintenance of the landscaping proposed.

9.0 Prescribed Bodies

Irish Rail – Recommend additional detail be provided

Irish Water – Recommend conditions

Health and Safety Authority – Does not advise against the granting of planning permission in the context of Major Accident Hazards.

Inland Fisheries Ireland – Need to ensure sufficient capacity in relation to wastewater/ Recommend conditions

Commission for Railway Regulation

10.0 **Assessment**

10.1. The main planning issues arising from the proposed development not dealt with in the EIAR (Section 11 of this report) can be addressed under the following headings:

- Principle of Development
- Design including Heights and Layout
- Traffic and Transport
- Surrounding Residential Amenity
- Residential Amenities/Residential Standards
- Other Issues

10.2. **Principle of Development**

Zoning

10.2.1. The northern portions of the site are zoned 'Existing R - Existing Residential/Mixed Residential and Other Uses' and 'CT-R-01 – Residential'. Residential is listed as an appropriate use in areas zoned 'Existing R - Existing Residential/Mixed Residential and Other Uses' and in areas zoned 'Residential' (Chapter 18 'Zoning and Land Use' of Development Plan Vol. 1 refers). The specific development objective relating to the CT-R-01 zoning is set out in Section 2.4.116 of Volume 4 of the Development Plan and requires high density residential development, and high quality pedestrian and cycle connectivity, particularly to adjoining schools campus and station quarter, to be provided.

10.2.2. The majority of the Castlelake South Site 01 is zoned 'CT-T-02 – Town Centre/Neighbourhood Centres' with a small portion to the north of this element zoned 'Existing R- Existing Residential/Mixed Residential and Other Uses'. The

Station Road South Site is zoned 'CT-T-03 – Town Centre/Neighbourhood Centres'. Within Town Centre/Neighbourhood Centre zoned sites, residential is listed as an appropriate use (Chapter 18 'Zoning and Land Use' of Development Plan Vol. 1 refers). The specific zoning objectives (CT-T-02 & CT-T-03) relating to these site requires overall uses acceptable in town centre areas, with further provisos in relation to design and connections relating to the CT-T-02 site. Objective ZU18-17 'Town Centres/Neighbourhood Centres' seeks to promote these areas as the primary locations for retail and other uses that provide goods or services, with residential development encouraged in mixed use developments. The supporting text for same refers also to the role of town centres in delivering compact growth and to the delivery of residential development.

10.2.3. In relation to the compliance, or otherwise, with the Town/Neighbourhood Centre Zoning and with Objective ZU18-17, I note that a total of 34 no. apartment units (Apartment Block 1) are being provided on the Castl lake South Site 1. However this site only forms a part of the overall CT-T-01 zoning, with commercial uses, including an Aldi and a Medical Centre already provided to the south and with the bulk of the lands to the east still undeveloped. In relation to the Station Road South Site, a total of 29 duplex units are proposed here (although I refer the Board also to Section 10.5 of this report where I have recommended the omission of 2 no. units, for reasons of residential amenity). Again this site forms part of larger area of lands zoned Town Centre/Neighbourhood Centre zoned site, with the town centre zoned lands to the south and east of the Station Road South Site remaining undeveloped. As such, while the proposed development does not provide for non-residential uses, with those sites zoned Town Centre/Neighbourhood, I am satisfied that the proposal forms part of existing and planned development of the town centre, with existing commercial uses located within the CT-T-01 area, and with the opportunity to provide same on the undeveloped areas of lands within the remaining town centre zoned lands.

10.2.4. I note that the Planning Authority have raised no objection to the principle of residential development on these lands, and state that the principle of same has already been established under Appeal Ref PL04.125446 (PA Reg Ref 00/7607) and Appeal Ref PL04.131129, noting that the site forms part of an unfinished residential scheme.

- 10.2.5. There is a very small portion of the site zoned CT-X-01 – Special Policy Area. The specific policy objective relating to same refers to this area as ‘Station Quarter South’ and requires mixed used development to include enterprise development, high density residential, small scale retail and community uses. It would appear that a small area of the private amenity space associated with one of the dwelling houses (unit 019 House Block BB2 within the Station Road North Site) encroaches onto this area. I am not of the view that this is material and does not prejudice in any way the future development of this site, nor the deliverability of the overall zoning objectives relating to this site, noting also that the Planning Authority have not raised any issues in relation to same.
- 10.2.6. As such, there is no objection in principle to the proposed development, having regard to the zoning designations as described above. However, the delivery of residential development on the site is subject to considerations including residential density as well as other considerations, and consideration of existing and proposed physical and social infrastructure, and I have considered these issues in the relevant sections of this report below.

Density

- 10.2.7. The proposed development has an overall density of 43 units per hectare, but this varies across the different sites as can be seen in Table 1 below. The applicant’s Planning Statement has set out the relevant densities provided across the 7 no. distinct areas of the site and I have reproduced same below:

Table 1: Densities

Area	Net Area	No. of Units	Density
Castlelake South 01	0.56 ha	34	64 no. units per ha
Castlelake South 2	0.46 ha	42	75 no. units per ha
Castlelake West	0.64 ha	36	39.1 units per ha
Blandcrest	6.8 ha	315	46.3 units per ha
Castlelake North	6.3 ha	209	33.1 units per ha

Station Road North	1.27 ha	51	40.2 units per ha
Station Road South	0.52 ha	29	55.8 units per ha
Total Developable Area	16.6 ha	716	43.1 units per ha

- 10.2.8. I note the Planning Authority is generally supportive of the density proposed, and furthermore have not raised any query or objection in relation to the methodology behind the density calculations.
- 10.2.9. A number of observer submissions, and as well as comments made by Elected Members, have stated that the density proposed is not sufficiently high, given the location in close proximity to the railway station, and have stated that the density proposed is a material contravention of the Development Plan, which requires a minimum of 50 units/ha on sites zoned CT-R-01.
- 10.2.10. In relation to Development Plan policy on density, Table 4.1 'Settlement Density Location Guide' of the Development Plan sets out guidance on densities for various settlements within Cork County, including Carrigtwohill, and within this table it is noted that densities of 50 units/ha and above are applicable in locations close to existing or future high quality public transport. For other locations, a 'Medium A' density is generally appropriate, which is defined as 30-50 units /ha.
- 10.2.11. There are three distinct parcels of the application site which are either, partially or entirely subject to the CT-R-01 Specific Policy Objective' (The Castlflake North site, the Blandcrest site and Station Road North site). As noted above, this seeks *inter alia* 'High Density' residential development. Clarification on same is provided in Section 4.89 of the Development Plan which 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'.

- 10.2.12. Further clarification is provided by Objective HOU 4-7 which sets out a minimum net density of 50 units/ha for such areas, with no max net density limit (other criteria in relation to location, mix, open space, design and amenity standards also apply – these are considered in the relevant sections below).
- 10.2.13. The Applicant's Planning Statement sets out that the net developable area of the three sites referred to above is 9.6 ha (discounting areas earmarked for strategic infrastructure, the public open space and the crèche area, in line with guidance as set out in Appendix A of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009). Based on this the development of 491 no. units on lands zoned CT-R-01 would achieve a net density of 51 no. units per ha, in accordance with HOU 4-7, and in accordance with CT-R-01 specific policy objective.
- 10.2.14. I would draw the Board's attention to the Material Contravention Statement submitted with the application. This has been submitted by the applicant as justification for the density proposed, with regard to the criteria as set out in Section 37(2)(b) of the Planning and Development Act 2000, as amended, should the Board consider that the proposed development does, in fact, materially contravene the Development Plan, having regard to the minimum density required on those sites subject to the CT-R-01 policy objective.
- 10.2.15. Notwithstanding the submission of a Material Contravention Station, and having regard to the above considerations in relation to the density provided on the site, I am satisfied that the approach taken by the applicant in determining the applicable residential density is acceptable, as are the Planning Authority, and I am satisfied, therefore, that the applicants have achieved the minimum required density applicable on lands zoned CT-T-O1, and the proposal does not materially contravene the Development Plan, as regards to density.
- 10.2.16. In relation to national policy on residential density, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at

locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

- 10.2.17. In relation to regional policy, the Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES) is of relevance here. The appeal site lies within the Metropolitan Area Strategic Plan (MASP) which covers Cork City and suburbs. Objectives within same support compact growth (RPO 10).
- 10.2.18. In relation to relevant Section 28 Guidelines, the Sustainable Residential Development in Urban Areas Planning Guidelines (2009), notes that it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns – including higher densities – on lands within existing or planned transport corridors. The subject site is located on a ‘Public transport corridor’, where increased density is supported (Section 5.8 of the Guidelines refer). These are defined within the guidelines as lands within 500m walking distance of a bus stop or 1km of a light rail / rail station. In such locations, the guidelines encourage that increased densities are promoted, and in general, minimum densities of 50 dwellings per hectare should be applied, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. The capacity of public transport should also be taken into consideration when considering appropriate densities.
- 10.2.19. The site can also be defined as an ‘Outer Suburban Greenfield Site’, which are open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, including but not limited to roads and schools (Section 5.11 of the Guidelines refer). I note the substantial infrastructure either recently completed, under construction or planned for the wider Carrigtwohill area, which is enabling development of this site. Within these sites, the Guidelines stated that the greatest efficiency of land use will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare.
- 10.2.20. In relation to the proposals compliance with the above guidelines, I consider that the overall density of 43 units/ha can be considered appropriate, falling somewhat between the 50 units/ha recommended for a ‘public transport corridor’ and the 35-50 recommended for an ‘Outer Suburban Greenfield Site’. In addition, I note that the average density for those lands earmarked for higher density development (50

units/ha +) in the Development Plan (Castlelake North, Blandcrest and Station Road North) which are generally along proposed pedestrian and cycle links to the station, (including the recently granted Part 8 project Carrigtwohill Inter-Urban Cycleway Phase 1) is 51 units/ha, and as such the densities are in line with the overall principles of the Sustainable Residential Development Guidelines (2009).

10.2.21. Having regards to the guidance as set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020), the site can be defined as an ‘Intermediate Urban Location’, as described in Section 2.4 of the Apartment Guidelines. As per the Guidelines, such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including:

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.

10.2.22. As noted the site is within walking distance of Carrigtwohill Town Centre, and the IDA Business Park, which is a significant employment location. It is also within walking distance of a high capacity rail service. An overall density of 43 units/ha is generally in compliance with the above guidelines, noting the flexibility afforded by same (the wording states ‘broadly’ over 45 dwellings per hectare), and noting, in particular, the higher average densities (50 units +) on those sites located on or near proposed links to the rail station, as noted above.

10.2.23. In conclusion, then, I am satisfied that the proposed density is appropriate for the location, and accords with the provisions of the Development Plan, and with relevant

Section 28 Guidelines, and National and Regional Policy, as relates to density. However, the acceptability of the density proposed is subject to subject to appropriate design and amenity standards, which are considered in the relevant sections below.

10.3. Design including height, layout and open space

- 10.3.1. In relation to design issues, the Planning Authority have not raised any fundamental objections, although a number of more minor concerns are raised in relation to the external design of the larger apartment blocks, as well as the long internal corridors of the floor plans. It is stated that an increase in the amount of own door ground floor apartments could be included as well as further development of stronger character areas, improvements to the open spaces and some relocation of the parking areas from the front of the family units.
- 10.3.2. Observer submissions have raised concerns in relation to visual amenity, in particular the scale of the 3 storey duplex apartments close to existing residential properties.
- 10.3.3. In relation to the nature of the proposal, as per the Architectural Design Statement, the proposed development comprises 224 no. houses, 284 no. duplex units and 208 no. apartments. The houses are two storeys in height, while the duplex units are within part-one to part-three storey blocks. There are 7 no. apartment blocks ranging in height from part-1 to part- 5 no. storeys, as detailed in the table below.

Block	Height	No. of units/Residential Mix
1	4 no. storeys	34 units (7 no. one bed units, 19 no. two bed units and 8 no. three bed units)
2	Part-1/Part-5 storeys	42 units (15 no. one bed units, 20 no. two bed units and 7 no. three bed units).

3	5 no. storeys	17 units (8 no. one bed units and 9 no. two bed units).
4	4 no. storeys	13 units (6 no. one bed units and 7 no. two bed units).
5	4 no. storeys	13 units (6 no. one bed units and 7 no. two bed units).
6	4 no. storeys	13 units (6 no. one bed units and 7 no. two bed units).
7	5 no. storeys	76 units (23 no. one bed units, 41 no. two bed units and 12 no. three bed units).

10.3.4. In relation to specific design related objectives that pertain to this site, Objective PL 3-3: Delivery Quality and Inclusive Places - implement and promote a series of aims outlined in the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual and the Design Standards for New Apartments, and Table 3.2 sets out a 'Placemaking Design Standards Checklist'. Objective HOU 4-8 'Building Height and Amenity' supports the provision of increased building height and densities in appropriate locations, subject to avoidance of undue impacts on existing amenities. It is also set out that new development greater than 4 no. storeys will be required to address the criteria in Section 3.2 of the Building Height Guidelines.

10.3.5. In relation to national policy on height, the National Planning Frameworks sets out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). The principle of increased height

on a particular site is supported by the NPF, subject to compliance with the relevant performance criteria. Such relevant performance criteria can be found in Section 3.2 of the Urban Development and Building Height Guidelines (2018), which I have discussed below.

- 10.3.6. In relation to Section 28 Guidelines, the most relevant to the issue of building heights, is the Building Height Guidelines (2018), referred to above. Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas. (Section 1.21 refers). It is stated that increasing building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability (Section 2.3 refers). It is further stated that such increases in height help to optimise the effectiveness of past and future investment in public transport serves including rail, and walking and cycling networks (Section 2.4 refers).
- 10.3.7. Section 3.2 of the Building Height Guidelines sets out detailed development management criteria, which incorporate a hierarchy of scales, (at the scale of the relevant city/town, at the scale of the district/neighbourhood/street; at the scale of the site/building), with reference also made to specific assessments required to be submitted with application for taller buildings. In relation to same I note the following.

City Scale

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

- 10.3.8. The first criterion relates to the accessibility of the site by public transport and refers to the need for a high capacity, frequent public transport service. I have considered the availability of public transport in Section 10.4 of this report, and having regard to same, I conclude that the site can be considered an accessible urban location, in light of the site's proximity to Carrigtwohill Rail Station, and which is served by trains every 30 minutes during peak hours, and with a travel time of 18 minutes to Cork Kent Station, with links to other transport services within Cork City. I am of the view that this train service can be described as a frequent service. While the applicants have not set out the capacity of same, I note that neither the Planning Authority nor

observers have raised concerns in relation to the capacity of the rail service (i.e. in relation to overcrowding of services, inability to board etc), and heavy rail services, such as those serving Carrigtwohill Station, are generally considered high capacity (for example the 2600 Class DMU 2 car set train, used in Irish Rail's Commuter Fleet on this rail line, has a seating capacity of 130, which can be coupled together to form a maximum 8 piece train).³

Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.

- 10.3.9. The site does not lie in an architecturally sensitive area nor an area of particular cultural or archaeological sensitivity, nor are there any key views impacted by the proposed development. A standalone visual impact assessment has not been submitted, but visual impact is addressed in Chapter 11 of the EIAR 'Landscape and Visual Impact' and I have summarised the contents of same here.
- 10.3.10. In relation to assessing the visual impacts of the proposed development, the EIAR does not identify any elements of particular landscape or visual amenity, other than the stands of trees and field boundaries. No significant effects on the landscape are predicted for either the construction phase or the operational phase of the development. In relation to effects on visual amenity, reference is made to those viewpoints as set Appendix IV of the EIAR (Verified Photomontages). In the absence of mitigation, some significant adverse effects are identified at construction phase (VPO6 – Looking north from Patrick Pearse Place; VP11 – Looking south along Oakbrook; VP14 view south from local road). A very significant adverse effect is predicted from VP12, looking east from Bramble Lane. At operational phase, in the absence of mitigation very Significant, adverse effects are predicted from VP04 (looking north west from Station Road outside No. 1 Patrick Pearse Place) and from VP 12 (Looking east from Bramble Lane) with other significant adverse effects predicted from VP06 (Looking north from Patrick Pearse Place). Significant

³ With reference to information available on the Irish Rail Website (<https://www.irishrail.ie/en-ie/about-us/iarnrod-eireann-fleet/commuter-fleet> - accessed 04/10/23)

beneficial effects are predicted from VP11 (Looking south along Oakbrook). No significant cumulative impacts are predicted. Mitigation measures are set out for the construction phase and the operational phase, in order to reduce any predicted adverse impacts identified in the EIAR, including those significant impacts identified above. At construction phase, such measures include retaining landscape features wherever possible, including tree and hedgerows and protection measures are set out in the Environmental Management Plan (as contained in the Construction and Environmental Management Plan). At operational phase, landscaping will reduce the visual impact of the buildings and appropriate lighting will help to prevent light spillage pollution. No significant adverse effects are expected at construction stage, once mitigation is in place. In relation to the effects at the operational stage, the EIAR does not consider each individual viewpoint individually, but rather it is set out that the residual visual effects are much the same as the predicted effects, and notes that elements of the proposed development will still be visible from the identified viewpoints, and as such the 'very significant' and 'significant' adverse effects as identified above will remain.

10.3.11. In relation to the conclusions of same, and notwithstanding the conclusions of the EIAR, I do not share the view that 'very significant' or 'significant' adverse effects would result from the viewpoints identified above VP04, VP 12 and VP06. In relation to VP04 (looking north west from Station Road), the proposed buildings are set back some distance from No. 1 Patrick Pearse Place, and appear as an extension of the urban form that already lies to the west of this site. While views towards the hills beyond are obscured somewhat, they are not obscured entirely. I would also note that the existing views towards the hills are most readily gained from the road/footpath and not from residential properties within this terrace of properties, which have windows facing east/west and not directly towards the development. Similar considerations apply to VP06 looking north from Patrick Pearse Place. In relation to VP 12 (from Bramble Lane facing east), this is a view over existing open space and the small area of wild meadow. The proposed development would bring built form in closer proximity to existing housing. However, there are still significant setbacks from the nearest proposed unit to existing, separated by an area of open space, and the proposed development would represent the extension and

completion of the wider residential development, and would not appear out of context or as an incongruous feature in the landscape.

10.3.12. As such, I would be of the view that the overall visual effects from the above viewpoint would be moderate, neutral and long-term. I concur with the remaining conclusions as set out in Chapter 11 of the EIAR, in relation to effects on the landscape and visual effects from the identified viewpoints.

10.3.13. A further criteria set out in Section 3.2 of the Guidelines is as follows:

On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

10.3.14. The proposal is effectively delivering a new urban neighbourhood, which will represent a significant expansion of the current town. Within the new neighbourhood a network of new road, cycle and pedestrian streets and connections is being provided, with the layout and form of same, similar to those existing, albeit at a higher density. A network of open spaces is being provided over the various sites, including a large centrally located neighbourhood park, local parks, pocket parks, play areas and communal open space. A total of 4 different character areas are identified, providing for variety of housing typologies, and for variation in the architectural approaches over the entire site. Three storey duplexes form an edge to the central neighbourhood park (Character Area 1 – Central Neighbourhood Park), and a transition in scale is provided for with generally two storey semi-detached and terraced housing provided for adjacent to the existing residential developments (Character Area 2 – Castlelake North). Three storey duplexes form an edge along the main north-south road running through Character Area 3 – Blandcrest. Higher density development in the form of 7 no. apartment blocks is provided for along the main distributor road (currently under construction), within Character Area 4 – Castlelake Avenue and the East West Connection Road.

10.3.15. In relation to the overall acceptability of the design, I concur with the views of the Council architect that a wider variety of materiality is required, with a predominance of wide render proposed on much of the elevations. I would recommend that a

condition be imposed, requiring a wider palette of materials, that reflects the diversity of the 4 no character areas.

10.3.16. In relation to the other comments of the Planning, as set out in the Chief Executive's Report, and in relation to the comments as contained in the attached Council Architect's report, I would note that each of the internal estate streets do have relatively easy access to an area of green spaces, and while parking is in place, street widths are narrow and street planting and other DMURS features are in place so as to mitigate against excessive traffic speed. I am satisfied that an appropriate mix and housing typologies have been proposed, including a mix of 2 and 3 storey semi-detached and terraced housing, 3 storey duplex apartments, and 4 and 5 storey apartment blocks. As such the proposal contributes positively to the provision of a mix of building dwelling typologies.

10.3.17. Criteria 3.2 sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of uses and building dwelling typologies. I note that observer submissions have raised the issue of a lack of social infrastructure and amenities, including lack of a cinema and restaurant.

10.3.18. The Planning Authority note that local services such as a convenience supermarket, pharmacy, café and healthcare centre have been delivered in the earlier phases of the Castl lake development and will also serve the proposed development.

10.3.19. The proposal is a residential proposal, and regard is had to the limitations on 'non-residential uses' that can be provided in in SHD applications such as this one. I note, however, that a crèche is proposed, which will also serve the wider area, and also note that much of the wider town centre zoned lands remain undeveloped with the potential to deliver a wider variety of uses to serve existing and proposed developments (as discussed in Section 10.2 above).

10.3.20. In terms of building typologies, there are variety of building typologies provided for including 2 and 3 storey semi-detached and terraced housing, 3 storey duplex apartments, and 4 and 5 storey apartment blocks. As such the proposal contributes positively to the provision of a mix of building dwelling typologies.

At the scale of the site/building, it is expected that the form, massing and height of the proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of

light. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out.

- 10.3.21. I have set out my assessment of the internal amenity of the proposed units in Section 10.6 below, and I am satisfied that a sufficient standard of daylight would be provided to the units, with BRE targets been achieved for all of the units. I have also considered the issue of overshadowing of proposed amenity spaces in Section 10.6 below. I have considered the issues of surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 10.5 below, and I am satisfied that there will be no significant adverse impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts.
- 10.3.22. In relation to specific assessments, the Guidelines require that such assessments may be required, and refer to an assessment of the micro-climatic effects of the proposed development.
- 10.3.23. In relation to same, I am not of the opinion that the maximum heights of 5 storeys (Apartment Blocks 3 and 7) would give rise to any micro-climate or wind effects. In locations in proximity to sensitive bird and/or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight -lines and /or collision. While the site is within 700m km of Cork Harbour SPA, there is no evidence on file, or within any of the submissions received, that the location is particularly sensitive location having regards to the potential for bird or bat flight lines and collision, including in relation to birds associated with any European Sites (See further discussion on same in Section 12 below), nor in relation to bat species (See further discussion in Section 11 below), and in any case, the limited heights of 5 no. storeys would not raise particular concerns in relation to bird or bat collisions. Chapter 9 'Material Assets' of the EIAR considers has considered the potential impacts of the proposed development on telecommunications, and no significant impacts are identified.
- 10.3.24. While I have considered the proposal within the framework of the Building Height Guidelines, the companion Urban Design Manual to the Sustainable Residential Development in Urban Areas (2009) shows how design principles can be applied in the design and layout of new residential developments, at a variety of scales of

development and in various settings. In particular, the Design Manual sets out a series of 12 criteria which should be used at in the assessment of planning applications and appeals. In relation to same, having regard to the discussion above, I am of the opinion that the proposal as submitted responds well to its context. In terms of layout and public realm, I have considered same above, and I refer the Board to same. Connections and permeability are discussed in this section and in Section 10.4 below, and I am of the view that the site is well connected by virtue of a high quality train service. Permeability through the site, as far as is possible, is provided for, as discussed above. In relation to inclusivity, the residential units will allow for a wide range of future occupants. The proposal has been designed for ease of access throughout the site, in terms of gradients. In relation to efficiency, the proposal makes efficient use of land, as discussed above with good daylight and sunlight penetration to the proposed units, and to the open spaces as a whole.

10.4. Traffic & Transportation

- 10.4.1. In assessing transportation impacts I have had regard Chapter 13 of the submitted EIAR which considers traffic impacts associated with the proposed development, as well as other transport related documentation including the Construction & Environmental Management Plan (May 2022), the Engineering Services Infrastructure Report (June 2022), Quality Audit (June 2022) and DMURS Statement of Consistency (June 2022).
- 10.4.2. Relevant policies and objectives within the Development Plan, as relate to transport include, but are not limited to, CT-R-01 which relates to high density residential development and High quality pedestrian and cycle connectivity, particularly to adjoining schools campus and station quarter, to be provided; CT-T-02 which describes opportunities to connect to adjoining green infrastructure north of this site is to be taken into consideration in the layout and design of development; CT-U-12 Completion of the Northern Spine Link Road linking the Western Spine Link Road via the underpass to lands south of the railway and CT-U-01 Provision of a new link road connecting Castle Lake to Station Road, In addition Section 12.12.11 'Car Parking, notes that in certain locations which benefit from a high frequency public transport offering (such as Little Island and Carrigwohill), the Council may apply car parking caps to new developments where appropriate. Table 12.6 sets out car parking

requirements for new developments and table 12.8 sets out cycle parking requirements for residential development.

- 10.4.3. In relation to transport issues, the Planning Authority have raised a number of issues, concerns and observations, as detailed in Section 8 of this report but have not raised an 'in-principle' objection to the proposed development on transport grounds, and any conditions are recommended in order to overcome any concerns raised. The main transport issue raised in the Chief Executive's report, and which has summarised internal reports received, relates to ensuring compliance (in terms of layout, gradients, potential conflicts etc) with the approved infrastructure projects for the area, including the permitted Inter-Urban Cycle Route/Greenway, the 'Carrigtwohill URDF – Public Realm Infrastructure Bundle' which includes upgrades to Station Road, to the east of the site, and the Northern Link Road project which including underpass, which links the lands to the south and north of the rail line.
- 10.4.4. Observer submissions raise concerns in relation to traffic congestion, including through the village, car dependency and an excess of car parking. Other submissions refer to the lack of car parking, safety implications as a result of additional traffic and a lack of traffic calming measures on the extension to Hazel Court Road to the train station. The poor standard of Church Road is also referred to in observations.

Existing Transport Infrastructure

- 10.4.5. In terms of public transport provision, the site is in close proximity to Carrigtwohill Train Station, which is on the Cork-Midleton Rail Line. This serves Cork City, Little Island, Gounthaune, Carrigtwohill and Midleton. This provides services from 6am to 10.30pm, with 30 minute frequencies during off peak hours. The town itself is also served by 4 no. bus routes as follows:
- Route 240: Cork – Cloyne – Ballycotton
 - Route 241: Cork – Midleton – Whitegate – Trabolgan
 - Route 260: Cork – Youghal – Ardmore
 - Route 261: Cork – Middletown-Ballinacurra
- 10.4.6. The nature of the existing road, cycle and pedestrian network is set out in the EIAR. Of note is the Castlelake Link Road which is currently under construction and which

links Castlelake Access Road to Station Road. It is noted that Station Road has an existing footway on its east side, which ends south of the train station, and as such there is not a complete footpath link to the rail station, as existing.

Proposed Transport Infrastructure

- 10.4.7. Under this application, the layout includes provision for Cork County Council's Part 8 planning approved Carrigtwohill to Midleton Inter-Urban Cycleway Phase 1, which is part of the Council's Dunkettle to Midleton Inter-Urban Strategic Cycleway (see also Section 13.4.3 of the EIAR for a detailed description of same).
- 10.4.8. Of particular note also is the approved Part 8 Project 'Carrigtwohill URDF – Public Realm Infrastructure Bundle' which includes *inter alia* works to Station Road including footpath widening (approved 27th June 2022). This will provide continuous pedestrian access to the rail station as well as segregated cycle lane on Station Road (see also Section 13.4.4 of the EIAR for a detailed description of same).
- 10.4.9. Of note also is the Glounthaune to Midleton Twin Track Project. Iarnród Éireann plans to upgrade the existing rail line between Glounthaune and Midleton to enhance commuter services to and from Cork City. The project will see the upgrading of the existing line to twin track over its entire length and will be part of a wider programme of works to be undertaken by the NTA and Iarnród Éireann to deliver the commuter rail vision set out in the CMATS 2040. The twin track will facilitate a tripling of service frequency along the line while also ensuring a more reliable service for commuters and other rail users to and from the city.

Proposed Access

- 10.4.10. Access to the proposed development is via Castlelake Access Road, Castlelake Link Road and the new second link road from Castlelake Link Road to Station Road.

Car Parking

- 10.4.11. It is proposed to provide 1,297 no. car parking spaces to serve the 716 no. residential units. Objective TM12-9 refers to car parking standards, and Table 12.6 sets out Car Parking Requirements for New Development. All residential development proposals, in Metropolitan Cork, in areas within walking distance of town centres and public transport services, will be subject to maximum parking standards as a limitation to restrict parking provision. The standard is 2 standard is 2

spaces per dwelling (house) and 12.5 spaces per apartment unit. The proposed development is providing 646 spaces for the houses, which is over the maximum standard of 448 spaces. For the apartment units, the proposed development is providing 533 no. spaces, which is below the maximum standard of 615 spaces. As noted in the PA submission, the total maximum car parking allocation as per CDP standards is 1,102. With the proposed visitor parking, accessible parking and EV spaces, the total proposed car parking is 138 spaces in excess of the maximum standard. The PA have recommended a condition limiting to the number of spaces, so as to be in line with maximum CDP standards. I am minded to concur, given the proximity of the site to the rail station, but noting also that most households would require some level of car use and car storage, and the standards as set out in the CDP reflect this. I am also of the view that the EV requirement should be increased in line with the requirement of the CDP and this can be achieved by way of condition.

Cycle Parking

10.4.12. Section 4.17 of the Apartment Guidelines state that a general minimum standard of 1 cycle storage space per bedroom shall be applied, with visitor cycle parking provided at a standard of 1 space per 2 residential units. A total provision of 367 no. spaces is therefore required. A total of 460 no. resident spaces and 176 no. visitor spaces are provided. In addition each duplex will have 1 no. cycle space per bedroom provided within their amenity spaces.

Predicted Impacts at Construction Stage and Operational Stage

10.4.13. In order to assess the predicted impacts of the proposed development, the EIAR utilises pre-Covid traffic volume data provided within a previous application for the permitted school campus (19/5706), in order to provide a baseline scenario. I do not have an objection to same, and no parties have raised any fundamental concerns in relation to the methodology of the traffic impact assessment. Future traffic volumes are derived from Cork County Council's URDF Transport Assessment and Modelling Report 2025 'Do Something' Scenario Infrastructure which takes account of various road, cycle and pedestrian infrastructure projects and upgrades planned for the wider area, as detailed in the EIAR. Impacts at construction stage, with mitigation in place, including an updated Construction Traffic Management Plan, are concluded to be slight to moderate and short to medium term, with cumulative impacts concluded

to be temporary to medium term slight to moderate. In terms of impacts at operational stage, reference is made to the TRICS database which provides residential vehicle trips rates for locations similar to this site, located within acceptable walking distances of schools, town centres and public transport. It is set out that the proposed development would generate a total of 265 vehicle trips during the morning peak hour and 314 vehicle trips during the evening peak hour. Table 13-12 sets out the predicted morning and evening peak hour junction traffic volumes at local network junction with the development in place. The highest percentage increases (over the CCC's predicted 2025 'do-something' traffic volumes) are seen at the Castlelake Access/L3678 Main Street/Industrial Estate Access which sees an increase of 17.9% in the AM Peak and an increase of 16.3% in the PM Peak. The L3606 Station Road (Church Lane)/L3680 & L3678 Main Street junction sees an increase of 12.1% in the PM peak.

10.4.14. The EIAR sets out that the infrastructure provided by Cork County Council (as per the 'Do Something' scenario) fully mitigates the 2025 Do Something Peak Hours Scenario, which has accounted for the quantum of residential development as proposed here, and therefore no additional mitigation is required. This infrastructure is set out in Section 13.4.6 of the EIAR and includes infrastructure associated with the permitted proposed relocated schools new campus at Castlelake, plus the following:

- Further upgrade of signalised Station Road (Church Lane)/Main Street junction, to include increased width on Station Road (Church Lane), outside the existing road footprint;
- The upgrading and realignment of Station Road, including enhanced pedestrian and cyclist facilities at Barry's Bridge, and the signalisation of the Station Road/Ashbrook junction and Station Road/Leamlara Road Junction;
- Signalisation of Wisers Road/Main Street junction;
- Signalisation of L3612/Main Street junction; and
- Upgrade of N25 Junction 3 (Cobh Cross) Northern Roundabout, to include an increased inscribed circle diameter and associated realignment

10.4.15. It is concluded that the operational impact of the proposed development will not be significant, to slight and long-term. I am satisfied that this is the case, and while the

proposed development will see an increase in traffic, as described above, any impact on surrounding junctions has been accounted for under permitted infrastructure projects as described above. I note that the Planning Authority have not raised any specific concerns in relation to traffic impacts associated with the proposed development.

Other Issues

- 10.4.16. The Planning Authority have raised a number of other issues/concerns in relation to the proposal and, where I have not addressed them above, I have addressed them below.
- 10.4.17. The PA have stated that there is a conflict between the access road to the basement parking service Apartment Block A7 and the permitted Part 8 Carrigtohill to Midleton Pedestrian and Cycle Route. I concur with same, and, should the Board be minded to grant, I would recommend a condition requiring revised details of same. A solution to same should be agreed with the Planning Authority but could take the form of an access underpass to the basement parking below the level of the cycle road, if site gradients and finished road gradients allow for this.
- 10.4.18. The PA have also recommended a number of detailed conditions, which generally relate to ensuring compliance with the approved transport and public realm infrastructure projects in the wider area, as described above. I am of the view that a more generally worded condition, to ensure compliance with same, with details to be agreed by the Planning Authority, where appropriate, is sufficient to ensure that the requirements of the Planning Authority are satisfied.
- 10.4.19. I am also of the view that a complete pedestrian and cycle link to the train station should be provided from the eastern access points of the proposed development, in advance of any units being occupied, having regard to road and pedestrian safety. A condition is recommended in relation to same.
- 10.4.20. Other concerns as raised by the council include *inter alia* the standard of the Quality Audit submitted, as well as the requirement for a Stage 1/2 Road Safety Audit, and I have addressed these matters in the recommended conditions below.

Conclusion on Transport Issues

10.4.21. In conclusion, and notwithstanding the concerns raised by third parties, I am satisfied that the proposed development would not reasonably result in an or significant additional traffic congestion in the area, subject to conditions, and I concur with the conclusions of the EIAR with respect to anticipated impact of the development during construction and upon the vehicular highway network during operation. I am also satisfied that the proposed development would feature an appropriate provision of car and cycle parking and would not result in a traffic hazard, and that furthermore the layout of the proposed development has taken account of, and can facilitate, the implementation of approved and planned infrastructure schemes in the wider Carrigtwohill area.

10.5. Surrounding Residential Amenity

10.5.1. The nearest residential dwellings are located to the west of the application site, which are part of the initial Castlelake development, and include a mix of 2 storey housing, 3 storey duplex units and a four storey apartment block (Cascade Apartments). To the east are a number of standalone houses on the western side of Station Road, with a number of residential estates accessed off the eastern side of Station Road.

10.5.2. The Planning Authority have raised concerns in relation to the impact of Duplex Block C (on Station Road) on the existing dwelling located on Station Road, and it is stated the impact is likely to be overbearing.

10.5.3. An observer submission from the occupier of 'The Cottage', Station Road has raised similar concerns in relation to the impact on daylight as well as the visual impact of this three storey duplex building. The conclusions of the Daylight & Sunlight Assessment Report are also questioned, and the observer has carried out an analysis of daylight and sunlight impacts, which indicates that the impact is greater than that indicated in the Daylight & Sunlight Report. The issue of overlooking is also raised as a concern, and it is stated that there is no reference to the apartment block in the Building Separation Report. It is stated also that the proposed boundary wall should be increased in height to 2.1m. A submission from the occupier of the dwelling immediately north of 'The Cottage' has raised concerns about the scale of the duplex building, overlooking from same and contends that there are errors in the applicant's Daylight & Sunlight Report.

10.5.4. Generally speaking, potential impacts on surrounding residential development, resulting from a proposal such as this one, include impacts on the levels of daylight and sunlight experienced by surrounding residential dwellings, impacts on overlooking and privacy, noise impacts, as well as visual impacts. The potential impacts of noise on surrounding residential properties is considered within the EIAR and I refer the Board to Section 11.6 of this report for a consideration of same. A consideration of visual impacts from the public realm is set out in Section 10.3 of this report.

Daylight and Sunlight

10.5.5. In relation to daylight and sunlight impacts on surrounding properties, a report entitled 'Effect on Daylight Reception Analysis Report' (June 2022) has been submitted. This considers impacts on daylight (in terms of VSC) on neighbouring receptors (a total of 102 windows). This considers *inter alia* effects on daylight to surrounding properties, utilising the guidance as contained in the BRE Guidance. It is not stated if the 2011 version of the BRE Guidance was relied upon or the 2022 version (published in June 2022). Notwithstanding, the guidance applied (in relation to impacts on existing residential development) is generally the same in both the 2nd and 3rd editions of BRE and, as such, I am satisfied that the approach as set out in the submitted daylight report is acceptable.

10.5.6. All impacts are within BRE Guidance Targets. Specifically in relation to impacts at 'The Cottage', I note Windows 14, 15 and 16 refer to those windows at 'The Cottage' Station Road, which lie to the north of the three story duplex block C, and are the closest windows to same (at a distance of approximately 6.4m). The existing VSC values of these windows are 36% for all three windows. With the development in place, the VSC values fall to 32%, 29% and 30% respectively, all within BRE target guidance (i.e. remain above 27%). The submission from the occupier of this dwelling states that the development, in fact results in the VSC levels falling to 21.6%, or 0.6 times its former value, and as such falls below BRE target levels, and question the results of the Daylight Analysis Report.

10.5.7. I note that the applicant's Daylight Analysis report has been completed by DK Partnership Chartered Engineers, and I am satisfied that the results are generally sound, and there is no immediately apparent reason to doubt the veracity of the

results of same. While the proposed 3 storey duplex is relatively close to 'The Cottage', the front elevation (and windows) of 'The Cottage' is somewhat angled away from the proposed duplex buildings, with the proposed duplex block slightly set back in from Station Road, relative to 'The Cottage', mitigating the daylight impacts of same. Notwithstanding, I do have concerns in relation to the visual impact on 'The Cottage', however, as a result of Duplex Block C, and have discussed this in the relevant paragraph below.

- 10.5.8. In conclusion therefore, and with reference to the assessment criteria as set out in Appendix H of the BRE 2022 Guidelines, I conclude that impacts on The Cottage, and other properties considered in the report can be concluded to be negligible, given that any loss of light that will be experienced is well within the guidelines as set out in BRE 2022.

Amenity Spaces

- 10.5.9. The BRE Guidelines (2011 & 2022) recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on March 21st. The application is accompanied by a report entitled 'Effect on Sunlight Reception in Neighbouring Amenity Spaces'. This considers neighbouring amenity spaces associated with properties on Station Road to the east, and to the west in the existing Castlelake development. It is shown within the report that there are only very minor impacts on same, with the impact all of the rear gardens well within the BRE Target Range. Specifically in relation to the impacts on those two properties on Station Road (The Cottage and the Willow – observations have been received from both properties), I note that Amenity Area B, as referenced in the report, refers to the amenity area of 'The Cottage'. With the development in place, there was a change factor of 0.88 meaning the new proposed development has a small effect on this amenity space's sunlight. This effect happens in the morning / afternoon hours of 08.00-15.00. The calculation findings are within BRE guidelines. As such, given the impact on the amenity area of The Cottage is within BRE Guidelines, the amenity area of the Willow, which lies further to the north, will be impacted to a lesser degree and therefore will also be within BRE Guidelines.

Overlooking

10.5.10. Appendix E of the Architectural Design Statement 'Residential Amenity: Building Separation Report' considers how the proposed development may impact on neighbouring properties, and has regard to issues of overlooking, overshadowing and overbearing. This illustrates that, in general, the layout has been designed to avoid directly opposing windows in close proximity to each other. Where there are buildings in close proximity to each other (i.e. proposed Apartment Block 2 and an existing apartment building where the distance is 12.8m) there are no directly opposing windows, and the buildings are generally angled away from one another. Where this is not the case, proposed Apartment Block A1 is 7.7m from an existing apartment building, but again there are no directly opposing windows here.

10.5.11. Specifically in relation to 'The Cottage' on Station Road, I note that there is a proposed three storey duplex building 6.3m to the north of this existing dwelling. There are no windows on the blank elevation of the duplex building facing the existing dwelling and as such no overlooking will occur.

10.5.12. Overall, I am satisfied that the layout and distances are such that no material overlooking of surrounding properties from the development will result.

Impact on Visual Amenity/Overbearing Impacts

10.5.13. The Planning Authority have raised concerns in relation to the visual impact of Duplex Block C on 'The Cottage' as have the occupiers of this dwelling. I share these concerns, and note that the proposed block will have a ridge height of 11.4m (over ground level) with a setback a distance of approximately 6.4m. The front entrance door and front windows are facing towards this blank gable wall, and while it is offset somewhat relative to the cottage, as described above, I am of the view that the gable wall will be a dominant overbearing feature, and will have an unacceptable impact on the visual amenity of 'The Cottage'. As such I am of the view that the 2 no. closest duplex units (Units D41B-1 and D41B-2 within Duplex Block C) should be omitted from the proposal, with additional communal open space provided in the area previously occupied by same. This can be achieved by way of condition.

10.6. Residential Amenities/Residential Standards

10.6.1. The Planning Authority have raised some concerns in relation to the proposed corridor lengths in the proposed apartment blocks and consider that the overall quality of some of the open space areas could be improved. The overall mix is

considered acceptable, as is the open space provision. A concern is raised in relation to possible overlooking within the scheme from Apartment Blocks A3, A4 and A5. The Estates Division have stated that play areas should be adequately defined and overlooked.

- 10.6.2. An observer submission states that there is a lack of sufficient green spaces within the development. Submissions have also stated that there is a lack of social infrastructure in the area, including open spaces and recreational areas.

Daylight, Sunlight and Overshadowing

- 10.6.3. Section 6.6 of the Apartment Guidelines (as updated December 2022) state that Planning Authorities should 'have regard to quantitative performance approaches to daylight provision outlined in guides like 'A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022)'.
- 10.6.4. Objective HOU 4-8: 'Building Height and Amenity' of the Development Plan states that *inter alia* new development greater than 4 storey will be required to address the development management criteria as set out in the Building Height Guidelines. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.
- 10.6.5. A report entitled 'Daylight Reception in Habitable Rooms within the Proposed Development' has been submitted with the application. This report applies the standards and recommendations of the 3rd edition of BRE - Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (2022). I am satisfied that this approach is reasonable as the Apartment Guidelines refer to this edition. The Urban Development and Building Height Guidelines (December 2018) refer to the utilisation of guidance *like* the 2nd Edition of the BRE (my emphasis). I am satisfied that the 3rd Edition of the BRE falls within this category and as such the use of same is appropriate.
- 10.6.6. The targets utilised within the report are in line with BRE Guidance, and are as follows:

Daylight Reception Criteria	BRE Average Daylight Factor	Illuminance Lx
Kitchens	>= 2.0% (on >-75% area)	>= 200 Lx (on >-50% area)
Living Rooms	>= 1.5% (on >-75% area)	>= 150 Lx (on >-50% area)
Kitchen/Living/Dining	>= 2.0% (on >-75% area)	>= 200 Lx (on >-50% area)
Bedrooms	>= 1.0% (on >-75% area)	>= 100 Lx (on >-50% area)

10.6.7. The report considers the units on the lower floors of each blocks, and determines that if the lower floors comply with BRE Guidance, in terms of daylight reception then the upper floors must also comply. It is set out within the report that the lower floor or floors of each block achieve an ADF/Illuminance in excess of the recommended guidelines, therefore the units as a whole are compliant.

Sunlighting

10.6.8. I note that no analysis of internal sunlight performance of the units is set out in the report. In relation to same I note that there are there are no overarching requirements (as contained with the Building Height Guidelines and the Apartment Guidelines) to demonstrate compliance with BRE sunlighting guidelines (the requirement is for daylight). Notwithstanding, I note the general orientation of the apartments blocks, which allow for the units to achieve high levels of sunlight either from an southerly, easterly or westerly direction, and 51% of these units are dual aspect. There are no north-facing single aspect units. As such I am satisfied that it is likely that good levels of sunlighting will be achieved in the apartment units.

Overshadowing

10.6.9. The BRE Guidelines (3rd Edition) recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. I

10.6.10. In relation to the proposed development, the amenity spaces report has assessed all of the public spaces (13 no. spaces) and communal open spaces (7 no. spaces associated with the 7 no. apartment blocks) with 100% of these spaces receiving at least 2 hours of direct sunlight on 21st March, in compliance with BRE Standards. A representative sample of private amenity spaces (46 no. gardens) and balconies (32 no.) were assessed and it was concluded that each of these spaces are all in excess of BRE Requirements.

10.6.11. In relation to the methodology and conclusions of the report, I am satisfied that the representative samples of the private gardens and balconies are representative of the development as a whole, and include a variety of orientations. Overall I am satisfied that all of the areas of public, communal and private open space will be receive good sunlight, in the majority of cases well in excess of BRE Guidelines.

Dual Aspect

10.6.12. 51% of the apartments are dual aspect. The Apartment Guidelines state that in SPPR 4 that a minimum of 33% dual aspect apartments is required in central and accessible locations, such as where the subject site is located.

Public Open Space

10.6.13. The Cork County Council Interim Recreation and Amenity Policy requires public open space provision generally of 12-18%. The proposed development is providing 18.5% of the development area as public open space, which includes one large neighbourhood park, eight local parks and four pocket parks. In addition, play areas, a MUGA and walking trails are provided throughout the development. This provision is compliant with the objectives of the Development Plan. In addition to the above, an additional 11,430 sq. m. of public open space is provided, but is discounted from the above calculations as it is located beneath existing pylons.

10.6.14. In relation to submissions from observers, I note that the proposed open spaces, the play spaces and the MUGA, will add significantly to the amenities of the area, and increase the stock of recreational and social infrastructure facilities in the wider area. I note also there are a range of existing local amenities within Carrigtwohill and environs, as listed in Section 4.3 of the Quality Audit, and as listed in Section 4.3.8 'Amenities' of the EIAR, including a community centre with playing pitches, a pub, restaurant, supermarkets, a pharmacy and a GAA club.

Communal Open Space

10.6.15. Communal amenity space is provided for apartment blocks and duplex units complying with the minimum requirements as set out in the Apartment Guidelines.

Private Amenity Space

10.6.16. All apartment and duplex units within the proposed development have access to private amenity space in the form of a balcony or terrace and all of these amenity spaces meet minimum space standards described in the Apartment Guidelines.

Mix

10.6.17. SPPR 1 of the Apartment Guidelines state that developments may include up to 50% one bedroom units, with no minimum requirement for apartments with 3 or more bedrooms.

10.6.18. The proposed development provides the following unit mix:

	Houses/Duplexes	
	Number	%
1 bed	82	16.3
2 bed	202	39.7
3 bed	199	39.1
4 bed	25	4.9
Total	508	100
	Apartments	
	Number	%
1 bed	71	34.1
2 bed	110	52.9
3 bed	27	13.0
Total	208	100

Overall		
1 bed	153	21.4%
2 bed	312	43.6%
3 bed	226	31.6%
4 bed	25	3.5%
Total	716	100%

10.6.19. The proposed development is formed of apartments, duplexes and houses. In relation to the total apartment/duplex units proposed 153 no. units (21.3%) are 1 bed. The proposed development therefore complies with SPPR 1.

Floor Area

10.6.20. The individual floor area for apartments meets the standards outlined in the Apartment Guidelines (which supersede the Development Plan Standards) and 50% are greater than 10% larger than minimum standards, also complying with minimum standards in the guidelines, and as contained in the Development Plan.

Floor to Ceiling Height

10.6.21. The proposed development provides for acceptable ground to ceiling heights of a minimum 2.7m at ground floor as described in SPPR 5 Apartment Guidelines.

Number of Apartments to a Core

10.6.22. The proposed apartment blocks do not have more than 12 apartments per core and as such are in accordance with SPPR 6 of the Apartment Guidelines.

Storage

10.6.23. The minimum storage space area requirements are set out as an appendix to the Apartment Guidelines as follows:

- Studio – 3 sq.m; 1 Bed Apartment – 3 sq.m; 2 Bed Apartment (3 persons) – 5 sq.m; 2 Bed Apartment (4 persons) – 6 sq.m; 3 Bed Apartment – 9 sq.m

10.6.24. The proposed development meets or exceeds the above standard.

Childcare

10.6.25. The proposed development provides for a two-storey crèche (978 sq. m) with capacity to accommodate 150 no. children, and also provides associated play areas and staff parking. It is located to the southeast of the site to the west of Station Road. SC 6-4: Childcare Facilities of the Development Plan seeks to support and facilitate the provision of childcare facilities. The Guidelines for Planning Authorities on Childcare Facilities (2001) indicate that Development Plans should facilitate the provision of childcare facilities in appropriate locations, and set out a general requirement based on the size of the proposal. The Apartment Guidelines (2020) however, allow for studio and one bedroom units to be discounted from the overall calculation of childcare demands, and for a demographic analysis of predicted demand to be carried out. As such the overall requirement in this instance, as set out in the Childcare Needs Assessment, is calculated as between 67 no. spaces. A total provision 150 no. spaces has been made in this instance as noted above, and therefore the provision exceeds the minimum requirements.

Building Lifecycle Report

10.6.26. A Building Lifecycle Report (May 2022) has been submitted, in compliance with Section 6.12 of the Sustainable Urban housing: Design Standards for New Apartments (2022), which considers long-term management and maintenance of the proposed development, with reference to the materials proposed for the elevations and for the public realm, and I am satisfied as to the contents of same.

Overlooking

10.6.27. The Council Architect has raised concerns in relation to potential overlooking from Apartment Blocks A3, A4 and A5. In relation to same, these are sufficiently separated from the nearest units, and/or do not face directly towards opposing windows, so as to ensure that no material overlooking would occur.

10.7. **Other Issues**

Duration of Permission

10.7.1. The applicants have applied for a 10 year permission. The Planning Authority have not raised any objection to same. I also have no objection to same, given the scale and complexity of the proposed development, and should the Board be minded to grant permission, I recommended that the duration of the permission shall be ten years.

Culverting of the Woodstock Stream/Enforcement Issues

- 10.7.2. In relation same, no culverting of the Woodstock stream is proposed under this application (although tributaries of same are proposed to be culverted/part-culverted as per discussion in Section 11.4 below). In particular there is no reference to any proposal to culvert, or to retain culverting, to the area of the Woodstock Stream immediately to the south of the Station Road North South, notwithstanding the comments of an observer on the application in relation to same.
- 10.7.3. The Planning Authority note there is an open enforcement case in relation to the alleged non-compliance with condition no. 52 of planning ref. 19/5707 (relating to 3 no school buildings and construction of a main link road) i.e. realignment works to Woodstock River. In relation to same they have requested the omission of the portion of development on the Station Road North Site, in order to allow for remediation works if necessary.
- 10.7.4. In relation to same, I note that it is not the remit of the Board to adjudicate upon Enforcement Issues, and as such it is my view that there is no requirement to omit development on the Station Road North Site from the overall scheme. However, I do note the provisions in section 10 subsection 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016, confirming that a person shall not be entitled solely by reason of a permission under section 9 of the Act to carry out any development.

Part V

- 10.7.5. The proposal provides 104 no. Part V housing is to be provided in a range of 2 bed apartments, three bed duplexes and housing units. The submission from the Planning Authority requires revised details by way of condition, ensuring that no large clusters of Part V housing are proposed. I am satisfied that the final details of the Part V agreement can be agreed with the Planning Authority and should be Board be minded to grant permission, this can be ensured by way of condition.

Previous Development Contributions

- 10.7.6. The report from the Roads Design Officer reports that a previous Special Development Contribution has not been paid, and it should be imposed on any permission here. I am not of the view that this is an appropriate mechanism, and is a matter between the applicant and the Planning Authority.

11.0 Environmental Impact Assessment (EIA)

11.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Item 10 (b) of Part 2 of Schedule 5 of the Planning Regulations 2001 (as amended) provides that an EIA is required for infrastructure projects comprising of either:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere

11.1.1. The development would provide 716 no. dwellings, on a site of 18.126 Ha. I therefore consider that an EIA is required with regard to the above legal provisions.

11.1.2. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, observers and prescribed bodies has been set out previously in this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume I of the EIAR comprises the Non-Technical Summary
- Volume II comprises the Written Statement
- Volume III includes the Appendices to the EIAR
- Volume IV Verified Photomontages

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

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

- the interaction between those factors

11.1.4. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

11.1.5. This section on Environmental Impact Assessment should be read in conjunction with the above planning assessment, and both sections should be cross-referenced where applicable, in the interests of brevity and the avoidance of repetition.

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

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The issue of 'Major Accidents and Natural Disasters' is addressed in several chapters of the EIAR, including Chapter 4 'Population and Human Health' (in the context of flooding and road safety), as well as Chapter 6 'Land and Soils' and Chapter 7 'Water – Hydrology and Hydrogeology' (in the context of climate change and flooding). It was concluded that that there is no potential for the proposed development to cause a major accident or disaster. Furthermore, there is no increased risk to the development from a major accident or disaster.

11.2.2. I note that the EIAR does not consider risks associated with the Merk Millippore Seveso site. Table 8.8 of the Cork County Development Plan 2022-2028 describes this as a 'Lower Tier Seveso Site'. The application site (at its closest point) is located approximately 519m to the north-east of the Merk Millippore site. However, I would note that there is already existing housing in similar or closer proximity to this site, either established or relatively recently constructed, including the wider Castlelake development. The lands in question are also zoned for residential development. I would further note the submission from the Health and Safety Authority on this application, which does not raise any objection to the proposed development, and does not advise against the granting of planning permission in the context of Major Accident Hazards. As such, have regard to the above, I conclude that the risk from

the above facility is not significant and would therefore not warrant a specific assessment in the form of a Seveso Assessment, having regard to EPA Guidance.⁴

11.2.3. I also note there are no other significant sources of pollution in the development or close to the proposed development with the potential to cause environmental or health effects. As such, having regard to considerations above, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. **Alternatives**

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment.

11.3.2. EIAR Chapter 3 deals with alternatives and sets out a rationale for the development. In terms of the consideration of alternative sites, it is noted that this subject site forms part of the overall masterplan to develop Carrigtowhill, and furthermore the zoning of the site supports the development of housing on these lands. As such no additional consideration of alternative sites was considered necessary. In terms of alternative designs, reference is made to the previous refusal on this site (ABP Ref 301610-18), with subsequent designs seeking to overcome the reasons for refusal, as well as responding to pre-application consultations at Planning Authority Stage and at Bord Pleanála stage, as well as responding to the constraints of the site, and planned infrastructure project in and around the subject site.

11.3.3. In relation to the content of the EIAR, I am satisfied that the description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been satisfactorily addressed.

11.4. **Assessment of the Likely Significant Direct and Indirect Effects**

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

Population and Human Health

⁴ Guidelines on the Information to be contained in Environmental Impact Assessment Reports

- 11.4.2. EIAR Chapter 4 addresses Population and Human Health. The study area generally focused on the local area, within a 2km radius of the site, and focuses on issues including economic activity, social considerations, land-use, tourism and health & safety. With reference to 2016 Census data, it is set out that between 2011 and 2016 the overall population in Carrigtwohill increased by 10% (from 6,665 to 7,334) which is higher than the county and state populations in the same period (5% and 4% respectively). Reference is made to the 2022-2028 County Development Plan (“the Development Plan”), which projects a doubling of the town’s population by 2031 (to 15,770 persons).
- 11.4.3. In terms of predicted effects, no significant effects (either positive or negative) are predicted at construction phase. At operational stage, long-term, significant, positive impacts on human health, land use and housing and on education services, are predicted as a result of the provision of housing (increasing the number of housing units in Carrigtwohill by 29% and providing 22% of the housing target to 2028), the provision of a crèche, and the provision of amenity spaces, on a site close to sustainable transport options, having regard to housing demand and the need to reduce reliance on private cars. Other significant positive effects identified include those on existing sport and amenity services, as a result of the increased population, and from the provision of additional permeability via the proposed road and cycle network, as well as on climate change as a result of the use of sustainable transport options. Significant positive, cumulative and indirect effects are also predicted due to the synergies between other planned housing, commercial and infrastructure developments within the town. While no significant negative impacts are predicted at construction stage, mitigation is proposed to minimise impacts of construction (in terms of air quality, noise and vibration, water quality and traffic) including measures as outlined in the Construction and Environmental Management Plan. Residual impacts are set out in Section 4.6, with no significant impacts identified (either positive or negative)
- 11.4.4. In relation to the conclusions of the report I would note that there is some inconsistency in the reporting of impacts, in that significant positive predicted impacts are highlighted but this is not carried through to the discussion of residual impacts, where no such significant impacts are highlighted. Notwithstanding, I am of the view that the view that long-term significant positive impacts on human health will result

from the provision of housing on this site. I am also of the view that significant positive cumulative effects on population and human health result from the provision of housing on this site, in combination with other sites, where additional housing, commercial and infrastructure is being provided. While not significant, I concur that any predicted impacts on population and human health as a result of noise and air quality, at construction stage, would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, and such measures are as described in other sections of this EIAR. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

Noise and Vibration

- 11.4.5. EIAR Chapter 12 considers noise and vibration. The baseline environment, including the location of surrounding residential properties, is described in the EIAR. It is noted that there are no major dominant noise sources at or near the development site. The Cork to Midleton commuter train line runs parallel to the northern boundary of the site, with the ambient noise characterised by low level background traffic noise from the N25, and occasional industrial noise from the Fota Retail and Business Park.
- 11.4.6. The baseline noise environment was quantified by way of an environmental noise survey, carried out in September 2021. Predicted noise impacts at construction stage range from 'temporary significant adverse' to 'not significant'. No significant vibration impacts are predicted at construction stage, and no significant noise and vibration impacts are predicted at operational stage. Mitigation measures in relation to noise at construction stage include adherence to best practice mitigation techniques as specified in BS 5228:2009+A1 2014 Noise and Vibration Control on Construction and Open Sites, as well as the use of a 3m high perimeter timber hoarding which will be erected to the west and southern boundaries, and the use of noise screens around noisy plant. No significant residual effects, as a result of noise and vibration, are predicted, with these mitigation measures in place.
- 11.4.7. An Inward Noise Impact Assessment is set out in Section 12.4.3.2 of the EIAR. This highlights that those properties that are nearest the train line will have good acoustic design incorporated in the development, including the omission of apertures in the north and west façades of all the houses nearest the train line and by the high walls

enclosing the private open spaces. No significant noise or vibration impacts are expected on the internal noise environment from external sources.

11.4.8. In relation to the conclusions of the report I am satisfied that the proposed development will not result in significant noise or vibration impacts, with mitigation measures in place, and I am satisfied the internal noise environment of the proposed units will be acceptable.

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

11.4.9. Chapter 5 of the submitted EIAR addresses biodiversity. It described various surveys carried out during summer 2021 and February to May 2022, including habitat and protect flora survey, non-volant mammal survey, bat surveys, breeding bird survey and aquatic surveys.

11.4.10. In assessing impacts on Biodiversity, I have also had regard to the Arboricultural Impact Assessment (submitted under separate cover).

11.4.11. The submission from the PA, in relation to the Biodiversity, includes a report from the Ecology Office. It is stated that the mitigation measures as set out in the NIS should provide sufficient protection of water quality and associated habitats and fauna (See Section 12 for AA). It is recommended a detailed surface water management plan should be prepared. It is also recommended that the 7 no. oak trees proposed to be removed are retained. Pre-construction surveys in relation to flora and mammals are recommended, as are pre-felling bat surveys. Overall it is concluded that, with conditions, the habitats and species of high natural value will not be significantly affected by the works.

11.4.12. The report from the Ecology Office also notes the open enforcement case in relation to the alleged unauthorised culverting and diversion of the Woodstock Stream, to the south of the Station Road North. It is stated that the Board would need to satisfy themselves that the development as proposed on the Station Road North can be facilitated having regard to this open enforcement case (see further discussion on this issue in Section 10.7 of this report).

11.4.13. It is noted that there are no European Sites within or directly adjacent to the boundaries of the proposed development site. The nearest such sites are the Great Island Channel SAC (001058), located 717m south of the proposed works, and the

Cork Harbour SPA (004030), located 773m to the south of the proposed works. In relation to nationally designated sites, the nearest such site is Great Island Channel pNHA, which is located 717m to the south of the site. I have considered potential impacts on European Sites in detail in Section 12 of this Report.

11.4.14. In relation to habitats, the site is comprised of both semi-natural habitats and artificial surfaces, with potential for these habitats to support nesting birds, and protected mammal species. It is reported that surface drainage from the western part of the proposed development site is to the Anngrove Stream catchment, in which the existing Castlelake housing development is located. Stormwater runoff from the existing Castlelake development currently discharges, after attenuation, to the Woodstock Stream. Habitats include amenity grassland, non-native shrub, scattered trees and parkland, buildings and artificial surfaces, immature woodland and scrub, improved agricultural grassland, recolonising bare ground, hedgerow and treeline, spoil and bare ground.

11.4.15. In terms of hydrology, there are two drainage ditches running through the site, one running north-south and one running east west. The EIAR concludes that these ditches have low ecological value, due to their homogenous character, level of recent disturbance and degree of siltation, noting also that they are unsuitable for salmonids (both trout and salmon) and would not be used by these species for spawning. The site is part bounded or adjoins the Anngrove Stream (to the west) and by the Woodstock Stream (to the east along Station Road, to the south of the Station Road North Site and to the west of Station Road South Site). The two streams (Anngrove and Woodstock Streams) that border or adjoin the development site are classified as 'Lowland/Depositing Rivers' but have some 'Eroding/Upland River' and drainage ditch characteristics, noting that the parts of the Woodstock Stream that have been physically altered are classified within the 'drainage ditch category'. Generally however, it is set out that the Woodstock Stream is physically diverse, with a combination of rock, cobble, gravel and fine substrates, and it is stated that the stream could potentially be used by trout for spawning and have adequate cover and flow to sustain juvenile trout. There is no WFD monitoring data for any of the linear waterbodies on or leaving the site.

11.4.16. A number of invasive species were found to occur within and adjacent to the proposed development site ((Himalayan balsam) and Japanese Rose). Himalayan

balsam is listed under the Third Schedule to the European Communities (Birds and Natural Habitats) Regulations 2011.

11.4.17. No observations or signs of protected mammal species were observed.

11.4.18. In relation to bats, it is concluded that, given the nature of the site, the site is of low suitability to both roosting and foraging bat species. It is stated that the intensity and extent of artificial lighting in the hinterland reduces the importance of the site for bats. The site was not rated as being a high value habitat for roosting bats, given a lack of suitable roosting trees and buildings. Bat surveys identified that Soprano pipistrelle and common pipistrelle were the most frequently recorded species, with respective totals of 9,128 passes and 5,042 passes recorded.

11.4.19. In relation to birds, seven species recorded using the site are considered to be of conservation concern in Ireland, according to the current BoCCI red and amber lists. It is noted that the grey heron was recorded adjacent to the proposed development site, and this is a species of conservation interest for the Cork Harbour SPA (004030). One species listed in Annex I of the Birds Directive was recorded overflying the site (Little Egret). Based on the breeding bird surveys, it was concluded that mute swan, moorhen, coot and mallard could potentially be breeding at Castlelake.

11.4.20. In relation to aquatic species, it is stated that the size of the watercourses draining the site is a limiting factor for salmon and other fish, so if salmonids are present, only brown trout can be expected. A brook/river lamprey was recorded in a silt bed within the Woodstock Stream, at a distance of approximately 180m south of the Blandcrest Site (at sampling/study Site 7). This was most likely a brook lamprey planeri. It is noted that all lampreys are a listed species on Annex II of the Habitats Directive, with river lamprey also on Annex V of the same directive.

11.4.21. In terms of likely significant effects, I have considered potential impacts on Natura 2000 sites in Section 12 of this report, and the conclusion of the NIS is referred to in the EIAR, i.e. with the implementation of the prescribed mitigation measures that the proposed development (construction and operational phases), will not result in any adverse effects on the Conservation Objectives of the relevant Natura 2000 sites and the integrity of these sites will not be adversely affected (see detailed discussion in Section 12 of this report).

- 11.4.22. In relation to the existing water quality, there is no WFD monitoring data for any of the waterbodies on or leaving the site. Lough Mahon (which is hydrologically connected to Slatty Water) is classified as having 'moderate' water quality (2013-2018), and the EPA has classed the risk of Lough Mahon (Harpers Island) of failing to meet its WFD objectives as 'At risk'. It is concluded within the EIAR that siltation was having a considerable impact on water quality in all waterbodies in the study area.
- 11.4.23. In terms of predicted effects, in the absence of mitigation, the EIAR concludes that the proposed development could result in permanent, negative and significant effects on Key Ecological Receptors (KERs) where there is direct habitat loss, such as removal of the trees on the site. Effects on non-volant mammals could be significant in the absence of mitigation. Potential impacts on water quality were considered to short-term, moderate negative. Impacts on bats, in the absence of mitigation, are predicted to be short-term, significant negative, and reversible, as a result of habitat loss, with moderate negative effects at operational phase. Short-term significant negative on birds, including the red listed snipe and meadow pipit are predicted at construction stage. No significant effects on KERs (positive or negative) are predicted at operational stage, and no significant cumulative (in-combination) impacts are predicted.
- 11.4.24. I note the contents of the Arboricultural Impact Assessment. Within this it is noted that there are a total of 41 trees on the site, with 11 no Category A trees, 29 no, Category B trees and 1 no Category C trees. It is stated that the proposed development will require the removal of 12 trees which includes 7 no. Category A Oak trees and 5 other mature trees including ash and sycamore. Low quality scrub willow and bramble will also be removed. The impact of proposed development on trees was concluded to be moderate. The report sets out tree protection measures for those trees to be retained, including an Arboricultural Method Statement in Appendix C. I note the schedule of trees to be removed does not tally with the description in the report, with Appendix A of the report reporting that 6 no. Oak trees (Category A) are to be removed, and one no Ash tree (Category B) to be removed. This is also as per dwg. No. CHD-TS-002a which indicates that a total of 7 no. trees are to be removed. Notwithstanding the error in the report, I am satisfied that the overall impact on trees can be classified as moderate.

- 11.4.25. Mitigation measures are set out in the EIAR and include the appointment of an Environmental Manager or an Ecological Clerk of Works (ECoW), the implementation of an Environmental Management Plan, appropriate procedures as relates vegetation retention, landscaping and replacement planting, as well as transplanting scrub vegetation removed during construction stage and the reuse of topsoil through landscaping.
- 11.4.26. In relation to watercourses, Section 5.5.2.3.2 of the EIAR it is stated that where a section of drainage ditch is to be culverted (i.e. the drainage ditch running east-west through the Blandcrest Site) the vegetation will be transplanted to a reach of a channel that will no longer be modified (see discussion below in relation to culverting).
- 11.4.27. Enhancement of the planting in and around the channels that have been modified is also proposed. Specifically in relation to bats, bat surveys of any trees with roosting potential will be carried out, prior to any felling of such trees, and if tree roosts are identified, a derogation licence from the NPWS will be required to fell or undertake works in close proximity to such trees. However, it is noted in the EIAR that there are no trees on the site that would be considered as obviously of value as roost habitat. Specifically in relation to birds, mitigation measures include timing of vegetation clearance outside of bird breeding season. Other mitigation measures, at construction stage, include dust management, air quality control, invasive species management and management of water quality. Operational stage mitigation measures include appropriate lighting and bat boxes (in relation to mitigating impacts on bats) and provision of bird boxes.
- 11.4.28. Biodiversity enhancement measures are set out in Section 5.6 of the EIAR. Within this section it is set out that some reaches of the Woodstock Stream within the study area have been modified in the past and/or degraded due to adjacent land practices and/or re-sectioning (straightened and realigned). From my site visit, it was possible to see that the section of the Woodstock stream running immediately to the north of the link road under construction was culverted.
- 11.4.29. It is proposed to diversify the physical character of the Woodstock Stream, with reference to relevant guidance, which will increase the quality and quantity of salmonid spawning, nursery and holding habitat. It is stated that this will offset past

degradation and compensate for any impacts that may occur during construction stage. It is noted that written permission from Inland Fisheries Ireland is required for such works [under the Fisheries (Consolidation) Act 1959, as revised (2010)].

11.4.30. Residual effects are set out in Section 5.7 of the EIAR. The loss of habitat where buildings and hard surfaces are proposed, is considered to be a permanent significant negative effect. On those areas of the site where habitats are being preserved and/or altered, with plans to increase their biodiversity value, residual effects are concluded to be moderate positive. The overall effects on habitats is considered to be moderate negative. No other significant residual effects are identified (positive or negative).

11.4.31. In relation to the conclusions of the EIAR, with the mitigation measures as outlined above, and within the EIAR, and subject to conditions, I am satisfied that, while there may be temporary significant negative impacts on particular habitats, at the initial phases of development, as a result of removal of some habitats, and in the absence of mitigation, I am satisfied that these impacts will be short-term, and I concur that, as the proposed landscaping matures, and other migration measures are implemented, such as transplanting scrub vegetation removed during construction stage and the reuse of topsoil through landscaping, any impacts will be reduced to less than significant over time. I also note that the site is zoned for residential and thus this zoning supports redevelopment of the lands which in any form, will invariably lead to some disturbance and clearance of trees and habitats on the site. While the Ecology Report has recommended that the 7 no. trees should be retained, this would necessitate a redesign and a loss of housing units, which would not be justified in my view, noting in particular that these trees are not earmarked for protection within the Development Plan, or via Tree Preservation Orders, and noting the need for additional housing. Specifically, In relation to bats, I am satisfied that no significant residual impacts on bats will result, either at construction stage nor at operational phase, with mitigation measures in place.

11.4.32. In terms of the ecological enhancement measures to the Woodstock Stream, no significant adverse impact on this stream, as a result of the works proposed under this application, are predicted, and as such I am not of the view that such works would be considered mitigation measures necessary to reduce the impacts of the works. I am of the view that impacts on the water quality of the Woodstock Stream,

and of the other watercourses within and adjoining the site, with mitigation measures in place (as described in detail in the CEMP) would reduce the residual impact on same to neutral and short-term at construction stage, and neutral and long term at operational stage. I note a section of the existing drainage ditch running east-west through the Blandcrest site is to be culverted. However, the EIAR notes that this is of low ecological value, and I am not of the view that the part culverting of same would have significant negative effects on habitats, fisheries or water quality.

11.4.33. In relation to the submission from the Planning Authority, I have addressed the material issues raised in the submission in the assessment above, and where appropriate, I have included the recommended condition, or have recommended more generally worded conditions that incorporate the requirements of the Planning Authority, noting, for example, that an Ecological Clerk of Works will supervise the project, as per mitigation measures in the EIAR, a Surface Water Management Plan is contained in the CEMP (Appendix 2.1 Volume 3 of the EIAR), which will be required to be updated, and an Invasive Species Survey will be undertaken prior to commencement of the works, with a updated Invasive Species Management Plan (ISMP) will be prepared should newly established invasive species be identified within the site, noting an Invasive Species Management Plan is included within Appendix 5.4 of the EIAR (and within Appendix 3 of the NIS).

Land, Soil, Water – Air and Climate

11.4.34. EIAR Chapter 6 addresses Land and Soils, and Chapter 7 addresses Water (Hydrology and Hydrogeology). Details of the proposed surface water drainage strategy is also set out in the Engineering Services Infrastructure Report (submitted under separate cover), and flood risk is considered in the Flood Risk Assessment Report (submitted under separate cover).

11.4.35. In relation the proposed surface water drainage strategy, in summary, it is set out that the northern section of the site will discharge surface water to the existing attenuation lake serving the Castlelake development. This then discharges to the Woodstock Stream. The remaining elements of the proposed development will discharge to a newly constructed attenuation tank via gravity. This tank is being constructed by the applicant, and is as per a previous planning permission on the wider site (i.e. it is not proposed under this application). There is also intermediate

geo-cellular attenuation tanks, located within the green spaces, designed to reduce the hydraulic loading on the existing network and attenuation lake. The final 40m of the northern spine road (just south of the rail underpass) will be drained via a soakaway.

- 11.4.36. The submission from the Planning Authority raises a number of issues including that the applicant should ensure that proposed realignment of the Woodstock Stream does not impact upstream or downstream. A detailed surface water management plan should be prepared and revised details needed with conditions recommended. Comments from Housing Infrastructure and Implementation Team (HIIT) of Cork County Council include the need to ensure that the capacity of any culvert is sufficient to mitigate flood risk upstream, and that further analysis is carried out examining the feasibility of a gravity drained system for surface water at the rail underpass, noting that this is more reliable and sustainable than the soakaway proposed. Comments from the Environment Team note the EIAR and CEMP are generally satisfactory, although note that some revisions to the CEMP and the Water Quality Management Plan are necessary.
- 11.4.37. In terms of local hydrology, the EIAR notes that the site is located within the Lee, Cork Harbour and Youghal Bay catchment, and within the Tibbotstown sub-catchment. The site ultimately drains to the transitional waterbody of Lough Mahon (Harper's Island), located approximately 1.3km to the south-west. This waterbody in turn feeds into the Cork Harbour coastal waterbody and the Western Celtic Sea. The WFD status of Lough Mahon is considered 'Moderate' for the period 2013-2018. The WFD Risk Score for this transitional waterbody is 'At Risk'.
- 11.4.38. In terms of surface waterbodies, it is noted that there are several surface waterbodies located both within and adjacent to the proposed development site, the most significant of which is the Woodstock Stream. The Anngrove stream flows in an easterly direction from the existing Castlelake housing development where it is culverted before flowing into the existing attenuation pond known as Castlelake. The stream outfalls from the attenuation pond and flows south where it joins with the Woodstock stream. It is noted that there are two main open field drains, or drainage ditches, located on the site, one flowing in an east to west and one flowing north to south through the site. In terms of water quality, it is noted in the EIAR that most water features at the proposed development site are highly modified and/or artificial.

The drainage ditches were considered to be of low ecological value. The Woodstock Stream was considered to be of Local importance (higher value).

- 11.4.39. In relation to the culverting of the Woodstock Stream, and it is an issue raised by observers on the application, Section 2.3 'Description of Project' of the EIAR notes that the Woodstock Stream, as existing, is culverted as it turns west along the southern boundary of the Station Road North site. This is also noted in Section 7.4.3 'Site Specific Hydrology', and is referred to in Section 11.3.2.1.3 'Topography & Drainage'. This works have been carried out in the past, and are not proposed for retention under this application (see discussion in Section 10.7 of this report).
- 11.4.40. In relation to the two drainage ditches running through the site, Section 5.2.1.1 of the EIAR 'Biodiversity' notes that following concerns raised by Cork County Council at pre-planning stage, the previous design has been modified as that the main north-south drainage ditch (located between the Castl lake North Site and the Blandcrest Site) is no longer culverted but is incorporated into the design to enhance biodiversity and create an amenity corridor. The EIAR notes that there is another open field drain running east to east across the Blandcrest Site. It is noted that this drainage ditch is subject to a level of disturbance and siltation and is to be culverted locally to allow the proposed development of the site to take place. This drainage ditch and proposed culverting is described also in Section 6.3 of the Engineering Services Report (and is also shown on Dwg. MCW1088-RPS-00-XX-DR301 01 to 02).
- 11.4.41. It is noted that the Anngrove stream flows in an easterly direction from the existing Castl lake housing development where it is culverted before flowing into the existing attenuation pond known at Castl lake (Section 7.4.3 refers).
- 11.4.42. In terms of groundwater, it is noted that the Groundwater Body underlying the site is the Industrial Facility (P0016-02) Groundwater Body, which has a WFD Status of 'Good' for the period 2013-2018. The site overlies two bedrock aquifers, the northern portion of the site is underlain by a Locally Important Aquifer – Bedrock which is Moderately Productive only in Local Zones (LI). The southern portion of the site is underlain by a Regionally Important Aquifer – Karstified (diffuse)(RKd). The vulnerability of the underlying aquifer is 'moderate' over most of the site, and is 'high'

over that portion of the site to the southwest. Regionally, the groundwater flow would be expected to be from north to south towards Lough Mahon.

11.4.43. In terms of predicted effects, in the absence of mitigation it is concluded that sediment run-off and soil erosion would have a significant adverse temporary impact on the soil and geological environment due to sediment mobilisation and soil erosion and due to accidental spills and contaminated run-off, during the construction stage of the project. For drainage ditches that are being culverted effects will be slight adverse permanent and likely to occur. In the case of drainage ditches which are being retained, slight adverse short-term effects are likely during the construction phase. Significant adverse short-term effects on surface and groundwater could occur, in the absence of mitigation.

11.4.44. No other significant impacts are predicted at construction stage nor at the operational stage. No significant cumulative impacts are predicted, although the potential for significant cumulative impacts on land and soils arising from the proposed development and developments on adjacent sites is considered to have a slight medium-to-long-term negative impact.

11.4.45. Section 6.5 (as well as Sections 7.8) considers risk of major accidents and disasters, and it is noted that the principle risk associated with the site relates to flood risk, due to the increase in permeable hard standing across the site, and reference is made to the Flood Risk Assessment (FRA) as contained in Appendix 7.1 of the EIAR. The FRA concludes that the site is not at risk of flooding nor will the proposal have an adverse impact on flooding (see discussion of Flood Risk below).

11.4.46. Mitigation and monitoring measures are set out in Section 6.6.1 and 7.6 of the EIAR, and at construction stage mitigation measures are those which are set out in the Construction Environmental Management Plan (CEMP), contained in Appendix 2.1 of the EIAR, and relate to handling of waste, pollution control and traffic management, as well as the adherence to best practice guidelines in relation to water quality, and the implementation of measures relation to same. At operational stage, reference is made to the Landscape Design Plan which set outs detailed plans for the maintenance, care and management of soils and plants during the lifetime of the development. No significant residual impacts are predicted.

Flood Risk

11.4.47. In terms of Flood Risk, a Flood Risk Assessment is submitted with the application (under separate cover and included in Appendix 7.1 of the EIAR). I note that this FRA refers to the part-culverting of the north-south field drainage ditch running through the Castlelake North Site, which is not now proposed (see discussion above). It is also noted that it is proposed to culvert the Woodstock Stream to the south of the Station Road South Site, but I note that the Woodstock Stream runs to the south of the Station Road North side (and has been partly culverted at this point). The FRA uses several sources of predictive flood mapping, including but not limited to OPW NIFM mapping, CRFAM mapping and from the SFRA of the Cork County Development Plan 2022-2028. The OPW flood mapping indicated fluvial flooding of the western areas of the during the 1% AEP flood events (emanating from Tibbotstown Stream to the west), but this mapping does not take account of remedial works carried out to the stream nor does it take account of the rail line). CRFAM mapping identifies a far smaller extent of fluvial flooding during the 01% AEP event, confined to the north-eastern corner of Castlelake North Site 1. Subsequent studies carried out as part of previous planning application 19/5707, indicates that this area is in fact not subject to flooding from the 1% AEP nor the 0.1% AEP flood events. National Coastal Flood Hazard Mapping (NCFHM) indicates that the southeast corner of the Castlelake North Site, the southwest corner of the Blandcrest Site, and a significant portion of the Castlelake South Site 01 are subject to flooding during the 0.5% AEP coastal flood event. Extended areas at these locations are also subject to flooding during the 0.1% AEP coastal flood event, as well as a small portion of the Castlelake South Site 02. Both the SFRA for the Cobh Municipal District Local Area Plan (2017) and for the CCC Development Plan 2022-2028 indicate that southeast corner of the Castlelake North Site, the southwest corner of the Blandcrest Site, and a significant portion of the Castlelake South Site 01 are subject to flooding during the 0.5% AEP coastal flood event. Extended areas at these locations are also subject to flooding during the 0.1% AEP coastal flood event, as well as a small portion of the Castlelake South Site 02.

11.4.48. The FRA describes Hydraulic Modelling carried out in order to further determine flood risk to development site. I note that this model includes the constructed culvert along the Woodstock Stream to the west of Station Road, as well as flood mitigation measures undertake along the Tibbotstown Stream. This modelling was used to

determine Flood Zones A and B (the 1% and 0.1% AEP flood events), and included a scenario accounting for the effect of climate change (+20% flow). Figure 4-2 of the FRA indicates flood extents, in the absence of mitigation measures, and it is should that the southern portion of Station Road North site is within the 1% and 0.1% AEP flood events. The site specific modelling also indicates that none of the site is at risk of tidal flooding, save for Castl lake Site 1, which is show to be at risk of inundation during the 0.2% AEP High End Future Scenario flood event.

11.4.49. Mitigation measures in relation to the Station Road North site, include profiled landscaping to divert flow back into the stream channel and FFLS of 6.6m OD, providing a freeboard of 0.5m above the 1% AEP flood event. Mitigation for the Castl lake Site 1 includes FFLs of 3.55m OD. SUDs measures are proposed to reduce the quantity, and improve the quality of, surface water runoff

11.4.50. In relation to the Blandcrest Site/Castl lake North Site, it is noted that these lie within Flood Zone C. However the FRA notes that the main flood risk to this site is the existing drainage ditch, running north-south, and from pluvial flooding via stormwater flow through the existing railway culverts to the north of the site. The FRA stated that the north-south drainage ditch will be part culverted (as per Figure 5-2 of the FRA). However this does not tie-in with the overall development proposals (see for example 'Proposed Site Layout Plan – Overall – Dwg Np. CHD-WIL-ZZ-ZZ-DR-A-0070 S01 P01) and with discussions within the EIAR and the Engineering Services Infrastructure Report, which note that this drainage ditch will remain unculverted running through the site. While I do not consider that this inconsistency fundamentally underlines the conclusions of the FRA in relation to the level of flood risk pertaining to the site, I am the view that, should the Board be minded to approve the application, a revised Flood Risk Assessment should be requested by way of condition, which clarifies arrangements for this section of the drainage ditch, and set out any additional mitigation measures should they be necessary. This is in line with Section 5.20 of the Flood Risk Management Guidelines which state that conditions should deal with any residual risk and should be guided by the development management objectives set out in the development plan. Section 5.22 of the Guidelines state that in most cases, conditions will be required to amend, clarify or further detail flood mitigation measures.

11.4.51. Section 6 of the FRA sets out the Justification Test, which, as per the Flood Risk Management Guidelines, is required as part of the proposed development lies within Flood Zones A and B (the southern part of the Station Road Site.). I have set out the Justification Test below, with reference to the FRA and to other data where appropriate.

Criteria	Response
<p>The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.</p>	<p>Under the provisions of the Cork County Development Plan 2022-2028, the site is subject to various zonings, all of which allow for residential development (see consideration of same in Section 10.1 of this report). The Development Plan has also been subject to a Strategic Flood Risk Assessment and has been prepared having regard to the Flood Risk Management Guidelines.</p>
<p>The proposal has been subject to an appropriate flood risk assessment that demonstrates:</p> <ul style="list-style-type: none"> • The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk; • The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible; • The development proposed includes measures to ensure that 	<p>The FRA, as well as the EIAR, and the Engineering Services Report, sets out surface water proposals that ensure that the flood risk off site will not be increase. The overall flood risk will be mitigated by measures as set out in the FRA, including but not limited to, appropriate FFLs giving sufficient freeboard above potential flood water levels. Residual risks, including that from the surface water drainage system and from climate change, have been mitigated in a similar manner. I have considered the issue of urban design in Section 10.3</p>

<p>residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and</p> <ul style="list-style-type: none"> • The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes. 	<p>of this report and I refer the Board to same. In summary, I am of the view that the overall design of the scheme is appropriate.</p>
---	---

Conclusion

11.4.52. I have considered all the submissions, including those from the Planning Authority, and having regard to the considerations above, I am satisfied that impacts predicted to arise in relation to land, soil and water would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions, including any impact on fisheries, including salmonids. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soil, and water.

Air and Climate

11.4.53. EIAR Chapter 8 addresses Air Quality and Climate. There is no material objections raised by the Planning Authority in relation to Air and Climate, although I note that comments from the Environment Division stated that the CEMP should be revised to ensure that appropriate dust management and monitoring measures are in place.

11.4.54. During the construction phase, it is set out that there is the potential for significant adverse short-term impacts from dust, if prolonged dry weather conditions persist during construction works in the area. No other significant impacts are expected during the construction phase. Moderate positive long term impacts, on both air quality and climate (at a regional level) are predicted at operational stage as a result of reduced fuel consumption and emissions, resulting from the proximity of the site to sustainable forms of transport (i.e. bus and train) and to cycle infrastructure including the Carrigtwohill to Midleton Inter-Urban Cycleway Phase 1, which is part of the Council's Dunkettle to Midleton Inter-Urban Strategic Cycleway. It is also noted that the proposed dwellings will be energy efficient with high Building Energy ratings. No significant cumulative effects are predicted.

11.4.55. Mitigation measures are set out in Section 8.5 of the EIAR, and during the construction stage, they relate to such matters as dust control measures and measures to reduce exhaust emissions. No significant residual effects are predicted.

11.4.56. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to air and climate would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions, which include the requirement to submit a revised and updated CEMP. In relation to specific comments, and recommended conditions, from the Planning Authority, I note a Dust Management Plan is included as a mitigation measure within the EIAR. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of air and climate.

Material assets, cultural heritage and the landscape

Cultural Heritage

11.4.57. Chapter 10 considers Cultural Heritage, which includes a consideration of Archaeological Heritage, Cultural Heritage and Architectural Heritage.

11.4.58. In relation to archaeology, it is noted that there are five fulachtaí fia in the study area, four in the townland of Barryscourt (CO075-070, CO075-071, CO075-072 and CO075-018002-) to the south and one in Carrigtohill (CO076-124) to the east. The EIAR does not describe any archaeological features on the site itself. The closest recorded archaeological sites area a graveyard, situated c160m to the southeast of

Area 3, within which lie two churches, one of the churches comprising the medieval remains of the St. David's parish church of Carrigtohill.

11.4.59. In terms of architectural heritage, there are no Protected Structures as listed in the Cork CDP within the proposed development site. The closest Protected Structures are a former dispensary (PS1316), located 50m to the north of Area 3, a parochial house (PS1315), 60m to the east of Area 3 and Rockville House (PS1317), situated 115m to the north-east of Area 4. There are 12 no. structures listed in the NIAH within a 1km radius of the proposed development site, of which 3 no. are also protected structures.

11.4.60. In relation to predicted impacts, it is noted that much of the site has been subject to ground disturbance of varying degrees of magnitude. There is some areas that have some elements of undisturbed ground, however, and it is possible that archaeological material may be uncovered in these areas. It is noted that no features of cultural heritage were identified within the proposed development site, and it is stated that the area surrounding the proposed development site has been transformed from agricultural land to a highly developed landscape comprising largescale residential, industrial and infrastructural elements. As such it was concluded that there would be no direct or indirect effect on any cultural heritage feature. It was also concluded that there would be no direct or indirect effect on architectural heritage. Mitigation measures relate solely to archaeology, with monitoring proposed for those areas where the potential for archaeology exists (Areas 1, 2, 3, 4 and the eastern side of Area 5). No residual effects on the archaeological, architectural and cultural heritage environment are expected.

11.4.61. Chapter 9 of the EIAR addresses Material Assets and considers impacts on the material assets of water supply, surface water drainage, wastewater services, electrical supply, gas supply and telecoms in the vicinity, as well as waste generation and impacts on road and rail infrastructure. No significant impacts are predicted, including cumulative impacts. I am satisfied that this is the case and concur with the conclusions within the EIAR in relation to same.

Landscape and Visual

11.4.62. Chapter 11 of the EIAR considers potential effects on the landscape and visual amenity, as a result of the proposed development and I refer to the Board to Section 10.3 for a detailed assessment of same.

Conclusion

11.4.63. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to Material Assets, Cultural Heritage, and Landscape would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of Material Assets, Cultural Heritage and Landscape.

11.5. Cumulative Impacts and Interactions

11.6. Each topic chapter in the submitted EIAR has considered cumulative impacts and where relevant, interactions between topics. Chapter 14 addresses interactions as a stand-alone topic. Within this chapter, the relevant interactions of topics are reiterated.

11.7. I am of the opinion therefore that that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment, other than those that have been described in the EIAR and considered in this EIA.

11.8. Reasoned Conclusion on the Significant Effects

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

- Population and Human Health – There will be residual significant positive impacts on population and human health due to the increase in housing stock within the local area.
- Biodiversity – There will be a residual short-term, significant, negative impact on particular habitats until the proposed planting and landscaping becomes

established, subsequent to which there will not be any long term significant impacts on habitats. Other potential significant impacts have been avoided through mitigation measures including measures to protect water quality at construction stage.

- Land, Soil and Water - Potential significant impacts at construction stage have been avoided through mitigation measures as set out in the EIAR and the Construction Management Plan including measures to protect water quality at construction stage and measures in to the handling, storage and disposal of water.

11.8.2. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed. Any negative environmental impacts identified are not significant over the long-term and would not require or justify refusing permission for the proposed development or require substantial amendments.

12.0 **Appropriate Assessment**

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

Compliance with Article 6(3) of the Habitats Directive

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

- 12.1.3. The submission from the PA, in relation to the AA, includes a report from the Ecology Office. It is stated that the mitigation measures as set out in the NIS should provide sufficient protection of water quality and associated habitats and fauna.
- 12.1.4. The applicant has submitted a Natura Impact Statement (June 2022) which includes an AA Screening Report. (May 2022 – Appendix 1 of the NIS). The AA Screening Report notes that there are a number of waterbodies on the site. It is stated that there is a hydrological connection from the site to the Great Island SAC (001058) and the Cork Harbour SPA (004030) via the Woodstock Stream and the Slatty Pond. The Slatty Ponds flows into Slatty Water and into Lough Mahon (Harper's Island). The WFD status of Lough Mahon is that of 'moderate water quality' (2013-2018) and the EPA has classed the risk of Lough Mahon (Harper's Island) of failing to meet its WFD objectives as 'At Risk'. Habitats on the site include Habitats include amenity grassland, non-native shrub, scattered trees and parkland, buildings and artificial surfaces, immature woodland and scrub, improved agricultural grassland, recolonising bare ground, hedgerow and treeline, spoil and bare ground. A number of invasive species were recorded, Himalayan balsam and Japanese Rose. Himalayan balsam is listed under the Third Schedule to the European Communities (Birds and Natural Habitats) Regulations 2011.
- 12.1.5. The zone of impact influence is described in the AA Screening Report as consisting of the Cork Harbour SPA (004030), located 708m to the south, and Great Island Channel SAC (001058), located 772m to the south, and the hydrological link as described above is cited. No other ecological links to any other Natura 2000 sites are identified. It is noted that the proposed development could have an impact on water quality in the two Natura sites described above, due to contaminated run off. The spread of invasive species could also result in habitat alteration of these sites. In addition impacts on water quality and habitat alteration as a result of in-combination impacts with other projects in the immediate area, could not be ruled out. It is concluded that likely significant effects on the above two sites could not be ruled out and a Natural Impact Statement was therefore required.

Screening for AA

- 12.1.6. In Screening for AA, I have had regard to the applicant's AA Screening Report, and NIS, as well as other relevant information on file, including that set out in the EIAR.

In determining the zone of influence of the project I would note that the site is not within or immediately adjacent to a Natura 2000 site. In identifying potential impact sources and pathways connecting the development to Natura 2000 site, identification of possible impact pathways should determine same (source-pathway-receptor method). Having regard to same, I am of the view that the sites within the zone of influence of the project are those sites that are identified in the Screening Report, that is, the Cork Harbour SPA (004030), located 708m to the south, and Great Island Channel SAC (001058) due to the hydrological link to these Natura Sites as described above.

12.1.7. A hydrological link to these sites is also present via the Carrigtwohill WWTP, which discharges to the Slatty Bridge transitional waterbody, which lies within the Cork Harbour SPA and the Great Island Channel SAC, with wastewater from the site being treated at this WWTP.

12.1.8. I have set out further details of the sites that I consider to be within the zone of influence of the project in Table 1 and I have considered the likelihood of significant impacts on these same sites below.

Table 1

Site (site code)	Distance from site	Qualifying Interests	Conservation Objectives;
Cork Harbour SPA (004030)	708m to the south	Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028]	To maintain the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA.

		<p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p>	
--	--	--	--

		<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p>	
--	--	--	--

		Wetland and Waterbirds [A999]	
Great Island Channel SAC (001058)	772m to the south	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]	To maintain or to restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected.

Habitat degradation as a result of hydrological impacts

12.1.9. At construction phase, I share the view as set out in the applicant’s AA Screening Report that hydrological pathways exist to the two Natura Sites as described above. As such, there is potential for contaminated surface water to enter the surface water network, at construction stage, and eventually enter Cork Harbour SPA and Great Island Channel SAC. In considering the likelihood of significant effects, I note that the Woodstock Stream runs directly adjacent to a portion of the site, and I also note the proximity of the site to the Anngrove Stream (which is culverted as it runs though the site). Of relevance also is the scale of the project proposed. Having regard to these factors, I would be of the view that a pollution event, at construction stage, of sufficient magnitude, has the potential to undermine the conservation objectives of the Cork Harbour SPA and Great Island Channel SAC. While generally speaking, best practice construction measures are not considered mitigation for the purposes of AA, each case is considered on an individual basis. In this instance, given those factors as set out above, I am of the view that, in this instance, such measures could be deemed mitigation for the purposes of AA. In the absence of such measures, and applying the precautionary principle, I conclude that the proposed development may have a significant impact on the overall water quality status of Cork Harbour SPA

and Great Island Channel SAC and that there is a possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of these European sites. Therefore I am not of the view that the likelihood of significant effects on Cork Harbour SPA and Great Island Channel SAC above, can be ruled out, and therefore a Stage 2 Appropriate Assessment is required.

12.1.10. For other Natura 2000 sites located at distances greater from the site than the above sites, I am of the view having regard to the distance between the proposed development site and the next closest Natura Site (which is a least 12.2 km to Blackwater River SAC) and greater for other sites) and the lack of an apparent ecological pathway to same, there is no likelihood of significant effects on these sites.

12.1.11. In relation to surface water impacts at operational stage, I am satisfied that the proposed surface water drainage measures as outlined in the application documentation, including the Engineering Services Infrastructure Report and EIAR, and the landscape. SuDS measures are proposed to reduce the quantity of surface water discharge from the site, and to improve discharge water quality. The surface water installations have not been introduced to avoid or reduce an effect on any effect on any Natura site, and as such are not mitigation measures with the context of screening for appropriate assessment, and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. They constitute the standard approach for residential developments in an urban area. Their implementation would be necessary for a residential development on any brownfield site in order to the protect the receiving local environment and the amenities of the occupants of neighbouring land, regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission. As such, I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water run-off will be sufficient so as not to result in any likely significant effects on the Cork Harbour SPA and Great Island Channel SAC, or any other Natura 2000 sites, having regard to the sites' conservation objectives.

Foul Water

12.1.12. While not considered in the AA Screening Report or the NIS, the EIAR and the Engineering Services Infrastructure Report, sets out details of the proposed waste water treatment system, and proposals to dispose of same. The waste water from the proposed development will be treated at the Carrigtohill WWTP, which discharges into Cork Harbour SPA and Great Island Channel SAC via Slatty Water. Section 9.3.5 of the EIAR notes that this WWTP which was upgraded in 2016 and has sufficient spare capacity to accept and treat additional flow from the proposed residential development, with a current PE capacity of 30,000m with phased extensions in the future for 45,000 and 60,000 PE. As such, I am of the view that the effluent volumes from the proposed development would not alter the effluent released from the WWTP to such an extent as to have a measurable impact on the overall water quality within Cork Harbour SPA and Great Island Channel SAC, and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive).

Habitat Loss and Fragmentation/Habitat Alteration/Disturbance

12.1.13. Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. Having regard to the entirety of information on file, including that in the AA Screening Report, the NIS and the EIAR, and noting specifically the comprehensive bird surveys carried out as detailed in the NIS and EIAR, I am satisfied the proposed site does not support populations of significance of any fauna species that are qualifying interests or special conservation interests of any European Site, noting that just one species of conservation interest (SCI) for Cork Harbour SPA was recorded adjacent to the proposed development (but outside the red-line boundary) - grey heron (*Ardea cinerea*). I am satisfied therefore that the proposed development will not result in habitat loss or fragmentation within any European Site, or nor will it result in a loss of any *ex-situ* foraging or roosting site for qualifying species of European sites in the wider area.

12.1.14. In relation to the potential for Habitat Alteration, as a result of the spread of invasive species from the site, I note that Himalayan balsam (listed under the Third Schedule to the European Communities (Birds and Natural Habitats) Regulations 2011) is found over relatively extensive areas of the site, and as such I concur with the view

as expressed in the AA Screening Report that there is the potential of seed and plant dispersion via the hydrological network to the Cork Harbour SPA and Great Island Channel SAC, with subsequent potential for habitat alteration resulting from same.

12.1.15. Habitat disturbance/*ex-situ* impacts are ruled out, and as noted in the AA Screening Report (and also considered in detail in the EIAR) there is no suitable habitat of significance on the site for any species which are qualifying interests for any Natura site, including wintering birds and wildfowl. I have no evidence before me to contradict the conclusions of the AA Screening Report, or the EIAR, and as such I am satisfied that *ex-situ* impacts, on SCI bird species, as a result of habitat loss, degradation or disturbance can be ruled out.

Bird Mortality/Collision

12.1.16. I am not of the view that the proposed heights, at a maximum of 5 storeys at limited locations, would result in collisions and/bird mortality, as there are existing buildings of similar height. I conclude therefore that the proposed buildings would not pose a collision risk to any SCI species such that would have any population level effects or change in distribution of any species. I have no evidence on file, or from any documentation on the NPWS website in relation to Cork Harbour SPA and Great Island Channel SAC, that would warrant a different conclusion.

In-Combination Impacts

12.1.17. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Carrigwohill WWTP, I consider that any potential for in-combination effects on water quality in Slatty Pond (and therefore in Cork Harbour SPA and Great Island Channel SAC), as a result of foul water discharge, can be excluded).

12.1.18. Furthermore, other projects within the Carrigwohill area, and the in the wider Cork area, which can influence conditions in the estuarine and marine environment, via rivers and other surface water features, are also subject to AA and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality.

12.1.19. Having regard to the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give

rise to any likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

AA Screening Conclusion

12.1.20. In terms of the Natura sites with the potential to be impacted, I conclude that only Natura 2000 sites where there is potential for likely significant effects are Cork Harbour SPA and Great Island Channel SAC, for the reasons set out above.

Stage 2 – Appropriate Assessment

12.1.21. The submitted NIS sets out the relevant Qualifying Interests (Qis) and associated conservation objectives of Cork Harbour SPA and Great Island Channel SAC. The conservation objectives are generally to maintain or restore the favourable conservation condition of each habitat or species of qualifying interest.

12.1.22. The flora and fauna of the site is described (and is as per the information in the EIAR). In terms of habitats, and in particular watercourses, the NIS notes that the Woodstock Stream is physically diverse, and it could be potentially be used by trout for spawning, and have adequate cover and flow to sustain juvenile trout. In terms of the Annagrove stream, it is noted that this runs through the Castlelake housing estate to the west of the proposed development site, and has been re-routed and /or culverted or has been replaced by surface drainage associated with the housing development.

12.1.23. The NIS considers how a deterioration in surface water quality could affect each of the various habitats or species within the relevant SPA/SAC, noting that an accidental pollution event of sufficient magnitude, either alone or cumulatively with other pollution sources, could potentially have significant effects on the habitats or food sources for which the Cork Harbour SPA bird species are designated. In relation to the Great Island Channel SAC the NIS notes there is potential for significant effects on the mudflat habitats. I note that the NIS only refers explicitly to run-off/pollutants entering the Annagrove Stream, and not the Woodstock Stream, but the same considerations apply, as the hydrological connection of both watercourses is to Slatty Pond and Slatty Water, both of which lie within the Cork Harbour SPA and Great Island Channel SAC.

12.1.24. Mitigation Measures are set out in Section 3.6 of the NIS. These include the appointment of an Ecological Clerk of Works. Measures are also set out in a site-

specific Construction and Environmental Management Plan (as included in Appendix 2 of the NIS) and include measures to avoid impacts to water during construction work, as well as adherence to construction best practice measures. These include, but are not limited to, the use of silt-traps, pre-treatment of water to be discharged when required, direction of site run off to storm control areas or tanks and appropriate storage of fuels, oils, greases and hydraulic fluids.

- 12.1.25. The NIS does not explicitly consider the potential effects of the spread of invasive species on the habitats and species of the Cork Harbour SPA and the Great Island Channel SAC, and it is stated that there will be no direct or indirect effects on the habitats of these Natura 2000 sites (Sections 3.5.1 and 3.5.2 of the NIS refers), whereas the AA Screening Report highlights the subsequent potential for habitat alteration resulting from same (Section 4.2.2.2 of the AA Screening Report refers). As such, Section 3.6 'Mitigation Measures' of the NIS does not set out mitigation measures in relation to invasive species, although a reference to an Invasive Species Management Plan (ISMP) is referred to in Section 3.2 'Description of the Existing Environment'.
- 12.1.26. As noted above, I concur with the view as expressed in the AA Screening Report, in that the potential of seed and plant dispersion, from the Himalayan balsam in particular, via the hydrological network to the Cork Harbour SPA and Great Island Channel SAC, has the potential for habitat alteration within these Nature 2000 sites. As noted in the Invasive Species Management Plan, Himalayan balsam is listed on the Third Schedule of the Birds and Habitats Regulations, and is considered a high-risk invasive species, which has the ability to create competition for resources such as pollinators, light and space, posing a threat to native plant species.
- 12.1.27. The Invasive Species Management Plan, as contained in Appendix 3 of the NIS, sets out in detail the extent of invasive species on the site, noting that there are extensive areas of Himalayan balsam within and adjacent to the site, as well as a very small area of Japanese Rose within the redline boundary (Figure 3 of the Invasive Species Management Plan refers). Section 4 of the ISMP outlines best practice management measures as relates to the eradication of Himalayan balsam, and a combination of physical and chemical control eradication measures is proposed, as well as biosecurity measures implemented at construction stage. Physical control measures

are proposed for Japanese Rose, with similar biosecurity measures recommended as for Himalayan balsam.

12.1.28. Notwithstanding the lack of an explicit discussion of same within the NIS, I am of the view that the implementation of the Invasive Species Management Plan (ISMP), as set out in Appendix 3 of the NIS will provide sufficient mitigation in relation to potential effects on habitats within the Cork Harbour SPA and the Great Island Channel SAC, given that effective management and eradication of same, as well as the biosecurity measures put in place at construction stage, will ensure that seed and plant spread via the hydrological network is avoided.

12.1.29. Other measures set out in the NIS refer to 'Stream Enhancement Works'. The NIS stated that some reaches of the Woodstock Stream have been modified in the past and/or degraded due to adjacent land practices and/or re-sectioning (straightened and realigned). It is set out that the physical character of the Woodstock Stream will be diversified with reference to appropriate guidance, which will increase the quality of salmonoid spawning, nursery and holding habitat. It is further stated that this will offset past degradation and compensate for any impacts that may occur during construction stage on these reaches of the Woodstock Stream. I am not of the view that these specific 'Stream Enhancement Works' are mitigation measures that are related to surface water quality impacts arising from the development, but are wider ecological enhancement measures that, in my view, are not directly relevant to the process of Appropriate Assessment. The implementation of other measures as set out in the NIS, and in more detail in the CEMP, are sufficient to ensure the protection of water quality in the Cork Harbour SPA and Great Island Channel SAC, and these 'Stream Enhancement Measures' are not required in my view, in the context of Appropriate Assessment.

12.1.30. This NIS rules out any 'in-combination' effects, notwithstanding the conclusions in relation to same as set out in the AA Screening Report.

12.1.31. In terms of residual impacts, the NIS concludes that the proposed development, with mitigation measures in place, does not pose a risk of adversely affecting the integrity of Cork Harbour SPA and Great Island Channel SAC.

12.1.32. Overall, I am satisfied that the detailed mitigation measures as set out within the NIS, and the CEMP will serve to protect surrounding surface water quality during the

construction stage so not to adversely affect the integrity of Cork Harbour SPA and Great Island Channel SAC, in view of the sites' Conservation Objectives. I am also satisfied that the mitigation measures as set out in Sections 4 and 5 of the Invasive Species Management Plan (Appendix 3 of the NIS) will serve to prevent the spread of invasive species via the hydrological network, and will prevent adverse on the integrity of Cork Harbour SPA and Great Island Channel SAC, in view of the sites' Conservation Objectives.

AA determination – Conclusion

- 12.1.33. The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 12.1.34. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have likely significant effects on Cork Harbour SPA and Great Island Channel SAC, having regard to the sites' conservation objectives.
- 12.1.35. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site in light of its conservation objectives.
- 12.1.36. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Cork Harbour SPA (004030) and Great Island Channel SAC (001058), in view of the sites' Conservation Objectives.
- 12.1.37. This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures, in relation to the Conservation Objectives of Cork Harbour SPA (004030) and Great Island Channel SAC (001058).
 - An assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of Cork Harbour SPA (004030) and Great Island Channel SAC (001058).

13.0 Conclusion and Recommendation

Having regard to the above assessment, I recommend that Section 9(4)(a) of the Act of 2016 be applied, and that permission is granted for the reasons and considerations and subject to the conditions set out below.

14.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17th Day of June 2022 by BAM Property Limited care of Harry Walsh, HW Planning, 5 Joyce House, Barrack Square, Ballincollig, Cork.

Proposed Development:

A 10 year planning permission for a strategic housing development. The development will consist of the construction of a strategic housing development of 716 no. units comprising 224 no. houses, 284 no. duplex units and 208 no. apartments provided in 7 no. apartment building blocks. A 2 no. storey creche building is also provided. The 2 no. storey houses comprise of 48 no. detached, 126 no. semi-detached and 50 no. terraced houses consisting of 60 no. two bed units, 139 no. three bed units and 25 no. four bed units. The part-1 to part-3 storey duplex units are contained in 122 no. building blocks providing 82 no. one bed units, 142 no. two bed units and 60 no. three bed units. The 7 no. apartments building blocks range in height from part-1 to part- 5 no. storeys.

- Block 1 is 4 no. storeys and contains 34 no. units (7 no. one bed units, 19 no. two bed units and 8 no. three bed units).
- Block 2 is part-1 to part-5 no. storeys and contains 42 no. units (15 no. one bed units, 20 no. two bed units and 7 no. three bed units).
- Block 3 is 5 no. storeys and contains 17 no. units (8 no. one bed units and 9 no. two bed units).

- Block 4 is 4 no. storeys and contains 13 no. units (6 no. one bed units and 7 no. two bed units).
- Block 5 is 4 no. storeys and contains 13 no. units (6 no. one bed units and 7 no. two bed units).
- Block 6 is 4 no. storeys and contains 13 no. units (6 no. one bed units and 7 no. two bed units).
- Block 7 is 5 no. storeys over basement and contains 76 no. units (23 no. one bed units, 41 no. two bed units and 12 no. three bed units).

All blocks contain ancillary internal and external resident amenity spaces, and the proposed development also provides for: hard and soft landscaping including Multi Use Games Areas (MUGA's) and associated fencing; boundary treatments; public realm works; car parking; bicycle stores and shelters; bin stores; lighting; photovoltaic panels; plant rooms; and all ancillary site development works above and below ground.

Access to the proposed development will via an extension to Castlelake Avenue with new entrances proposed from the existing Castlelake Avenue, Oakbrook, and Pine Court. 2 no. new entrances are proposed from the Castle Lake to Station Road Link Road currently under construction and permitted by Cork County Council Planning Reference 19/5707. A new entrance is proposed from the North South Link Road, (linking Station Road to the Castle Lake to Station Road Link Road) and permitted by Cork County Council Planning Reference 19/5707. The proposed development also makes provision for the construction of a portion of the Carrigwohill to Middleton Inter Urban Cycleway Phase 1 and a portion of the Northern Spine Link Road.

Decision

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was

required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

In coming to its decision, the Board had regard to the following:

- (a) The site's location on lands with zoning objectives that allow for residential development;
- (b) The policies and objectives in the Cork County Development Plan 2022-2028;
- (c) The nature, scale and design of the proposed development;
- (d) The pattern of existing development in the area;
- (e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) Housing for All – A New Housing Plan for Ireland, 2021
- (g) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- (h) Regional Spatial and Economic Strategy for the Southern Region;
- (i) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (j) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (k) Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- (l) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;

- (m) The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- (n) The Chief Executive's Report;
- (o) The Inspector's Report; and
- (p) Submissions and observations received.

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

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that Cork Harbour SPA (004030) and Great Island Channel SAC (001058) were the only European Sites in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Cork Harbour SPA (004030) and Great Island Channel SAC (001058), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) the mitigation measures which are included as part of the current proposal, and

iii) the conservation objectives for the European Sites.

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

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the Planning Authority, the observers and prescribed bodies in the course of the application,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction and Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

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

- Population and Human Health – There will be residual significant positive impacts on population and human health due to the increase in housing stock within the local area.
- Biodiversity – There will be a residual short-term, significant, negative impact on particular habitats until the proposed planting and landscaping becomes established, subsequent to which there will not be any long term significant impacts on habitats. Other potential significant impacts have been avoided through mitigation measures including measures to protect water quality at construction stage.
- Land, Soil and Water - Potential significant impacts at construction stage have been avoided through mitigation measures as set out in the EIAR and the Construction Management Plan including measures to protect water quality at construction stage and measures in to the handling, storage and disposal of water.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is acceptable in principle at this site with regard to the relevant zoning objectives of the Cork County

Development Plan 2022-2028. The proposed development would result in a significant contribution to the housing stock, in a time of housing need. The provision of a development of the nature and scale of proposed development at this location is desirable having regard to its location in close proximity to a rail station and within the town of Carrigtwohill, which is designated as a Metropolitan Town in the RSES for the Southern Region and the Cork MASP. The scale of development is appropriate also having regard to the site's proximity to high frequency, high capacity train services, and having regard to the existing and proposed pedestrian and cycle infrastructure facilities. In addition, the site is located within an area with a wide range of employment opportunities and social infrastructure facilities. The Board was satisfied that the height, bulk and massing, detailed design and layout of the scheme are acceptable. The proposed development also complies with the performance criteria as set out in Section 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018). The Board was also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area, subject to conditions. The future occupiers of the scheme will also benefit from a high standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable and the Board is satisfied that there will be no significant adverse effects on the surrounding road network, subject to conditions. The Board also concluded that the proposed development was acceptable in all other respects.

15.0 Conditions

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

	Reason: In the interest of clarity.
2.	The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order. Reason: In the interests of proper planning and sustainable development.
3.	The development shall be revised as follows: a) Duplex Units D41B-1 and D41B-2 within Duplex Block C (2 no. units in total) should be omitted from the proposal, with additional communal open space provided in the area previously occupied by same. Reason: In the interests of the residential amenity.
4.	Prior to the commencement of any duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing. Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.
5.	All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and associated Appendices, the Natura Impact Statement (NIS) and associated Appendices, shall be implemented in full within the timescales listed in the these documents. Reason: In the interest of protecting the environment and in the interest of public health.
6.	Details of a revised palette of materials, colours and textures of all the external finishes to the proposed buildings, within each of the Character

	<p>Areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to demonstrate stronger differentiation between each of the proposed Character Areas and in the interest of visual amenity.</p>
7.	<p>Details of the proposed boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of visual and residential amenity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
10.	<p>Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of</p>

	<p>the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
13.	<p>The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.</p> <p>Reason: In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.</p>
14.	<p>Carrigtwohill Urban Regeneration and Development Fund (URDF) Initiative</p> <p>a) The proposed development shall not be occupied prior to the completion of the proposed pedestrian and cycle upgrades on the Station Road linking the eastern access points of the development site to Carrigtwohill Rail Station. Any interim measures proposed in</p>

	<p>advance of the completion of the final approved design shall be submitted to, and agreed in writing with, the Planning Authority.</p> <p>b) The Applicant shall ensure compatibility between the proposed SHD development and the Carrigtwohill Urban Regeneration and Development Fund (URDF) Initiative. The Applicant shall facilitate and deliver URDF infrastructure located within the red line boundary at a time to be agreed and to the satisfaction of the Planning Authority.</p> <p>c) The Developer shall facilitate the approved Carrigtwohill URDF Part 8 planning proposals for the upgrade of Station Road, include <i>inter alia</i> details of (i) appropriate setbacks (ii) the realignment of the Woodstock Stream and (iii) roadside boundary treatments.</p> <p>Before development commences on foot of this permission, details of the above matters shall be agreed in writing with the planning authority and the development shall be carried out and completed in accordance with the details agreed. In default of agreement, the matter may be referred to An Bord Pleanála for determination and the development shall be carried out and completed in accordance with that determination</p> <p>Reason: In the interests of road safety and in the interests of proper planning and development.</p>
15.	<p>Northern Services Corridor Link Road/Rail Underpass</p> <p>Prior to commencement of development:</p> <p>(a) The applicant shall engage with the Planning Authority and ensure that the road design proposals for the Northern Services Corridor Link Road (CT-U-12, denoted MR01) are compatible with the URDF design proposals for this infrastructure and the design shall be finalised and agreed in writing with the Planning Authority.</p> <p>(b) The applicant shall establish the ‘as-builts’ for the underpass and ensure that the underpass is available/open for use at a time to be agreed and to the satisfaction of the Planning Authority.</p> <p>(c) The applicant shall deliver (& fully connect) the new northern services corridor link road from the existing underpass structure to the proposed</p>

	<p>signalised junction new schools' campus road network (previously permitted under Planning Reg. No. 19/5707) including public lighting and drainage arrangements for the underpass, and any Carrigwohill URDF – UEA infrastructure utility services) to the satisfaction of the Planning Authority. The detailed specification of this shall be submitted to, and agreed in writing with, the Planning Authority.</p> <p>Reason: In the interests of proper planning and development.</p>
16.	<p>Transport</p> <p>a) The applicant shall ensure compatibility between the proposed development and the approved Part 8 Project - Carrigwohill – Midleton Inter-Urban Cycleway Phase 1. In this regard, the proposed access route to the basement car parking serving Apartment Block 7 shall be revised so as to avoid conflict with the permitted Part 8 Carrigtohill to Midleton Pedestrian and Cycle Route. Details of these revised details shall be submitted to, and agreed in writing with, Cork County Council, prior to commencement of development.</p> <p>b) The maximum number of car parking spaces provided to serve the proposed development shall be 1,102 no. spaces.</p> <p>c) The width of the shared pedestrian and cycle route (Inter-urban cycleway) adjacent to Apartment A7 is not clear from the SHD Application drawings. The permitted Pedestrian and Cycle Route is 4.0 metres in width. This element shall be constructed by the developer in advance of commencing building construction, or to a programme agreeable with Cork County Council.</p> <p>d) Prior to the commencement of development, a Stage 1/2 Road Safety Audit shall be submitted to, and agreed in writing with, Cork County Council and shall include a comprehensive set of detailed drawings and predicted traffic data, in advance of completing the design.</p> <p>e) Prior to the commencement of development, a revised Quality Audit shall be submitted to, and agreed in writing with, Cork County Council and shall include a comprehensive set of detailed drawings including</p>

tactile paving and kerb details, and recommendations shall be implemented by the developer as appropriate.

- f) All proposed accesses (Station Road North and South sites) across the recently constructed schools' link roads shall provide priority for pedestrian and cyclists. The Pedestrian and cycle route shall be raised across the access.
- g) Prior to commencement of development, and on appointment of the demolition contractor, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall have regard to Mitigation Measures outlined in the Environmental Impact Assessment Report, the Outline Construction Environmental Management Plan and the Outline Construction Traffic Management Plan and shall provide details of intended demolition practice for the development including traffic management, hours of working, noise, dust and drainage management measures and off-site disposal of construction/demolition waste.
- h) Prior to commencement of development and on appointment of a contractor, a Construction Environmental Management Plan (CEMP) having regard to Mitigation Measures outlined in the Environmental Impact Assessment Report (and Associated Appendices) and the Construction & Environmental Management Plan (and Associated Appendices) shall be submitted to the planning authority for written agreement. This plan shall include intended construction practice for the development including phasing and programme, hours of working, construction compound and materials storage, dust, noise and drainage management measures, waste management and off- site disposal, and all construction mitigation measures, and incorporate a construction traffic management plan. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

	<p>i) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, an agreed in writing with the planning authority prior to commencement of development.</p> <p>j) Cycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Key/fob access should be required to bicycle compounds.</p> <p>k) Prior to the commencement of development, all works proposed on the public road, and any areas to be taken in charge shall be agreed in writing with the Environment & Transportation Department. The applicant is advised that, in the event of a grant all works to the public road shall be at the applicant's own expense. All works shall be fully completed prior to occupation of the residential and commercial units.</p> <p>l) Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.</p> <p>m) All roads, footpaths, cycleways and shared surfaces should be constructed in line with DMURS requirements.</p> <p>Reason: In the interest of orderly development, traffic safety and to provide a satisfactory standard of development.</p>
17.	<p>The Applicant shall submit, as required by the Planning Authority, accurate as-built record drawings, in hard copy and electronically, to the scale of 1/500 showing:</p> <ul style="list-style-type: none"> (i) Roads including levels; (ii) Footpaths including levels; (iii) Storm sewers including pipe sizes, pipe depths and location of manholes and services. (iv) Details of sustainable urban drainage systems, flood mitigation measures.

	<ul style="list-style-type: none"> (v) Foul sewers including pipe sizes, pipe depths and location of manholes and services; (vi) Locations of road gullies; (vii) Water mains including location of valves, hydrants and other fittings; (viii) Public lighting including locations of columns, pillars and ducting; and (ix) Landscaping and boundary treatments. <p>Reason: To provide an accurate record of the development for future maintenance.</p>
18.	<p>Prior to the commencement of development, a revised Flood Risk Assessment shall be submitted to, and agreed in writing with, the Planning Authority. This document shall clarify arrangements for the existing north-south drainage ditch (Blandcrest Site/Castelake North Site) and should ensure consistency with the proposed site layout plan (Dwg No. CHD-WIL-ZZ-ZZ-DR-A-0070 S01 P01), the EIAR and the Engineering Services Infrastructure report, which indicate that this drainage ditch is to remain unculverted for the majority of its length. The revised FRA shall consider any additional flood risk arising from same, and set out any relevant mitigation measures, as appropriate.</p> <p>Reason: To minimise flood risk.</p>
19.	<p>The following requirements in relation to the operation and safety of the rail line shall be complied with:</p> <ul style="list-style-type: none"> (i) Prior to the commencement of the development the applicant shall liaise with Irish Rail to ensure that no works infringe on/impede or damage railway infrastructure, including embankments, bridges etc and that no works impede access to culverts/bridges under the railway. (ii) It should ensured that the proposal demonstrates compatibility with the proposed Cork Area Commuter Rail, Glounthaune to Midleton Twin Track project.

	<p>(iii) A 2.4m high concrete block wall (215mm) is to be erected as the proposed boundary wall. This wall will run adjacent to the railway and will be to the rear of any private garden or park.</p> <p>(iv) No liquid/surface water shall discharge or be allowed to seep onto railway property or into railway drains/ditches;</p> <p>(v) No development to take place within 2m of the railway boundary;</p> <p>(vi) Lights from the proposed development, either during construction phase or when the development is completed, shall not cause glare or in anyway impair the vision of train drivers or personnel operating on track machines. A Glint and Glare Report to be prepared and agreed with Irish Rail.</p> <p>Reason: To ensure the safety of the rail line.</p>
20.	<p>Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Irish Water for such works and services.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>
21.	<p>The developer shall enter into water and wastewater connection agreement(s) with Úisce Eireann (Irish Water), prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
22.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
23.	<p>All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.</p>

	Reason: To comply with the Councils taking in charge standards.
24.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
25.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
26.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the</p>

	<p>matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>The developer shall pay a financial contribution of (€2,166,167) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of</p> <ul style="list-style-type: none"> (i) Proposed interim measures at Cobh Cross [€2,333 per unit]; (ii) Upgrade of Wise's Road/Oakbrook link junction (including signalisation) [€33,294]; (iii) Upgrade of Wise's Road/Main Street junction (including signalisation) [€77,570]; (iv) Upgrade of Station Road/Main Street junction (including signalisation) [€80,000];

	<p>(v) Upgrade of Main Street/Castlelake Avenue (including signalisation) [€75,950];</p> <p>(vi) Station Road Upgrade [€228,295];</p> <p>which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer</p>
29.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure, open space and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Rónán O'Connor

Senior Planning Inspector

5th October 2023