

An
Bord
Pleanála

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

Inspector's Report ABP-313994-22

Strategic Housing Development

Demolition of disused Hurley manufacturing factory and associated outbuildings, construction of 319 no. residential units (203 no. houses and 116 no. apartments), creche and associated site works

Location

Cork GAA Lands, Old Whitechurch Road, Kilbarry, Cork City
(www.kilbarryshe.ie)

Planning Authority

Cork City Council

Applicant

Cork County GAA Board

Prescribed Bodies

Uisce Eireann
Inland Fisheries Ireland (IFI)

Observer(s)

1. Carol Casey
2. Chris Moody
3. Cork Environmental Forum
4. Cork Nature Network
5. Denis Harley
6. Emer McDermot
7. Isobel Abbott
8. James & Linda Condron
9. Jason Homan & Family
10. Joan Sutton & Others
11. Keep Murphy's Rock Wild
Group
12. Margaret & Gerard Keohane
13. Michael & Abina Batt
14. Noreen Twomey
15. Oliver Moran
16. Pauline Cudmore
17. Sheila O 'Shea
18. Stephen Kearney
19. Teresa & Tracy White
20. Thomas Gould
21. Tim O'Shea

Date of Site Inspection

25th March 2024

Inspector

Irené McCormack

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site is located ca. 3km to the northeast of Cork City Centre. The site has a stated site area of ca. 15.22ha in area.
- 2.2. The site is a greenfield site. The lands comprise open fields under grass, scrub, and gorse. The boundaries are predominantly defined by mature hedgerows and trees. An old hurling manufacturing factory lies derelict to the southwest of the site.
- 2.3. The site bounds the old Whitechurch Road to the west, the City North Business Park to the south, the existing GAA grounds of Delaney's GAA Club to the east and the Glenamought River along the northern boundary. The site includes a portion of the Delaney's GAA club grounds as well as the existing access road to the GAA club from Dublin Hill to facilitate the creation of a link road from the Old Whitechurch Road to Dublin Hill. Cork City Council's Whitechurch LIHAF development lands are to the immediate southwest of the site.
- 2.4. The main area of the lands can be separated into two distinct sections, the relatively flat areas to the south which encompasses the residentially zoned lands and the areas which slope steeply down to the river valley along the northern portion of the lands which are zoned for Open Space.
- 2.5. There are a number of existing residential dwellings in the southwestern corner of the site as well as further houses which are located on the opposite side of the Old Whitechurch Road to the west of the site. There is a large industrial unit to the south which is close to the boundary with the site and is accessed from the Kilbarry Industrial Estate. The lands are open along the northern boundary with views across the river valley and there are significant views west along the edge of the slope towards the existing railway viaduct across the Bride Valley.
- 2.6. Access to the site from the Old Whitechurch Road is via a lane between two

residences. Access from the east is via the Delaney's GAA Club via the Kilbarry Enterprise Centre off the Dublin Road Upper.

2.7. There are high tension ESB cables and pylons which are located in the northeast corner of the site. There are no recorded archaeological monuments within the proposed development site.

3.0 **Proposed Strategic Housing Development**

3.1. The application comprises:

- 319no. residential dwellings comprising of 85no. semi-detached units (comprising of 17no. 4-bed units and 68no. 3-bed units), 118no. terraced units (comprising of 8no. 4-bed units, 60no. 3-bed units and 50no. 2-bed units), 53no. duplex units (comprising of 26no. 1-bed units, 25no. 2-bed units and 2no. 3-bed units) and 63no. apartments (in 3no. part 4 storey and part 5-storey blocks and comprising 15no. 1-bed units and 48no. 2-bed units).
- The development also includes the provision of a crèche facility (519sqm) and a riverside amenity park to the north and northeast of the site. The proposed total gross floor area is 33,738.70sqm.

The proposed development will also consist of:

- the demolition of a disused hurley manufacturing factory and associated out buildings, the removal and replacement of the southern and eastern boundary treatments, as well the creation of formalised walking paths to replace the informal walking paths located to the north of the site, a new through road from the proposed site access on the Old Whitechurch Road to Delaney's GAA Grounds and accessing the Upper Dublin Hill Road, with associated new boundary treatments at Delaney's GAA club, all associated ancillary site development and hard and soft landscaping works, to include the provision of private, communal and public open space, waste storage areas, bicycle, motorcycle and car parking, including EV and disabled parking, esb substations, groundworks, foul drainage works, stormwater drainage proposals including directional drilling for the stormwater outfall, water supply proposals, public lighting, and all new boundary treatments.

3.1.1. A Natura Impact Statement and Environmental Impact Assessment Report have been prepared in respect of the application.

3.2. Key Development Statistics are outlined below:

	Proposed Development																																
Site Area	15.52 ha. Residential Zoning – 10.276 ha. Open Space Zoning – 4.493ha. Existing GAA grounds - 0.784 ha.																																
No. of Units	319 Residential Units																																
Density	38.7 uph																																
Plot Ratio	0.41																																
Site Coverage	17%																																
Height	2/3 storey houses 3 storey duplex units 3 no. Part 4 /Part 5 storey apartment blocks																																
Dual Aspect	100% of Duplex Units benefit from dual aspect 81% of apartments benefit from dual aspect All houses dual aspect																																
Other Uses/Residential Amenity	Childcare Facility – 519sqm																																
Public Space	<table border="1"> <thead> <tr> <th colspan="4">OPEN SPACE PROVISION</th> </tr> <tr> <th></th> <th></th> <th>Ha</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Total Site Area</td> <td></td> <td>15.52</td> <td>100</td> </tr> <tr> <td>Total Open Space Provision on overall lands</td> <td></td> <td>7.051</td> <td>45%</td> </tr> <tr> <td>Total Active Open Space on overall lands</td> <td></td> <td>2.777</td> <td>18%</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Developable Site Area</td> <td></td> <td>8.229</td> <td>100</td> </tr> <tr> <td>Active Open Space within developable area</td> <td></td> <td>1.22</td> <td>14%</td> </tr> </tbody> </table>	OPEN SPACE PROVISION						Ha	%	Total Site Area		15.52	100	Total Open Space Provision on overall lands		7.051	45%	Total Active Open Space on overall lands		2.777	18%					Total Developable Site Area		8.229	100	Active Open Space within developable area		1.22	14%
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Car Parking	534 (including 12 no. for creche) and 12 no. motorbike parking spaces																																
Bicycle Parking	124 no.																																

3.3. Unit mix is as follows:

Unit Type	No. of Units
Apartments	Total: 63
1 bed	15 no. (5% of total 24% of apartments)
2 bed	48 no. (15% of total, 48% of apartments)
Duplex Units	Total:53
1 bed	26 no. (7% of total, 49% of duplex)
2 bed	25 no. (8% of total, 47% of duplex)
3 bed	2 no. (1% of total, 4% of duplex)
Houses	Total: 203 (85 x semi-detached, 118 x terraced)
2 bed	50 no. (16% of total, 25% of houses)
3 bed	128 no. (40% of total, 63% of houses)
4 bed	25 no. (8% of total, 7% of houses)
**Rounded to nearest %	

3.4. The application included the following:

Planning

- Planning Report
- Statement of Consistency
- Statement of Response to the Opinion of An Bord Pleanála
- Statement on Housing Mix
- Statement on Material Contravention
- Childcare Needs Assessment
- Social and Community Audit
- Part V Costings Report and Plan Drawing

Architectural

- An Architectural Design Statement incorporating HQA.
- A Building Lifecycle Report
- A CGI Photomontage Booklet
- A Universal Design Statement
- DMURS Compliance Statement

Engineering

- Engineering Services Report
- Construction and Environmental Management Plan
- Flood Risk Assessment
- Lighting Design Report and Specification Report

Other

- Traffic and Transportation Assessment
- Stage 1 Road Safety
- Mobility Management Plan
- Tree Survey and Arboricultural Impact Assessment Report
- Natura Impact Statement incorporating AA Screening
- Non-Native Invasive Species Plan
- Daylight and Sunlight Study

Environmental Impact Assessment Report

- Volume 1; Non-Technical Summary
- Volume 2: Main Chapters
- Volume 3: Appendices
- EIAR Portal Confirmation

Planning Application Drawings

Architectural

- A full set of architectural drawings
- Landscape masterplan drawings
- ESRI CAD file

Engineering

- A full set of engineering drawings
- Public lighting drawings

4.0 **Planning History**

Subject site

None

In the Vicinity

CCC Reg. Ref. 23/42173 - Harmony Solar, permission for underground grid connection along Old Whitechurch Road to the west of the site. Further information requested.

I note a number of planning applications on the adjoining GAA grounds for associated development, the most recent being 09/7825 - Construction of a building to house a hurling alley.

IDA lands to the south have been subject to applications for development relating to commercial / industrial development therein.

Site to the southwest of subject lands, between the Old Mallow Road and the Old Whitechurch Road, has been designated for mixed use residential development of

up to 600 units and incorporates a national school. Part 8 facilitatory works were completed under the Housing Activation Fund

In the Wider Area (To the east of the site)

Ballyvolane SHD – ABP 312076-21 - Construction of 275 no. residential (205 no. houses and 70 no. apartments), creche and associated site work. Granted 25/03/202.

Banduff SHD - ABP 311819-21 (Consultation Application) – 162 residential units (74 no. houses, 88 no. apartments), creche and associated site works. ABP determination made 10/03/2022 – Is reasonable Application basis.

Previous Application – ABP Ref. No. 307373 -20 -162 no. residential units (74 no. houses, 88 no. apartments), creche and associated site works Refused 06/10/2020 for the following reason:

Cork Metropolitan Area Transport Strategy 2040 (CMATS), published by NTA in 2020 sets out an integrated transport planning policy framework for Cork with supporting investment priorities. The delivery of CMATS is a critical objective of the Regional Spatial and Economic Strategy for the Southern Region and Cork Metropolitan Area Strategy Plan, which came into effect in 2020. Critically important infrastructure identified in CMATS includes a new distributor road on the north side of Cork city, referred to as the Cork Northern Distributor Road (CNDR). The proposed development has the potential to limit route choices on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy (CMATS) and in the Cobh Municipal District Local Area Plan 2017. Pending determination of the route of the CNDR, the proposal is considered to be inconsistent with Site Specific Objective NER-13 of the Cobh Municipal District Local Area Plan 2017; is considered to be premature and inconsistent with the proper planning and sustainable development of the area.

Longview SHD - ABP Ref. 306325-20- 753 no. residential units (531 no. houses, 222 no apartments), creche and associated site works Granted 27/05/2020.

5.0 Section 5 Pre-Application Consultation -311924-21

- 5.1. A Section 5 pre-application consultation took place on the 4th of March 2022 in respect in respect of a development for the construction of 309 no. residential units (197 no. houses, 112 no. apartments), creche and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –
- Land use and Development Principle, including compliance with zoning objectives and definition of SHD.
 - Transportation and Access, including Relationship with proposed Northern Distributor Route.
 - Design and Layout, including density, open space, residential amenity.
 - Soils and potential contamination / hazards
 - Screening for EIA
 - AOB

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

- 5.2. In the Notice of Pre-Application Consultation Opinion issued on 25th March 2022 (ABP-3121429-21) An Bord Pleanála stated that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The Bord Pleanála considered that the following issues needed to be addressed in the documents that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of the status of the proposed development as a Strategic Housing Development, as defined in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, having regard to the **zoning objectives set out in the Cobh Municipal District Local Area Plan, 2017** relating to these lands.

In this regard a detailed statement of consistency and planning rationale should be provided, clearly outlining how, in the prospective applicant's opinion, the proposed development is in compliance with local zoning objectives **having specific regard to the location of elements of this residential development**

within lands zoned Public Open Space (Objective NE-O-03), and the proposed distributor road and creche on lands zoned for Industry (Objective NE-I-01) in the Cobh Municipal District LAP.

It should be noted that section 9(6)(b) of the Act provides that the Board shall not grant permission where the proposed development, or a part of it, contravenes materially the development plan or Local Area Plan relating to the area concerned, in relation to the zoning of the land.

This may require amendment to the documents and/or design proposals submitted.

2. Further consideration of the documents, and if necessary, justification for the proposed development having regard to the **Medium B Residential zoning objective relating to these lands**. In this regard the statement of consistency and planning rationale should clearly outline how, in the prospective applicant's opinion, the proposed development is in compliance with this local zoning objective.
3. Further consideration of the documents, and if necessary, justification for the proposed development having regard to the relationship of the proposed development with, and potential impact on the selection of, the **route for the proposed Cork Northern Distributor Road** which is identified in the Cork Metropolitan Area Transport Strategy 2040 (CMATS), published by NTA in 2020, as a short-term objective and as a 'critical enabler' for the strategy.
4. Further consideration, and possible amendment to the documents in respect of the **relationship of the proposed development with the Old Whitechurch Road**. Consideration should be given to the design of the junction with the proposed distributor road demonstrating that adequate sightlines can be achieved at this location. In addition, the **accommodation of pedestrian / cycle movements** from the development and from the public park to the Old Whitechurch Road, and connections to the footpath network in the area should be fully considered. This may require amendment to the documents and / or design proposals submitted.
5. Further consideration of the documents with regard to the internal street layout and in particular the function and design of the of the proposed east-west

distributor route. The application documentation should demonstrate how the proposed layout, building design and streetscapes assist in **place making, wayfinding** as well as creating a contemporary urban development with a variety of character areas.

Regard should be had to the guidance provided in the **Design Manual for Urban Roads and Streets (DMURS)** in terms of the creation of sense of place, and section 2.2.1 in particular. The Urban Design Manual – a Best Practice Guide which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) provides further guidance in this regard, including in particular criteria number 2 Connections and number 7 Layout.

5.2.1. The opinion also stated that the following specific information should be submitted with any application for permission:

A report addressing the matters raised in the report of the Urban Road and Street Design Section of Cork County Council. In addition, the application should be accompanied by the following:

1. (a) **A Travel Plan / Mobility management plan**, including details of connectivity and accessibility for future residents to Public Transport services

(b) **A Quality Audit** in accordance with Advice Note 4 of DMURS, to include a detailed Road Safety Audit.

(c) A review of the **location of the proposed childcare facility** to the south of the proposed distributor route and its accessibility for residents of the proposed development.

2. In respect of soils and excavation:

(a) An assessment and statement of the potential for the **presence of contaminated soils / materials** on the site and a method statement for the resolution of these matters, where appropriate.

(b) An assessment of the **extent of cut and fill required** across the site and a method statement for any rock breaking activity.

3. Detailed **section drawings** through the lands describing the relationship between the proposed development and adjoining residential properties (existing and permitted) and with the Old Whitechurch Road, and the treatment of existing slopes across the site. Such drawings should clearly identify and illustrate the extent of cut and fill required to facilitate the development.

4. An assessment of the **landscape and visual impacts** of the development. Such assessment shall, inter alia, identify and assess impacts on views from the Old Whitechurch Road, west of the Bride River, and the impact on the landscape and visual character of works and tree removal along the roadside boundary.

5. A tree survey and **Arboricultural Impact Assessment**, having regard, inter alia, to proposed works along the boundary with Old Whitechurch Road.

6. The application should include a comprehensive **daylight and sunlight assessment** examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified.

7. **A phasing plan** for the proposed development, which should include detail regarding the delivery of associated road and drainage infrastructure and public open spaces.

8. Site layout plans clearly identifying **the areas intended to be taken in charge** by the local authority. Specific proposals should be provided for the management of drainage / attenuation infrastructure associated with the proposed development

located within the public park.

9. A response to **the issues raised in the report of the planning authority in relation to Residential Amenity and House Design**. Drawings clearly should clearly demonstrate that a satisfactory standard of private residential amenity space is provided for each unit, with particular regard to the quality of provision to corner units in duplex blocks.

10. **A review of the relationship of the proposed development with the adjoining sports grounds and associated lands**, in order to deliver high levels of residential amenity. Matters to be considered include the layout of housing units backing onto areas of open space and car parking and the potential for improved outlook for proposed dwellings.

11. A report that specifically addresses the proposed **materials and finishes** to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.

12. **A Building Lifecycle Report** in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) guidelines which should consider external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development.

13. A **statement** as to how the proposed Strategic Housing Development has sought to comply with the principles of **Universal Design** (to encourage access and use of the development regardless of age, size, ability or disability).

14. The application should confirm that all **screening assessments** have taken **account of the full scope of works** required to facilitate the proposed development.

15. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a **statement that in the prospective applicant's opinion the proposal is consistent with the**

relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place, or likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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

- National Transport Authority
- Cork City Childcare Committee
- Irish Water
- An Taisce
- Heritage Council
- Minister for Housing, Local Government and Heritage
- Inland Fisheries Ireland

5.4. ***Applicant's Statement***

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation would require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is required.

5.4.2. I note a Statement of Response to ABP's Opinion has been submitted. I note the items raised in the Opinion have been addressed.

5.4.3. Of relevance I note A Statement of Consistency and Planning Report have been prepared by Coakley O'Neill Town Planning Ltd. and are submitted with this application. They note that since the issuing of the Board's opinion, the Cork City

Development Plan, 2022-2028 has been adopted and this new Plan will form the basis of the Board's decision on this application. The new Development Plan has changed the zoning of the site, which now reflects the proposal put forward. As such, the application is being made on lands primarily zoned for residential use with a public park to serve the residential areas proposed on open space zoned lands.

6.0 Relevant Planning Policy

6.1. Cork City Development Plan 2022-2028

**The initial stages of this SHD application were prepared in the context of the subject site being governed and regulated by the policies of both the Cork County Development Plan, 2014 and the Cobh Municipal District Local Area Plan, 2017.

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

Zoning

The site has two zoning objectives as follows:

- ZO 1 Sustainable Residential Neighbourhoods where the objective is: To protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses.

This zoning relates to the lands located at the central and southern side of the site.

- ZO 15 Public Open Space where the objective is to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas, and amenity facilities.

This zoning relates to the lands at the northern side of the site which are proposed to be developed as a riverside park.

A small area at the Delaney's GAA Club car park is zoned for sports use, while the access road to Dublin Hill is zoned residential.

6.1.1. Chapter 2 – Core Strategy

The proposed development site is also designated as a Tier 2 site, as per Figure

2.21 of the Development Plan.

Section 12.14 of the Plan explains that Tier 2 lands are serviceable zoned lands that are not currently fully serviced but have the potential to become fully serviced within the life of the Plan.

The site is in located the Northeast Suburbs of the city as set out in Fig. 2.10

City Area	Role in the Core Strategy	Some Key Sites	Key Deliverables
City Suburbs	Consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations. Prioritise walking, cycling and public transport access. Deliver uses, layouts and densities that enhance existing local character. Deliver high quality sustainable transport orientated development in combination with high frequency bus routes, the new commuter station at Blackpool (Kilbarry) and prioritised cycling and walking routes set out in CMATS.	Ballyvolane, Mahon Blackpool / Kilbarry, North-West Quarter Regeneration area, Old Whitechurch Road. Regenerate underutilised sites in existing neighbourhoods including Mayfield, Douglas, Grange, Togher and Wilton.	<ol style="list-style-type: none"> 1. Delivery of CMATS 2. Framework plans for Blackpool / Kilbarry, Ballyvolane, and Douglas. 3. Action plans for Neighbourhood Development Sites. 4. New City Parks in the Northeast and Northwest suburbs.

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

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

Objective 2.17 Neighbourhood Design- *The design and siting of development*

shall create a sense of community and identity, enhance connectivity, incorporate creative approaches to urban design, enhance landscape character and green and blue infrastructure and respect the local context and character of the area.

- 6.1.2. The subject site is located in **Inner Urban Suburb, “North Blackpool”**, described in section 11.38 as follows: *The northern extension of the N20 corridor beyond Blackpool encompassing the industrial area north of the centre and the residential areas on the western side of the N20.*

This Inner Urban Suburb is identified as being suitable for **densities of 40-100 units/ha and heights of 3-5 storeys.**

Residential density is also addressed in Chapter 3 of the Development Plan. **Paragraph 3.24 states:** *Greenfield sites will need to be developed to densities that reflect their suitability for urban density. This will require a step-change in the urban density of schemes being proposed. As a general rule the minimum density shall be 35 dwellings per hectare (net density), excluding one-off houses.*

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

Section 3.25 states that *‘Greenfield sites will need to be developed to densities that reflect their suitability for urban density. This will require a step-change in the urban density of schemes being proposed. As a general rule the minimum density shall be 35 dwellings per hectare (net density), excluding one-off houses’.*

Objective 3.1 - **Planning for Sustainable Neighbourhoods**

Objective 3.3 - **New Housing Supply**

Objective 3.4 – **Compact Growth**

Objective 3.5 – **Residential Density**

Objective 3.6 - **Housing Mix**

Objective 3.21 – **Childcare Facilities**

Objective 3.29 – **Neighbourhood Recreation Amenity**

- 6.1.4. **Chapter 4 – Transport and Mobility**

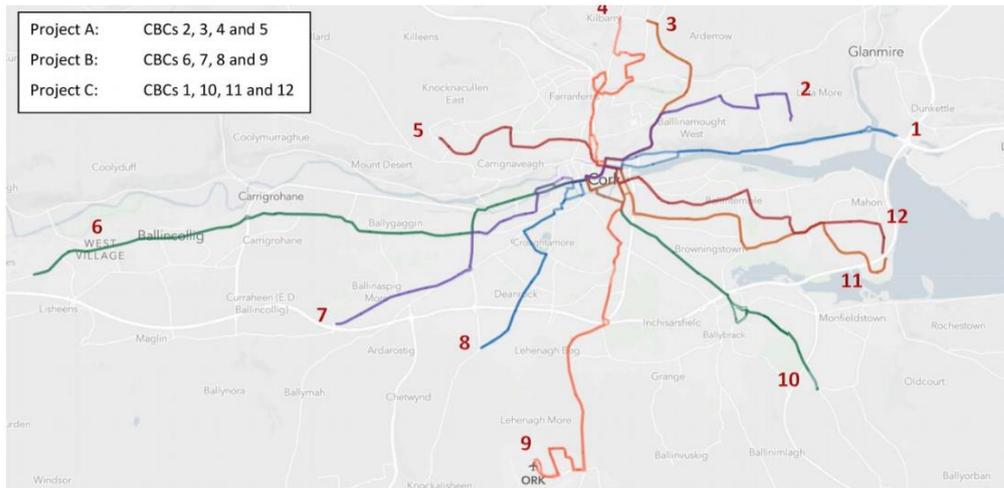


Figure 4.4: Core bus network map and routes.

Table 4.5: Core Bus Corridor Routes.

Core Bus Corridor Number	Route
CBC 1	Dunkettle to City Centre via Tivoli and Kent Station.
CBC 2	East of Mayfield to City Centre via Montenotte.
CBC 3	Ballyvolane to City Centre via Montenotte.
CBC 4	North of Dublin Hill to City Centre via Blackpool.

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

Table 4.6: Car Parking Zones.

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

City Scale Green and Blue Infrastructure Opportunities – No. 18 -To establish the **Glenamought River Valley Park** as a key green and blue infrastructure asset by safeguarding and enhancing its function as a linear wildlife corridor and riverside

amenity. Development within this area shall safeguard access to the riverside, protect biodiversity and preserve this ecological and visually sensitive asset. Consideration will be given to existing historic, cultural and social landmarks and their integration into any enhanced future riverside park.

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

Objective 6.22 Natural Heritage and Biodiversity

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

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

The site is located in the Blackpool Kilbarry Expansion Area. The following City Development Plan objectives for this area are set out below:

- **Objective 10.78 Blackpool Kilbarry Expansion Area** - *To support the compact growth and development of Blackpool/Kilbarry Expansion Area as a strategic City expansion area, as identified in the Core Strategy. All development shall be designed, **planned and delivered in a co-ordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.***

Objective 10.79 Blackpool / Kilbarry Framework Plan - *Cork City Council will produce a Framework Plan for the development of the Blackpool / Kilbarry area. The coordinated provision of services, infrastructure, mix of land uses, transport and mobility, quality urban design and development will form part of the overall framework.*

- **Objective 10.80 Blackpool Neighbourhood Centre Regeneration Plan** - *Cork City Council will produce a Plan for the regeneration of the Blackpool Neighbourhood Centre. The coordinated provision of services, infrastructure, mix of*

land uses, transport and mobility, quality urban design and public realm development will form part of the overall framework.

• **Objective 10.81 Blackpool / Kilbarry Development Objectives**

a. To create a high quality, vibrant, distinct and accessible mixed-use urban centre in Blackpool, serving as an attractive northern gateway to the City and a desirable destination for northside suburban communities, encompassing a mix of retail, employment, residential, community and recreational uses.

b. To facilitate the development of an integrated public transport interchange centred on the creation of a new commuter rail service and connecting bus services. To encourage and support sustainable residential and employment development in the Kilbarry area along with upgrades in public transport and roads infrastructure.

c. To respect and enhance the built heritage and architectural character of the area, through the creation of a high-quality public realm and high standards of building design.

d. To preserve and enhance the sensitive and distinct landscape, visual character and biodiversity of the area and in turn provide for recreational uses, open space and amenity facilities.

Objective 10.95 -Kilbarry -The sites in Kilbarry that are **zoned Tier 2 Residential** and designated as Longer-Term Strategic Development will be master planned to accommodate housing and have regard for and integrate the amenity, heritage and social history of the area, in particular Murphy's Rock.

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

Chapter 11 Placemaking and Managing Development.

- Table 11.2 requires a target range of density of between 40 and 60 units per hectare.
- Table 11.8 sets out the City Suburb dwelling size mix.
- Table 11.13 sets out the maximum car parking standards for new development.

- Section 11.91 sets out qualitative standards for apartments.
- Section 11.224 - All development proposals are expected to:
 1. Avoid, or as a last resort satisfactorily mitigate, adverse impacts on existing designated and non-designated habitats.

Chapter 12 land Use Zoning Objectives

6.2. **CMATS**

The CMATS sets out the overarching transport objectives and policies for Cork Metropolitan area, in this context the subject site is strategically located with access to the planned Cork Northern Distributor Multi-Modal Route, for orbital movement for bus, pedestrian, cycle and some strategic and/or general traffic thereby reducing reliance on radial routes through Cork City Centre and Kilbarry railway station, CMATS states:

The over-arching objective of the enhanced suburban rail services is to maximise development opportunities offered by the existing railway line in order to support a greater level of coordination between land use and transport planning. The consolidation of development within an easily walkable and cyclable catchment area of existing and proposed stations is critical to the success (or otherwise) of this Strategy.

6.3. **Cork City Green and Blue Infrastructure Study April 2022**

Glenamought River Valley Park, includes objectives to:

- Ensure emerging residential master planning proposals for the Tier 1 residentially zoned lands / north of City North Business Park are sensitive to the visual and natural amenity of the Glenamought River Valley;
- Retain and enhance access to the riverside to increase the public amenity value of the river valley;
- Enhance and protect natural habitats along Glenamought River, including the wetlands of Murphy's Rock.

6.4. **National Planning Framework**

The National Planning Framework 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 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.

6.5. Section 28 Ministerial Guidelines

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

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

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

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

<p>City - Centre</p> <p>The city centres of Dublin and Cork, comprising the city core and immediately surrounding neighbourhoods⁶, are the most central and accessible urban locations nationally with the greatest intensity of land uses, including higher order employment, recreation, cultural, education, commercial and retail uses. It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centres of Dublin and Cork.</p>
<p>City - Urban Neighbourhoods</p> <p>The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations⁷, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) - all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.</p>
<p>City - Suburban/Urban Extension</p> <p>Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development⁸. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).</p>

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

Section 3.4 relates to **Refining Density**

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

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

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses
- Policy and Objective 5.1 - Public Open
- SPPR 3 - Car Parking
- SPPR 4 - Cycle Parking and Storage

Other relevant Section 28 Guidelines

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

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

- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).

- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines').

6.6. **Applicants Statement of Consistency**

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal

is consistent with the policies and objectives of section 28 guidelines and the Cork City Development Plan 2022-2028 and other regional and national planning policies. This has been examined and noted.

6.7. **Material Contravention Statement**

The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Cork City Development Plan 2022-2028 in relation to– Density – table 11.2 , Dwelling Size Mix – table 11.8, and Car Parking Provision -table 11.3. The statement is summarised below: -

6.7.1. **Table 11.2– Density**

6.7.1.1. Residential densities are set out in Table 11.2 in the Plan. Densities are expressed in terms of target minimums and maximums for the constituent areas of the City. The target density for north Blackpool is between 40 and 100 units per hectare. The proposed development has a stated density of 38.77 units per hectare.

6.7.1.2. The applicant contends that in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the site can be considered an outer suburban/greenfield site, as recognised in Figure 2.2 of the CDP. A target of between 35-50 units per hectare is set out in the Guidelines for locations such as this, with which the proposed density of 38.77 units per hectare is fully compliant.

6.7.2. **Table 11.8 - Dwelling Size Mix**

6.7.2.1. In terms of dwelling mix, the provision of 3-bedroom units is in excess of the standards set out in Table 11.8 a maximum of 38% for 3-bedroom units as set out below:

The proposed housing mix does not align with that set out in the Plan as illustrated in Table 1 below:

Unit	Max % Mix	Target % Mix	Proposed Mix
1 bedroom	25%	20%	12.85%
2 bedroom	40%	34%	38.56%
3 bedroom	38%	28%	40.75%
4 bedroom / Larger	15%	8%	7.84%

Table 1: Proposed Housing Mix compared to the maximum/target mix of the Plan

- 6.7.3. The proposed number of 3-bed units marginally exceeds the maximum set out in the Plan. The percentage exceedance of 2.75% equates to between 8 to 9 residential units. In the context of the overall scheme and the scale and extent of development in the immediate area and across the northside of the city, this exceedance is not considered material or significant. However, on the basis that a material contravention of the Plan may occur.
- 6.7.3.1. The applicant contends that development in accordance with national, regional and government policies as regards compact growth and in order to achieve the ambitious regional growth targets set for Cork, it is paramount that proposals such as the subject proposed development are facilitated through the planning process.
- 6.7.3.2. It is recognised that the proposed mix would not be consistent with Table 11.8 of the Development Plan requirements.
- 6.7.3.3. However, should the Board consider that a shortfall in unit mix is not appropriate, and therefore a material contravention arises, the Board is empowered to, and should, decide to grant permission for the proposed development pursuant to the provisions of Section 37(2)(b) of the Planning and Development Act 2000, as amended.
- 6.7.4. **Car Parking Provision - Table 11.3**
- 6.7.4.1. The total no. of car parking spaces proposed is 534 including 12 no. for creche. The MC statement states that the subject site is located in Zone 2. Table 11.3 of the Plan applies and as a result the following maximum car parking standards apply:
- Residential (1-2 bedroom) – 1 space per unit
 - Residential (3-3+ bedroom) – 2 spaces per unit
 - Crèche – 1 space per 6 students
- 6.7.4.2. The proposed development provides 48no. car parking spaces over the maximum standard of the Plan.
- 6.7.4.3. It is considered that the car parking standards for Zone 2 are predicated on the availability of mass transit. It is acknowledged that there is an existing high-frequency bus service in the vicinity of the proposed development, however, the

planned BusConnects service is not yet in place. Pending the provision of the BusConnects service, it is submitted that the proposed 534no. car parking spaces is an appropriate level of car parking in the context of the proposed housing mix including 155no. 3 and 4 bed-units, representing 48.5% of the overall mix. It is further noted that of the 2-bed units proposed, 50no. (41%) are houses, where 2no. parking spaces would typically be provided. It is generally the provision of 2no. car parking spaces for the 50no. proposed houses where the surplus of 48no. car parking arises.

6.7.4.4. It is also noted that the proposed development provides cycle parking (124no. spaces) in excess of the Plan standard.

6.7.4.5. The level of car parking provision is considered appropriate in the context of the site's location and public transport accessibility, and the Board is empowered to, and should, decide to grant permission for the proposed development pursuant to the provisions of Section 37(2)(b) of the Planning and Development Act 2000, as amended.

6.7.5. **Justification For Material Contravention in Context of Section 37(2)(B) Criteria**

6.7.5.1. The Material Contravention Statement details policies and objectives in the National Planning Framework, Regional Spatial and Economic Strategy for the Southern Assembly, Housing For All, 2021, the Apartment Guidelines 2020 and Sustainable Residential Developments in Urban Areas 2009 and considers deviation from the Development Plan relation to Density, Dwelling Size Mix, and Car Parking Provision minor and not material.

6.7.5.2. It is stated that the proposed development is of strategic importance for the social, cultural, and economic prosperity of the northern suburbs of Cork city, as well as the wider Cork Metropolitan Area generally. It is argued that the proposed strategic housing development will contribute to the densification and compact growth of Cork and will assist in delivering increased population in the City, in line with National Policy Objective 1b, and National Policy Objective 3b of the NPF. As illustrated in Table 2.1 of the NPF, of the regional cities outside Dublin, Cork is expected to grow the most, by up to 125,000 people to 2040.

6.7.5.3. If the Board considers that a material contravention may arise there is sufficient justification for the material contravention of the Development Plan.

7.0 **Third Party Submissions**

7.1. 21 no. were received. The concerns raised are summarised below: -

Principle of Development

- Urgent need for housing in Ireland acknowledged.
- Location removed and isolated from the community, public transport links and difficult to access by walking and cycling.
- Until recently the lands were not part of the city with dwellings of 05.-3 per hectare – the moving of the county bounds does not make them ‘inner urban’.
- City sprawl is not in keeping with guidelines under the NPD and the RSES or the 15-minute city adopted by Cork City Council plan.
- Negative impact on social, cultural and placemaking values of existing communities.
- Concerns were raised that the development is using the debt for Pairc Ui Chaoimh as a reason to fast track this planning.
- Failure to deliver these homes at an affordable rate will not be in line with the ethos of the GAA organisation.

Compliance with Development Plan

- Proposal encroaches into lands zoned open and recreational space and in high value landscape area as designated in the Cork County Development.
- Proposed development is below the minimum density allowed anywhere in the city and the amount of parking provided is above the maximum allowed in the city development plan.
- Planned roads have not been considered in the development plans.
- Development does not comply with the housing mix targets.
- Does not accord with recent proposal to extend the ‘Blue and Greenway’ along

the area adjacent to Glenamought Tributary

Design and Layout

- Size, scale and density too big for area
- Apartments and duplex units at odds with rest of the area
- and will visually pollute the area.
- Development should consist of houses which are consistent with current environment.
- Studios and one-bedroom apartments do not constitute lifetime adaptable homes.
- Design restricts access by fire appliances.
- Height of buildings a concern because of stability of the ground

Traffic and Transport

- Development will create a car dependent isolated community.
- All construction traffic will have to pass through residential areas because of low bridge creating an unacceptable risk to residents.
- Concerns that the Bridge needs to be serviced by engineers to accommodate access.
- Within 2km there are already 4 other developments underway which will add 4,000 units many of which will lead to the Old Whitechurch Road
- No cycle lane, no bus comes up the Old Whitechurch Road so there is no option but to drive. Only a narrow footpath on one side of the Old Whitechurch Road
- Area completely congested at peak time from the Blackpool retail park.
- Sightlines inadequate on Whitechurch Road - Entrance is on a severe bend at the top of a hill.
- Noise chapter of EIAR queried – specifically that there will be no increase in noise pollution from predicted 2,707 traffic movements.

- Notes that there will be a 54.2 dB total sound levels in the Whitechurch Road area, exceeding the 53 dB WHO limit.
- Recommends denying access to site from the Whitechurch Road
- Connectivity between subject site and large City Council residential development at Old Whitechurch Road will impact on safety of existing residents.
- Connectivity east to west will create a rat run for HGV, LGV etc.
- Closest bus stop at 1 km the bus is not used by the young or elderly because the return walk to the Old Whitechurch Road is via a severe 1 km walk up hill.
- There is a lack of educational infrastructure and a lack of employment opportunities in the area which exacerbate the use of private cars.
- Cyclist safety issues are not addressed.
- Safety of vehicles parked in front of residences on the Old Whitechurch Road queried Old Whitechurch Road is outdated and not suitable for traffic to come.
- Access from Old Whitechurch road was never an official entrance. It was opened in the 1970's to get material to the club.

Natural Heritage and Biodiversity

- Impact on river valley area of outstanding beauty and wildlife refuge
- The site is the highest recreational and nature value area within the community.
- Flood risk assessment recommends fencing along site boundary adjacent to the river which will restrict local wildlife.
- Development on this site poses significant risks to water bodies and will impact on meeting the requirements of the river Basin management Plan and Water Framework Directive
- The protection of wildlife is not sufficient despite the presence of many species in the area that are governed by the Wildlife Act, the Birds Directive and the Habitats Directive

- Aside from some efforts regarding the Marsh Fritillary butterfly habitat no measures are proposed to ensure no net loss of biodiversity in the area.
- Regarding Marsh Fritillary -survey undertaken too early. If undertaken in August when caterpillars are more abundant and easier find – survey should be repeated in 2023.
- One detailed submission set out the importance of the subject lands as having waxcap grassland and fungi of national and global conservation significant.
- This site is in the most isolated location on the top of the plateau, it will therefore have significant light trespass and glare impacts down the valley which will result in negative impacts on light sensitive species such as moths, bats and invertebrates.
- The drilling, the compaction, soil movement and remodelling of site levels deemed necessary for such a development will have significant impacts on the geological and hydrogeological environments.
- Design should include biodiversity areas so those living in housing to have connection to environment.
- Impact of surface water runoff on northern part of the Glenamought as it is likely that Otters use the river system.
- River margin should be biodiversity area / riparian zones, not just for locals to sit and enjoy, but to limit disturbance to otters, birds and aquatic life.
- Impact on bats needs further consideration.
- Care required during construction regarding run-off and disturbance and should be monitored.
- There are insufficient details available of how the Development will protect the ecology of the sloping area beside the Tributary which has been described as a fen and an important habitat for a vast array of endangered and protected species.

- Development should include sustainable management e.g. renewable energy, reuse of storm water etc.
- Impact on Glenamought river has not been assessed.
- Birds Protective Sites SPA European Union Directive has not been addressed in the application.
- Habitats Directive European Union: new guidance on protected species has not been ad-dressed in the application.
- Surface water and Sewage system has not been addressed in relation to Habitats Directive European Union
- Contrary to the target actions and policies of the NPWS
- Objection based on cumulative effect proposal will have with the LIHAF development to flood risk, air and noise pollution and insufficient sampling of illegally dumped material on site.
- The EIAR does not include a review of the flood prevention proposals made by Cork City Council regarding the Bride River and Glenamought River
- There is a River Bride Drainage scheme and LAWPRO restoration proposals are not mentioned in the EIAR.
- The proposed attenuation tank and head wall do not comply with the recommendations from Inland Fisheries Ireland to Cork City Council
- Proposal contravenes Inland Fisheries guidelines for riparian zones to protect rivers and streams, especially in city areas.
- The EIAR does not include a review of the habitat for salmonids in the Glenamought.

Contamination / Dumping

- 350,000 tonnes of noxious waste needs to be removed from the site before planning application is approved.

- Waste came from the construction of the N20 in the late 1980s and early 1990s which included the demolition of flats.
- Remove waste dumped on site as instructed by EU Commission
- A Freedom of Information Act request has been made to the NRA regarding the dumping.
- Waste has never been removed despite the requests of local residents and the European Commission ruling.
- Copy of 2004 Irish Examiner article regarding dumping provided.
- Samples tested were insufficient to assess the illegally dumped material on site.

Recreation

- Lands were previously used as a playing pitch and recreational area for decades (prior to 2004)
- Development will be built on existing public rights of way.
- Part of proposed development will remove land from current public use and remove recreational playing fields from public use.
- Lands should be retained as community recreational and playing fields.
- This area needs to be remediated and the site restored to sport and recreational lands as they existed prior to the illegal dumping.
- The only green belt in Cork's Northside
- The area should be maintained as a nature reserve for the benefit of the entire community.
- The proposed amenity area is on a steep slope which will be inaccessible to parents with small children and buggies or wheelchairs and will not be accessible to the general public, therefore cannot refer to itself as an amenity area.
- Fenced area around river queried.
- No consideration given to protective measures for the fish and other macro and micro invertebrates in the river Bride nor the Glenamought Rivers

- Role of mature trees to provide shade in time of excessive heat ignored • Removal of a site for ecological awareness education.
- The loss of a site for ecological awareness education and skill development by local scout groups and schools
- Riverside Park needs to be fenced as it leads to submitter's house on safety grounds Pathways should be done sensitively and with biodiversity and landscape in mind using natural materials.

Residential Amenity

- Development with directly overlook private gardens and homes.
- High rise buildings will remove privacy enjoyed by local residents.
- High rise buildings will remove access to satellite communications to certain residents.
- Creche noise will impact on amenity of residents where predicted noise level of 48dB at the nearest dwelling, presumes that residents will not use their back gardens.
- Mitigation measures are inadequate and unsightly.
- Creche should be relocated nearer to Delaney's GAA Fields
- Fence at creche not appropriate
- metre high palisade fencing requested for adjoining residential sites.
- Existing ditch and hedge not to be damaged when palisade fence put in.
- Existing dwellings on the Old Whitechurch road will be overlooked and sightline of the prevailing countryside will be lost to residents.
- The northside of Cork City continues to rank significantly on the deprivation index and the work of Cork Healthy Cities highlights the need to consider the social determinants of health in planning in the city.
- There is no technical data supplied in an EIS as to how the flood lighting from adjoining pitches will be mitigated.

- Density of the proposed housing development without adequate local infrastructure to cater for the population bloom that will accompany the development.

Built Heritage

- Impact on buildings of historical importance and archaeological sites
- Demolition of hurling factory and 6 cottages not mentioned in planning application.

Flooding and other Risks

- Fencing adjacent to the river could contribute to flooding if it becomes blocked by debris, impeding the flow of water.
- No mention is made, in the flood risk assessment, of the proposed River Bride (Blackpool) Flood / Drainage Scheme
- Flood risk assessment submitted incorrectly refers to the Glenamought Stream as the River Bride
- Thoroughness of flood risk assessment queried.
- Concerns regarding downstream impacts, where there have been five occasions of flooding in the last 20 years.
- Concerns regarding risk of a landside

Water Infrastructure

- There are serious shortcomings in respect of water supply and wastewater services.
- Impact of run off from development with no green areas at times of sudden and torrential rain queried.
- Total flows (Foul and Surface) not included in the EIA.
- Concern raised regarding impact of development upon adjacent well water.

Procedural Issue

- List of applications is not kept up to date on the Board's website contrary to

Aarhus Convention principle of Access to Information

- Deeds for land transfer restrict use to sports.
- Loss of an established right of way to a long held public amenity.
- It should be mandatory practice to include consultation with local communities who are impacted by proposed works, particularly when the normal planning process is restricted.

8.0 **Planning Authority Submission**

8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 29th of August 2022. The report includes a summary of the pre-planning history, statutory context, site location and description, third-party submissions and prescribed bodies, relevant planning history, the proposed development, internal reports and policy context.

The views of the elected members presented at on-line meeting held on 9th August 2022 are summarised as follows: Oral Hearing called for, Proximity of Murphy's Rock raised and the impact, five storeys too high, density too high, consideration of retention of old ruined factory, Environmental concerns from previous disposal of potentially toxic waste on site, capacity of road infrastructure, Potential flood risk in Blackpool for development upstream Glenamought River.

Reports from the Area Engineer • City Architect • Drainage • Environment • Heritage Officer • Housing Directorate – Part V • Infrastructure Development • Parks and Recreation • Planning Policy • Traffic Operations • Urban Roads and Street Design (Planning) have also been provided.

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

8.2.1. The report notes that the CE Report will focus primarily on what are considered the key issues for the assessment of this application. The report addresses the key issues arising as set out in the Executive Summary in Cork City Council's Submission to the Board (ABP Ref. No. 311924) before assessing the application

against the newly implemented Cork City Development Plan 2022 and addressing other matters arising from our assessment of the proposed development.

Cork Northern Distributor Road (CNDR) and Ballyhooley to Kilcully Road

- The Infrastructure Development Report, which is attached here in Appendix B, indicates that the preferred route for the CNDR abuts the proposed development site. It is noted that the CNDR has not been finalised and there is no set timeframe for its delivery.

Compliance with Zoning Objectives of Cork City Development Plan 2022 (CCDP)

- The proposed development accords with the zoning objectives of the current Cork City Development Plan 2022.

Compliance with other Objectives of the CCDP

- Regarding the Statement of Material Contravention submitted the Planning Policy Report concludes that the lower density proposed and the excess of three-bedroom units are marginal and not considered to be significant. It is noted that the Traffic Regulation & Safety Report states that the proposed car parking provision is in accordance with the new CCDP. However, the report states that as per the applicants Statement of Material Contravention, there will be an over provision as set out in the Planning Policy Report.

Roads, Traffic and Transportation Related Issues

- The Urban Roads & Street Design Report raises concerns regards compliance with the Design Manual for Urban Roads & Streets (DMURS). The DMURS document failed to carry out the actual requirements of the manual or even the spirit of the manual which is to create well designed streets at the heart of sustainable communities and to balance the needs of all users. The Quality Audit is a check to promote best practice design solutions. The development contains multiple design features that promote car as the dominant transport mode. The development would require a substantial revision to the layout that is supportive to promoting and prioritising sustainable modes over vehicle trips. The report concludes that in the absence of a Quality Audit the development is somewhat premature as there is insufficient information to support a grant of

permission.

- It is noted that there is no plan to provide a bus service on the Old Whitechurch Road. The closest bus service proposed is on Dublin Hill, access to which is via a privately owned road serving industrially zoned lands to the southeast of the site. No improvements are proposed to the most easterly section of this road. Given the low quality of this access it is considered that residents are unlikely to feel safe walking this way to access public transport. If they do then the most frequent bus will be the 21 UCC to Dublin Hill / Ballyvolane Loop, an hourly service.

Environmental Assessment

- Regarding the EIAR The timing of surveys undertaken has been queried, particularly the survey for the Marsh Fritillary (An Annex II species). The Heritage Officer's Report highlighted concerns regarding the lack of any detail in the EIAR regarding the fungal habitats on site.
- The Parks and Recreation Report highlights concerns regarding the lack of detail in the tree survey provided and boundary treatments. It concludes that, in the absence of a landscape analysis of the entire site, ecological and biodiversity surveys the proposed development is premature and cannot be assessed in full to determine the impact it will have on this sensitive rural environment.
- The Drainage Report commenting on the Flood Risk Assessment (FRA), highlights an additional inconsistency. Regarding the proposal to provide a fence at the boundary of the site to prevent any access to the watercourse there is no mention of the potential impact of this fence on existing ecology, or movement patterns of existing animals (e.g. otters, badgers, foxes etc.) in the EIAR submitted. Secondly, blockage of the spacings in the fence would also prevent the river from mobilising the adjacent storage areas in the event of a flood event, hence, increasing downstream flood risk, hence, failing the justification test. Lastly, no details of this fence submitted.

Public Open Space

- The Parks and Recreation Report states that overall public open space and amenity lands account for over 45% of the site and this is welcome.
- The absence of usable public open space as highlighted in the Parks and Recreation Report would normally require the submission of revised plans. It is considered that, when combined with the concerns regarding internal layout and compliance with DMURS as highlighted in the Urban Roads & Street Design Report, a redesign of the proposed development is required.

Design

- City Architect notes the urban design terms, the overall layout of the streets, public green spaces enclosed by urban blocks of terraced houses and duplex apartments.
- The report request changes to the proposed apartment blocks with additional landscaping along with alterations to the roof and windows.
- It is noted that there do not appear to be any plans showing terrace configuration. Further it is unclear whether plans for mirrored dwellings (for instance house type B which appears at both ends of terraces) have been provided.

Housing

- A condition should be attached to any grant of permission requiring that the applicant enter into agreement for the provision of social housing on site.

Other Issues

- As per the concerns raised by the Elected Members and in third party submissions is considered appropriate to request that the Board, in their assessment of the proposed development, be cognisant of the following matters.
- Contamination – that the Board is satisfied that, subject to any additional testing required by condition, due consideration is given to the presence of construction / other waste on the subject site in order to ensure the safety of future residents.
- Landslide Potential – that the Board is satisfied that the proposed development

will not give rise to landslide.

Conclusion

The planning authority recommends refusal for the following reasons:

1. Having regard to the relevant provisions of the Cork City Development Plan 2022-2028, including Strategic Objective 03 Transport and Mobility, which promotes integrated land use and transportation planning to increase active travel, it is considered that the development as proposed due to, the lack of usable public open space, non-compliance with key principles set out in the Design Manual for Urban Roads and Streets and the over provision of car parking proposed, which is in excess of the maximum set out in Table 11.3 of the Cork City Development Plan, does not accord with the proper planning and sustainable development of the area.
 2. The applicant has not demonstrated, to the satisfaction of the Planning Authority, that the proposed development will not impact negatively upon the environment. The documentation submitted with the application has failed to comprehensively assess the impact of the proposed development upon the receiving environment and in particular upon protected and at risk species including the Marsh Fritillary, an Annex II species, and rare fungi. Accordingly, the proposed development does not accord with the proper planning and sustainable development of the area.
- 8.2.2. CCC also recommends 69 no. conditions to be applied in the event that the Board decides to grant permission, including:
- Condition no .2 relates to full set of house type plans.
- Condition no. 3 relates to revised apartment design.
- Condition nos. 9- 17 relate to **Heritage**.
- Condition nos. 18 – 26 relate to **Urban Road and Street Design** Conditions.
- Condition nos. 27 – 34 relate to **Traffic Regulation and Safety** Conditions.
- Condition nos. 35 – 48 relate to **Drainage** Conditions.

Condition nos. 49 – 61 relate to **Area Engineer** Conditions.

Condition nos. 62 – 69 relate to **Environment** Conditions.

Condition no. 68 relates to Irish Water

Condition no. 69 relates to Inland Fisheries Ireland

9.0 **Prescribed Bodies**

9.1. **Uisce Eireann** (Report dated 8th August 2022)

In respect of Wastewater:

In order to facilitate the wastewater connection, it will be required to upgrade approximately 150m of foul sewer on the Whitechurch road from 225mm to 300mm at a minimum. It is likely that further upgrades will be required downstream. Irish Water currently have an ongoing project (Cork City DAP Stage 3) to survey and model the sewer networks in the Cork City area to confirm the available capacity and to determine the full extent of any upgrades. Full details of upgrades necessary will be available at end of 2022 (subject to change). Please note, the solution delivery is not currently on IW Capital Investment Plan and therefore the applicant will be required to fund these works as part of a Connection Agreement. Irish Water does not expect consents to be required for the delivery of this solution.

In the interim, a first phase of 100 housing units could be facilitated without any sewer upgrade requirements.

In respect of Water:

In order to facilitate a water connection for this development proposal a local upgrading approx. 750m of watermain on the Whitechurch road to 250mm is 2 Uisce Éireann Irish Water required. The applicant will be required to fund this extension as part of a connection agreement which is expected to be within the public domain.

Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected

in the applicants Design Submission. A Statement of Design Acceptance was issued by Irish Water on 27th June 2022

Planning Recommendation:

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

9.2. **Inland Fisheries Ireland (IFI)** (Report dated 15th July 2022)

- Site is adjacent to and upslope of Glenamought River, a salmonid water
- Potential for significant solids contaminated runoff at construction phase
- Intention of developer to retain wet meadow and woodland habitats closest to the river noted
- Habitats have potential to provide the river with significant buffering
- 4 no. conditions recommended

Based on IW's indications the IFI contend that it would be premature to construct any more than 100 units on site until such time as the sewer pipe network necessary for the remaining 219 units is installed. The IFI requests that IW confirm that there is sufficient capacity within the wastewater treatment plan.

10.0 **Oral Hearing Request**

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

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

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

11.0 **Assessment**

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

- Principle of Development
- Design Strategy
- Residential Amenity
- Site Services, Surface Water and Flooding
- Transport, Parking, Pedestrian/Cycle Facilities, DMURS
- Material Contravention
- CE Report
- Other Issues

NOTE: The applicant has submitted a Material Contravention Statement in relation to (i) Density – table 11.2, (ii) Dwelling Size Mix – table 11.8 and (iii) Car Parking Provision -table 11.3. The relevant technical matters and related development plan

policies and objectives are addressed in each section, with the details of Material Contravention dealt with separately below.

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

* I note the 2022 Apartment Guidelines are consistent with the 2020 Apartment Guidelines with the exception that the updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development and not applicable to this application.

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

11.2. Principle of Development

Proposed Development

11.2.1. The proposed development comprises the demolition of a disused hurley manufacturing factory and the construction of 319 no. residential dwellings comprising of:

- 85no. semi-detached units (comprising of 17no. 4-bed units and 68no. 3-bed units),
- 118no. terraced units (comprising of 8no. 4-bed units, 60no. 3-bed units and 50no. 2-bed units),
- 53no. duplex units (comprising of 26no. 1-bed units, 25no. 2-bed units and 2no. 3-bed units) and
- 63no. apartments (in 3no. part 4-storey and part 5-storey blocks and comprising 15no. 1-bed units and 48no. 2-bed units).

The development also includes the provision of a crèche facility (519sqm) as well as the provision of a riverside amenity park.

Zoning

11.2.2. With regard to the overall principle of the proposed development, it is of relevance

in the first instance to note that the residential part of the proposed development is on lands zoned ZO 01 *Sustainable Residential Neighbourhoods* which has the following objective: “To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.” The northern part of the site, where the public park is proposed, is zoned as ZO 15 *Public Open Space*, which has the following objective: “To protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.

11.2.3. Of relevance I note that the applicant sets out that the site is identified as Tier 2 land in the Development Plan. However, a review of Figure 2.21 *Growth Strategy Map* of the Development Plan identified that the site is identified as a City Expansion Area with the north of the site identified a Tier 1 in line with Compact Growth. The site is therefore not a Tier 2 site.

Urban Sprawl

11.2.4. I note the observers raise concerns are regards urban sprawl and that recent changes to the city/county boundary does not make the lands ‘inner urban’. In this regard I note the expansion of the city is catered for in the City Development Plan in line with the principles of the National Planning Framework which sets significant growth targets for Cork City. By 2040, it is planned that Cork will be a city of international scale offering residents of the region a broader range of services and opportunities and supporting continued public and private sector investment. Regarding reference made to the development exceeding the yield identified in RSES for housing in this area. The expansion of the city in a sustainable manner is a consequence of planned future growth and is quantified in Chapter 2 – Core Strategy of the Plan and the associated zoning provisions having regard to the national hierarchy of plans including the NPF and Southern RSES.

11.2.5. Furthermore, the City Plan provides for the protection of the rural hinterland through various objectives within the Plan. Section 2.58 of the City Plan relates to City Hinterland Strategy and Objective 2.36 *Managing the Hinterland* which states that ‘any development proposals in the remainder of the hinterland will be closely managed to protect against unnecessary and unplanned urban sprawl’. This is

reinforced by the ZO 20 City Hinterland zoning where the objective is '*To protect and improve rural amenity and provide for the development of agriculture*'. Therefore, I am satisfied that the development does not represent inappropriate urban sprawl.

11.2.6. Concerns were raised that the development encroaches into lands zoned for open and recreational space. I note the residential element of the scheme is solely located on lands zoned ZO 01 - Sustainable Residential Neighbourhoods as per the Cork City Development Plan 2022-2028.

11.2.7. Therefore, having considered the available information, including the site context, I am satisfied that the overall principle of residential development with associated uses is considered in accordance with the zoning objectives. I note the CE report raised no concerns in this regard.

Density

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

11.2.9. The net developable area of the subject site is 8.229ha. On this basis, and considering that 319no. units are proposed, the corresponding density is 38.77units/ha. Section 3.25 of the Development Plan addresses residential density and states that Greenfield sites will need to be developed to densities that reflect their suitability for urban density. This will require a step-change in the urban density of schemes being proposed. As a general rule the minimum density shall be 35 dwellings per hectare (net density), excluding one-off houses. Residential densities are further set out in Table 11.2 of the Plan. Densities are expressed in terms of target minimums and maximums for the constituent areas of the City. The target density for north Blackpool is between 40 and 100 units per hectare. As set out the proposed development has a stated density of 38.77 units per hectare. I note the CE report considers the density consistent acceptable and the shortfall minor and

not material. I would agree and not that the density is in line with Section 3.25 of the Plan.

- 11.2.10. I draw the Boards attention to the recently published Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which set out that it is a policy and objective of the Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations as defined in Table 3.8 which includes planned public transport’ and services identified in a Metropolitan Area Transport Strategy for the five cities.
- 11.2.11. As regards the ‘accessible’ suburban / urban extension location, Cork City Council, in association with the NTA, are in the process of developing, and appraising options for Cork Northern Distributer Multi-modal Route (CNDMR). CNDMR forms part of the Cork Metropolitan Area Transport Strategy (CMATS) and is identified in CMATS as a critical enabler for access to planned development lands in the northside of the city. The preferred route option, which is currently under consideration, abuts the North-East corner of the proposed development site. A review of Cork City Council website on 27/3/2024 sets out that ‘the route selection and associated reports are expected to be completed in Q3 2024’. However, an assessment of the documents received as part of this planning application by the Infrastructure Development Directorate of CCC would indicate that the proposed SHD development while very close to the preferred route for CNDMR, would not prejudice the future delivery of the CNDR based on the emerging preferred route selected. The proposed development is also located within close (c. 1km) proximity to the proposed Kilbarry/Blackpool train station/transport hub is compatible with the main aims as set out in the CMATS.
- 11.2.12. Of relevance Bus Connects Cork (<https://busconnects.ie/busconnects-cork/>) is a live project and a redesigned bus network was published in June 2022. Frequency and demand for services is reviewed by the NTA on an ongoing basis and increased frequency can be provided as demand increases as such the site will support the delivery of such services by building capacity. The nearest Bus Routes on the new

network serving the proposed development are Route 52 – Carrignavar/Whitechurch to Cork Bus Station – frequency 120 mins and Route 21 – UCC to Dublin Hill/Ballyvolane (2-way loop) – frequency 60 mins. It is noted that the above bus routes are both low frequency routes at this time, however there are a number of bus stops within close proximity (1 km) to the development:

- The Upper Kinvara Road stop (ID 244381), the Dublin Hill stop (ID 244391), and the Old Mallow Road stop (ID 255151) are all within a 15-minute walk to the development. Access to the 207, 215, and 248 bus services is provided via these stops.
- The 207-bus route which operates 7 days a week and runs a 30min service, serves Donnybrook, Douglas, Ballyvolane, and Cork City Centre.
- The 215-bus service runs a 30min service and serves Blarney, Cork City Centre and Mahon Point. This service runs 7 days a week.
- The 248-bus service operates Monday-Friday service Cork City, Carrignavar, and Glenville.

11.2.13. The applicant argues that the proposed development of this greenfield site is consistent with the Development Plan in terms of the residential density relative to accessible nature of the site. I note the observers raise concerns about the density proposed, however, in my opinion, the proposed residential density would be acceptable having regard to prevailing and evolving density of the area, the need to balance the design with the characteristics of the site, the location of the site abutting the proposed CNDMR which upon completion will redefine the city edge, will provide for orbital movement for bus, pedestrian, cycle and some strategic and general traffic and reduce reliance on radial routes through the city centre. CMATS proposes that the NDR would provide connectivity at its western end to join the existing N22. In addition to BusConnects and noting that the frequency and demand for services is reviewed by the NTA on an ongoing basis and increased frequency can be provided as demand increases.

Therefore, having regard to the evolving nature of the area and the need to maximise investment in costly infrastructure whilst also ensuring an appropriate

design at this sensitive location with challenging topography elements, I consider that the proposed development would provide for an acceptable efficiency in serviceable land usage, and that the density proposed would be acceptable. I agree with the planning authority that the shortfall in density requirements as per Table 11.2 of the Plan are minor, in any case section 3.25 of the Plan allows for minimum densities of 35uph. I will address the Material Contravention in more detail in section 11.8 below.

Housing Mix

11.2.14. The overall unit mix comprises the provision of 41 no. 1 bed 12.85%, 123 no. 2 beds 38.56, 130 no. 3 beds 40.752% and 25 no. 4 beds 7.84%. Objective 11.2 *Dwelling Size Mix* of the Plan states that ‘all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances....’ With respect the subject site Table 11.8 sets out the following:

	Min	Max	Target
Studios / PBSA (at LRT Stops / Urban Centre / HEI Campus Only)	0%	15%	10%
1 Bedroom	15%	25%	20%
2 Bedroom	25%	40%	34%
3 Bedroom	18%	38%	28%
4 Bedroom / Larger	5%	15%	8%

Table 11.8: City Suburbs Dwelling Size Mix for Housing Developments.

11.2.14.1. In terms of dwelling mix, the provision 40.752% of 3-bedroom units is in excess of the standards set out in Table 11.8 which stipulates a maximum of 38% for 3-bedroom units. The CE report considers the difference in this case is marginal thus, is not considered materially significant. Additionally, given the mixture of house types provided within the scheme otherwise contributing to the overall mix of dwellings generally in this area.

11.2.15. Concerns are raised by third parties that the development does not comply with Development Plan standards as regards unit mix. The applicant submits that the

proposed mix would be a material contravention of the development plan requirements as the apartment unit mix does not meet the criteria set out in table 11.8. The applicant has addressed the proposed unit mix in the submitted material contravention and notes that the unit mix is in accordance with the character of the area and the overriding national policy as regards the provision of housing.

- 11.2.16. The accompanying Cork City and County Joint Housing Strategy and Housing Need Demand Assessment Section 5.4.4.1 *North East Suburbs* establishes that the Cork City Development Plan 2022-2028 sets an ambitious population target of 35,394 by 2028 for the area, an increase of 8,553 or 32%. It sets a housing target of 3,435 units over this period. This will be supported as set out above by infrastructure improvements including upgrades to the bus network through BusConnects. It is set out that the North-East Suburbs will play a major role in accommodating housing growth in Cork City. Due to the nature and location of development land, the Northeast Suburbs would accommodate relatively lower density and larger household sizes than the City Centre and Docklands and would be likely to accommodate demand for houses and in the owner-occupier sector, although with an emphasis on ensuing a suitable mix of housing types and tenures through planning policy. I note also that note Table 4.2 of the JHS/HNDA sets out the varying demand for individual unit types according to present registered tenancies and is considered reflective of the overall demand per unit type within the relevant spatial levels. Table 4.2 establishes that within the Metro Area the demand for three bed units is 46.25%.
- 11.2.17. It is noted that the applicant has submitted a justification for the unit mix and sets out that the range of housing types have been proposed having regard to the current market demands and the emerging demographic profile of the immediate area, the need to provide housing that is suitable to all age groups and persons at different stages of the life cycle and the existing social mix in the area. I would agree and this is reflected in the Cork City and County Joint Housing Strategy and Housing Need Demand Assessment. It is my opinion the dwelling mix is acceptable and any exceedance in 3-bedroom units minor and acceptable in the context of the JHS/HNDA and Objective 11.2 *Dwelling Size Mix* of the Plan as regards the prevailing demand and character of the area.

Demolition

- 11.2.18. I note some concerns raised as regards demolition of the former factory and adjoining structures and whether the factory could have been development as part of the development. Development Plan provisions (including Objective 3.4 Compact Growth, o). Encouraging the retrofitting and reuse of existing buildings, rather than their demolition and Objective 8.18) acknowledge the ‘embodied carbon’ implications associated with the demolition and reconstruction of a new development. In this instance, the buildings are not of architectural merit and partially derelict and I consider that demolition must also be balanced with the wider sustainability issues associated with the proposed development and the wider policy objectives for the area. I have no issue with the demolition works proposed.

Conclusion

- 11.2.19. The principle of the proposed development is in accordance with the zoning objective for the site and I am satisfied that the unit mix can be accommodated on the site having regard to the minor exceedance of 3-bedroom units and on the basis of Cork City and County Joint Housing Strategy and Housing Need Demand Assessment accompanying the Development Plan.

I note that the proposed density, which is a result of the proposed unit mix, would be contrary to the provisions of the provisions of the Sustainable Residential Development and Compact Settlements Guidelines to provide a density of 40 dph to 80 dph (net) with densities of up to 150 dph (net) open for consideration at ‘accessible’ suburban / urban extension locations and to the provisions of Table 11.2 (development standards) of the Cork City Development Plan 2022-20208 to provide a density of 40-100 units per hectare at edge of centre sites. However, at 38.77uph the minor shortfall is not considered significant and must be balance with the development of this sensitive site and the appropriate integration of the development relative to the receiving environment and this is consistent with section 3.25 of the Plan. (I will address this matter in more detail in section 11.3.9 below)

In summary, the site of the proposed development is on serviceable lands, within the development boundary of Cork, and identified in Figure 2.21 *Growth Strategy Map* of the Development Plan as a City Expansion Area. It is considered that the

proposed development would be of a sufficiently high density to provide for an acceptable efficiency in serviceable land usage, where ambitious housing targets are proposed and will be supported by infrastructure improvements including upgrades to the bus network through BusConnects and Northern Distributor Road. Overall, It is considered that the proposed development would be consistent with objective of the Core Strategy as set out in Chapter 20 of the Plan and the National Planning Framework which aims to achieve compact growth through effective density and consolidation rather than more sprawl of urban development.

11.3. **Development Strategy**

Design, Form and Layout

- 11.3.1. A detailed architectural design statement is submitted with the application which sets out clearly the overall architectural rationale and approach.
- 11.3.2. The layout proposes a new entrance building in the form of a 3-storey duplex block as you enter the site from the Old Whitechurch Road. This block which has its parking in a courtyard to the rear creates an urban edge to the proposed new road into the development, and also to the existing Old Whitechurch Road while being setback from the existing houses here. The road from the entrance off the Old Whitechurch Road continues through the southern portion of the site to form a link road from west to east via the industrial estate (Kilbarry Enterprise Centre) to the west which affords connection from the development to Dublin Hill. Public transport connections to Cork City are available from Upper Dublin Hill. Along the northern boundary of the residential lands the ground falls away towards the Glenamought river. In order to form an urban edge 3 apartment blocks at 4 and 5 storeys tall are proposed along the northern residential boundary.
- 11.3.3. The layout provides for a public park on the lands zoned 'Public Open Space' to the north of the site, in addition to internal site open spaces and home zones creating active frontage and good passive surveillance. Active street frontage is created on corner sites with side entrances, feature windows on exposed elevations. Universal design and accessibility has been considered in the layout. A hierarchy of routes and spaces is provided for throughout the development. The house types reflect a contemporary design. Finishes are slate roofs, with red brick elements and

plastered walls and light-coloured windows. Apartments are brick clad with duplex corner blocks in brick and houses with a part brick element and rendered.

- 11.3.4. As regards design, I note the City Architect recommendation that if the corner element of the 3 No. apartment blocks had mono pitched roofs and also the fenestration of the apartments was of dark colour this would assist in 'calming' the fenestration pattern. In my opinion the introduction of mono-pitch elements would increase the mass of roof area and reduce the contemporary proportions of the apartment blocks and combined with the proposed mono-pitched duplex units reduce the character and legibility of the scheme. I consider that the design, form and finishes of the house types, duplex units and apartment blocks acceptable and the contemporary design successful in creating a distinctive character to the development.
- 11.3.5. Regarding concerns raised about duplex units located within metres of bungalows along Old Whitechurch Road, the duplex units are recessed from the roadside boundary and buffered with boundary screening. In addition, the units are separated from any adjoining development to the west by the existing Old Whitechurch Road and the dwellings to the south by the proposed entrance and access road serving the development. I am satisfied that the 3-storey duplex units form an appropriate entrance to the site and their scale and U-shape form which addresses both the public road and internal road acceptable and the increase in height an appropriate transition in scale at this entrance location.
- 11.3.6. The layout of the development is quite linear in parts, I accept that this is due to the unusual shape and the topography of the site. The development uses 4 different Character Areas to assist in creating a more varied and distinctive layout, making the scheme more legible and easier to understand and get around. These 4 Character Areas consist of the Entrance, Avenue, Eastern and Parkland area. Each Character Area uses a mix of changing materials, varying house typologies, sizes and scale, as well as landscape features to differentiate each area from the others.
1. The Entrance character area encompasses the 4 duplex blocks A-D and the creche located as you enter the scheme from the Old Whitechurch Road.
 2. The Avenue character area is made up of predominantly traditional 2 storey

terraced houses and wide fronted terraced houses with a small number of semi-detached houses also. This character area comprises the central area of the site.

3. The parkland area comprises the 3 apartment blocks which are 4 and 5 storey and are set with larger areas of open space between them and between these blocks and the adjacent housing. These blocks overlook the public park proposed within the northern section of the lands.

4. The Eastern character Area, which is predominantly semi-detached in nature and is the area located closest to the Delaney's GAA grounds. The design of this area is a mix of small courtyards and home zone streets, with again a mix of housing from 2 storey semi-detached, a small number of terraced units and 3 storey houses at its northern end where the character area overlooks the public park.

11.3.7. The development is further enhanced by the park within the development site which occupies 4.4Ha of the overall 21.3Ha. open space zoning contained in the City Development Plan.

11.3.8. Overall, I am satisfied that the design, form and layout is acceptable in principle subject to detailed consideration below.

Standard of Accommodation/Internal Standards

11.3.9. The application is accompanied by a Housing Quality Assessment as part of the Architects Design Statement. The Housing Quality Assessment (HQA) document outlines compliance of the proposed apartments with the relevant quantitative standards required under the Apartment Guidelines as incorporated into the CCDP 2022-2028. The drawings have also been prepared with regard to the requirements of Section 6 of the Apartment Guidelines, summary of the key points from this is set out below detailing how the scheme compiles with the Specific Planning Policy Requirements set out in the in Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities:

- SPPR 3 refers to minimum apartment sizes. The range proposed within the scheme will be 1 bed: 41 no. x45-sqm, 2 bed: 73no. x 73sqm and 3 bed: 2no. x 90sqm all of which comply with the minimum size standards 2018 and the updated Apartment Guidelines 2023. The guidelines also set out standards for the minimum

widths of living/dining rooms and bedrooms and the minimum floor areas of certain rooms within the apartment. According to the HQA, the development complies with all the relevant standards.

- SPPR 4 states that in suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect units. 100% of Duplex Units benefit from dual aspect 81% of apartments benefit from dual aspect. It is noted that only 12no. of the 116no. proposed apartment/ duplex units are single aspect.
- SPPR 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. The development proposes a ceiling height of 2.7 metres at ground floor level.
- SPPR 6 states that a maximum of 12 apartments per core may be provided in apartment schemes. The maximum no. of apartments on any floor accessing a single stair and lift core is 5.

Height and Visual Impact

- 11.3.10. The *Cityscape and Building Height* section of Chapter 11 of the Development Plan sets out Cork City's building height and tall building strategy and is based upon work prepared as part of the Cork City Urban Density, Building Height and Tall Building Study 2021.
- 11.3.11. The subject site is located in Inner Urban Suburb, "North Blackpool", described in section 11.38 as follows: *The northern extension of the N20 corridor beyond Blackpool encompassing the industrial area north of the centre and the residential areas on the western side of the N20. This Inner Urban Suburb is identified as being suitable for heights of 3-5 storeys.* Table 11.1: *Cork City Building Height Standards* stipulates building height between 2- 5 storey maximum. The proposed building heights are between 2-3 (houses) – 5 (apartments) in height and therefore in accordance with Development Plan standards. I note the CE report raised no concerns are regards the proposed height.
- 11.3.12. As noted above, the development site is bound to the north and east by proposed significant new road infrastructure. In this context, it will be important to maximise the return on such investment and ensure that there is an efficient and sustainable

use of land within the City. The development potential of the subject lands is constrained due to the site topography and the transitional character of the area adjoining lands. In this regard, as set out above it is important to ensure that appropriate densities are still achieved whilst protecting the visual and residential amenities of the area. Building height is closely linked to visual impact and the Development Plan establishes (section 11.33) that the building height of a development will respond directly to the proposed density of development, the character of an area, as well as block development typologies, site coverage and a range of other factors. A number of concerns have been raised about the visual impact of the development, in particular, the apartment buildings.

- 11.3.13. The site rises in an easterly direction away from Old Whitechurch Road and in a south-north direction towards the 'Public Open Space' zoned lands and then falls away down to the Glenamought river which is below the site along the northern site boundary. The northern portion of the site is therefore visually exposed from the northern approach to the site. Section 12.10 of the Development Plan establishes that it is important to avoid abrupt transitions in scale in the boundary areas of adjoining land use zones and it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone.
- 11.3.14. The LVIA considers 9 viewpoints located to view the site at its most exposed or to assess the exposure of the site from key locations such as from the Old Mallow Road and the Upper Dublin Hill Road. It is set out that the varied valley and undulating terrain, intervening and on-site vegetation and adjacent development result in a limited visual envelope. The LVIA considers that the development would have a positive impact when the viewpoint takes into context the existing urban landscape of the city relative and negative impacts generally occur when the view presents a rural landscape.
- 11.3.15. The LVIA considers the magnitude of change for the most part to be permanent/neutral. The degree of visual effects would be considered slight/moderate/imperceptible. The Landscape and Visual Assessment argues that as existing, the first visual impression of this entrance to Cork city northern suburb of Kilbarry is a country road with some ribbon development, with a narrow-wooded

glen cutting across the route from east to west. The proposed Kilbarry development will create a new first impression with the development looking outward to the north above the woodland on the valley slope below. This change will maintain and enhance the integrity of the wooded glen landscape character with the masterplan incorporating part of the Glenamought River, a range of meadow and woodland spaces and will contribute to the landscape character and setting of the town.

- 11.3.16. I consider the magnitude of visual change particularly evident in View 1, View 2 and View 6 of the LVIA. However, I do not consider the impacts to be as a result of the proposed building heights but rather the combined impact of the development inclusive of the apartments and linear housing profiles when viewed for these viewpoints. Notwithstanding, I am of the opinion that through variations in typology and scale the buildings would contribute to diversity, identity and visual interest in the new urban landscape and I consider the proposed height should also be viewed in the changing context of the environs of the site, in particular the emerging route option for the Northern Distributor Road to the north of the site. Any development at this location elevated above the Glenamought river valley would result in a visual change when viewed from the northern approaches to the site. It is in this context that I consider the proposed visual impact of the development acceptable. It is also noted that the proposed buildings do not impact or impede any protected views. I refer the Board to section 13.7.3 below.
- 11.3.17. I am satisfied that the approach to height which is aligned to the overall density of the site is appropriate and in keeping with the development plan. The applicants have responded to the topography of the site and located the taller blocks at the most appropriate locations and set the building lines away from sensitive boundaries. The taller elements of the scheme provide an appropriate visual frame to the areas of open space as well as a strong urban edge along the northern boundary.
- 11.3.18. I note the concerns raised by a number of the observers and the elected members regarding the height proposed and that the principle of apartments and duplex units being at odds with the character of the area. I consider the introduction of duplex units and apartments an acceptable consequence of the necessity to ensure an

appropriate mix and choice of housing options for future residents. The fact that the development context of the area is evolving is acknowledged and with the development of the proposed new road infrastructure, the character of Kilbarry will radically change and it will become a new urban quarter. It is in this changing context that the development must be considered.

Phasing/ Site Levels

- 11.3.19. The construction of the proposed development will be completed in three phases, with the first phase of 109 units commencing at the western side of the site adjoining the Old Whitechurch and moving across to the site's eastern side and the boundary with Delaney's GAA Club. The second and third phases of the development will include approximately 105 units in each phase, subject to final detailed agreement with the Local Authority and utility providers. This approach is consistent with the reports received from Uisce Eireann (IW) regarding currently serviceable lands without the requirement for infrastructure upgrades outside of the site by Irish Water. It is estimated that the proposed phases will take 36 months to complete, with approximately 12 months construction for each of three phases. A Construction and Environmental Management Plan outlining the process is included with the planning application.
- 11.3.20. Proposed roads, houses, apartments and the creche will be developed as close to existing ground levels as is possible. However, given the relatively steep existing topography and the need to achieve reasonable longitudinal gradients along roads and Part M access into residential units and the creche, it will be necessary to excavate and fill across the site to achieve acceptable levels. I note the concerns raised in this regard and whilst the manipulation of the site to accommodate development is not best practice, I note the design of the development will balance the extent of cut and fill, in so far as practically achievable, to ensure that there is not a significant surplus or deficit of material required. In the context of the challenging undulating topography of the site (excluding the Open Space zoned lands) in this instance the proposed manipulation of site levels is considered a necessary consequence of developing the site which has been zoned for residential development in the Cork City Development Plan 2022-2028.

Open Space and Landscaping

- 11.3.21. The CE report recommend refusal due to the lack of useable public open space. Within the scheme there is a range of public, communal and private amenity spaces and facilities for children of different ages, parents and the elderly. This ranges from the large public park with amenity walks and cycleways, to a number of usable open space areas within the development which are designed for informal play, to the recreation facilities located along the pedestrian and cycleway which runs north south along the eastern side of the development. These facilities include a public plaza designed to be suitable for external performances to a playground area for younger children, a kick about area for older children and an outdoor gym for adults and older people. Areas defined as public open space are accessible and open to all. The existing hedgerows and trees along the site boundary will be retained and protected where appropriate.
- 11.3.22. Notably, the northern part of the site is zoned for use as public open space where the Glenamought River creates a natural boundary. The Glenamought River Park Project is listed in Table 6.4 as one of several city wide green and blue infrastructure projects and is provided for in the proposed development. The Design Statement acknowledges that the landscape of the public park needs to remain close to its current range of meadow & woodland habitats. Primarily to ensure that existing dry acid grassland on the upper slope is maintained as a Marsh Fritillary Habitat. This habitat area will be enclosed with a 1.2m paladin fence, secure access gates for maintenance and a defensive hawthorn hedge. I refer the Bord to section 13.5.16 below.
- 11.3.23. The terrain is raised as a concern by third parties as regards accessibility and I note the land is severely sloped below the lower trail as it falls to the wet meadow along the river. No paths are to be constructed to access this area as it is to be maintained as existing. The range of existing woodland and meadow and its importance for biodiversity already existing on site requires that the park area is viewed primarily as a nature reserve where human use is secondary. The terrain can accommodate walking and bicycle activity and trail routes in excess of 2 kilometres of these are

proposed. The routes are looped with spurs proposed to immediately link the park area to further open space and industrial zoned lands up stream.

As set out above, the park within the development site occupies 4.4Ha of the overall 21.3Ha. open space zoning contained in the City Development Plan for the overall area. This section of the public park will be the first section to be realised. In this context, it is my view that the treatment of the northern boundary is consistent with the objectives for a river park set out in the Development Plan - The Glenamought River Park Project is listed in Table 6. 4. I consider this the most sustainable approach to providing a community park whilst also providing for the protection of the existing biodiversity of the Open Space zoned lands.

11.3.24. Overall, the quantum of public open space and amenity lands account for over 45% of the site including the public park to the north. Taking both the active and passive open spaces provided within the entire site, there is a total of c. 7.05ha of both active and passive open space provided for. A total of 18% of the overall lands are provided with active open space. I note that the private open space associated with the houses, duplexes and apartments all reach or exceed the minimum standards as set out in Chapter 11 of the Development Plan. It is my view that sufficient good quality useable private open space has been provided for each dwelling. I note however that the communal open space requirements for the apartment and duplex units have not been defined or quantified. The applicant sets out that ample private amenity space, as well as public open space has been provided throughout the development and it is argued that on this basis, specific communal spaces are not considered necessary in this context. I would agree in this instance.

11.3.25. Whilst the City Architect commends the layout, I note the Parks and Recreation report accompanying the CE report considers the more formal active and passive areas within the built area are disjointed and not user friendly and recommend as a minimum the playground and kickabout areas should be merged to create a local park, preferably this park should be located in the area containing apartment blocks E and F which is close to the zoned public open space area thereby connecting the active/play area with the more natural passive area. I draw the Boards attention to the recommendation of the PA which includes reference in reason one to the lack

of useable open space.

- 11.3.26. I do not agree with the Parks and Recreation Department. The layout provides for a number of open spaces at various accessible and overlooked locations throughout scheme, in addition to the proposed public park which provides for additional walking routes, meadow areas and woodlands. Overall, I am satisfied that the layout of open space provision is acceptable.
- 11.3.27. Notwithstanding, the above I note the Parks and Recreation Department concerns as regards boundary treatment, and I agree. It is unclear from the landscaping plan submitted the boundary treatment proposed for the southern and eastern boundaries to address the interaction with adjoining properties to ensure there is appropriate screening of the commercial properties, sports grounds etc. Should the Board be minded to grant planning permission, I consider the provision of additional soft landscaping along these boundaries appropriate to buffer the residential development and soften the impact. I further consider this will address concerns raised by adjoining residents as regards unsightly mitigation measures.
- 11.3.28. I note the third-party concerns raised as regards impact on high value landscapes as designated in the Development Plan. Section 6.19 of the Development Plan states that Landscape Preservation Zones (LPZs) are areas zoned ZO 17 *Landscape Preservation Zones* in order to protect their character and amenity value. These areas are considered to be highly sensitive to development and as such have limited or no development potential. Having reviewed the zoning map, I note the proposed site is removed from ZO17 zoned lands. Similarly, as regards concerns raised that the development does not accord with blue/green infrastructure objectives, I am satisfied that the development does not encroach on the Open Space zoning and appropriate linkages and pathways have been provided in line with the Glenamought River Valley Park objectives as set out in the Cork City Blue Green Infrastructure Strategy and the Development Plan.
- 11.3.29. Furthermore, the development of the public park is consistent with and Objective 10.95 -*Kilbarry* including the requirement to accommodate housing and have regard for and integrate the amenity, heritage and social history of the area, in particular Murphy's Rock. I note the concerns regarding Murphy's Rock but consistent with

the adopted Development Plan the residential development is located on lands zoned ZO 01 *Sustainable Residential Neighbourhoods* and does not interfere with the lands identified as part of the green/blue infrastructure network ZO 15 *Public Open Space* zoning including Murphy's Rock.

- 11.3.30. I also note the concerns raised as regards the impact on trees, ecology and biodiversity, I will address these matters in more detail in section 13.0 EIA below.

Connections

- 11.3.31. A number of new connections are proposed from the site to neighbouring facilities and infrastructure. A new distributor road with footpath and cycleway facilities is proposed along the southern section of the site linking the old Whitechurch Road to the Delaney's GAA lands to the east. In addition to this cycleway heading west to east, two other cycleways are included heading north south through the development. The first links the public plaza adjacent to the creche to the public park along the northern fringe of the site. The second cycle route links from the distributor road at its eastern end within the site through the scheme linking the second plaza space with the various recreation facilities included within the development such as the playground, kick about area, and the external gym and finally onto the cycle routes within the public park. The applicant contends that these routes and the development's layout with cycleways and pedestrian connections from it into the development will also make it easy for a bus to serve the scheme.
- 11.3.32. I agree that the provision of the west-east link from Old Whitechurch Road connecting Old Dublin Road is a welcome addition and consistent with Objective 2.14 Walkable Neighbourhoods and Objective 2.17 Neighbourhood Design of the Plan. However, I share the concerns raised in the CE report as regards the quality of the connection beyond the proposed site linking the site via the industrial estate to Old Dublin road. This connection is visually poor, unattractive and uninviting by reason of the industrial fencing running along the southern boundary and the views through to the industrial activity beyond. The northern boundary consists of partial industrial fencing and overgrown hedgerow. No works have been proposed to improve this connection although site inspection did confirm an existing footpath

connection with public lighting from Delaney's GAA through to Upper Dublin Hill Road.

11.3.33. It is my opinion that a balanced approach needs to be taken in this regard in so far as the site and the lands to the east are also zoned for ZO 01 *Sustainable Residential Neighbourhood* and the proposed development is the first phase in the wider development of the area. The existing connection is therefore temporary and the development of the lands to the east in due course will further enhance the quality of this connection and improve that visual amenity.

11.3.34. Conclusion

In conclusion, I am satisfied that the overall architectural approach and standard of design is acceptable and will provide a high standard of amenity for future occupants consistent with Objective 10.81 Blackpool / Kilbarry Development Objectives *to create a high quality, vibrant, distinct and accessible mixed-use urban centre in Blackpool, serving as an attractive northern gateway to the City and a desirable destination for northside suburban communities, encompassing a mix of retail, employment, residential, community and recreational uses* of the Plan and the development will provide for an appropriate level of open space provision enhanced by the addition of the new public park linked directly to the site.

Regarding reference made by the third parties that the lands were previously used as a playing pitch and recreational area for decades (prior to 2004), would remove established right of ways and should be retained as community recreational use. Such a use is not consistent with the zoning provisions for the site and would be contrary to the principles of compact growth.

Furthermore, the provision of formal public park will enhance the amenities of the wider area for the benefit of the entire community and contrary to some third-party submissions will provide a green buffer and define the amenity value of Glenamought River valley in accordance with the Cork City Blue Green Infrastructure Strategy and the Development Plan. There is a link to the Old Whitechurch Road so that existing residents have direct access at the western side of the park providing permeability for existing residential areas along the road. The Old Whitechurch Road allows for a connection with a proposed new amenity route

leading west from the Glenamought Bridge down the glen passing the Kilnap Bridge and Viaduct and continuing along the northern city edge with a proposed southern branch leading into Blackpool district of the city. I am satisfied that the layout makes the most of the opportunities presented by the existing sloped ground of the river valley in the northern portion of the site through the creation of a new public park which is overlooked by the development and interconnected with it. In this regard the proposed apartment buildings provide a new urban edge.

In my view this development results in wider planning benefits, such as the delivery of a significant quantum of housing which would support the consolidation of the urban environment, which is welcomed.

11.4. Residential Amenity

Impact on Established Residential Development

- 11.4.1. A number of observers and the elected members have raised particular concerns about the impact of the development in terms of overlooking, noise impact, loss of privacy and loss of amenity.
- 11.4.2. While it is acknowledged that the overall scheme would be visible from properties on Old Whitechurch Road particularly the houses to the southwest of the site, It is my opinion that the proposed separation distances between the development and the existing houses achieves a balance of protecting the residential amenities of future and existing occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. In my view that proposed scheme would not result in undue overlooking or result in any existing properties or loss of amenity or privacy.
- 11.4.3. Regarding concerns raised about noise impact in particular noise from the creche which is located to the southwest of the site and shares a boundary with a number of properties on Old Whitechurch road, I accept that there will be additional noise generated by the creche, but this is limited to daytime hours, and I am satisfied that this will not have a detrimental impact on the enjoyment of the adjoining properties. However, I accept that the concrete post and chain-link fence boundary at 1.1m in

height indicated on the landscape plan is not an acceptable boundary treatment. I note this contradicts reference in the documentation submitted a 2m high boundary wall. However, I am satisfied that this matter can be addressed by way of condition.

- 11.4.4. Any noise impact as a result of the wider residential development as a consequent of the nature of the development and not considered inappropriate on zoned lands in the identified city expansion area of Cork City. I will discuss this matter in more detail in section 13.0 below.

Sunlight/Daylight

- 11.4.5. The applicant's assessment of daylight, sunlight and overshadowing has regard to the following documents:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020
- BRE BR209: "Site Layout Planning for Daylight and Sunlight" (third edition)
- British Standard EN 17031:2018 'Daylight in buildings'
- IS EN 17037:2018 Daylight in Buildings

I have considered the report submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

Adjoining Development - Daylight and Sunlight

- 11.4.6. 3D models of the existing the proposed scenarios were created. The site plans and existing 3D models of the surrounding context provided by the architect were used to correctly position the surrounding buildings relative to the existing and proposed buildings.
- 11.4.7. The houses that were closest to the proposed development were selected for detailed VSC assessment. The BRE guideline recommends that if a window retains a VSC (Vertical Sky Component) in excess of 27% with the proposed development in place then it will still receive enough daylight. If the existing VSC is below 27% or is reduced below 27% and below 0.8 times its former value, then the diffuse light

may be adversely affected. A total of 8 properties were assessed. The analysis determined that the proposed development would have minimal impact on the neighbouring buildings. Therefore, the neighbouring buildings should enjoy a similar level of skylight after the proposed development is built. Any reduction in available daylight from the proposed development will be negligible and meets the recommendations of the BRE guidelines BR209:2022(third edition).

Daylight to Proposed Apartments and Houses

Internal Daylight

11.4.8. The Sunlight/Daylight Assessment uses Spatial Daylight Autonomy (sDA) metric which assesses how much of a space receives sufficient daylight on a working plane during daylight hours on an annual basis. It is a “dynamic daylight metric”, meaning it assesses daylight over time, as opposed to a discrete point-in-time metric such as ADF. The recommendation is that the target illuminance values are exceeded over at least 50% of the points on a reference plane 0.85m above the floor for at least half of daylight hours. The analysis uses climatic weather data specific to the project location, in this case, Dublin “.epw” weather file was used. The illuminance levels therefore vary over the course and each day and year.

11.4.9. The assessment determined that all rooms meet/exceed the BRE’s recommendations for daylight provision. Therefore, each residential unit can be expected to enjoy adequate levels of natural light.

Result Summary								
Space	Rooms Tested					Total	Passing	Pass %
	Apartment	Duplex Unit BA	Duplex Unit BB	Duplex Unit BC	Duplex Unit BD			
Bedroom	37	35	14	15	18	119	119	100
Living/Kitchen/Dining	21	21	9	10	12	73	73	100
Kitchen/Dining	-	1	-	-	-	1	1	100
Living	-	1	-	-	-	1	1	100
Total	58	58	23	25	30	194	194	100

Sunlight to Garden and Open Spaces

11.4.10. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall

appearance and ambience of a development. The Shadow Cast Analysis set out in Appendix B of the Sunlight /Daylight Assessment. Shadow cast analysis diagrams for March 21st, June 21st, September 21st, and December 21st are provided.

- 11.4.11. The BRE document indicates that for an amenity area, such as a garden, to have good quality sunlight throughout the year, 50% should receive in excess of 2 hours sunlight on the 21st of March. An element of self-shading is acceptable given the height of structure particularly the Apartments however this is a greenfield site and overshadowing as a result of proposed apartments on housing units should be avoided and the scheme designed to ensure this is not the case. Regarding the public and communal amenity areas proposed all exceed 2 hours sunlight over 50% of the amenity space on the 21st of March. The proposed development meets the recommendations of the BRE guidelines.
- 11.4.12. Regarding the private rear gardens proposed the assessment indicates that all rear gardens receive in excess of 2 hours sunlight over 50% of the amenity space on the 21st of March.
- 11.4.13. The results show all existing neighbouring amenity spaces should receive at least 2 hours of sunlight on March 21st to at least 50% of their amenity space. Therefore, the existing neighbouring amenity spaces exceeds the BRE 's recommendation for sunlight to open spaces and should appear adequately sunlit throughout the year.

Conclusion

- 11.4.14. The concerns raised by third parties are noted, however, having regard to the information submitted in the applicants Daylight and Sunlight Assessment, I am satisfied that the assessment undertaken is comprehensive, robust and evidence based. The development impact should be seen in the wider context of the redevelopment of the subject site having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Notwithstanding this is a greenfield site and as such there is scope to address overlooking, overshadowing and views out (outlook), it is my view that the layout of the scheme removed and recessed from the site boundaries and adjoining development provides for quality scheme or future

residents and in turn does not result in any undue overlooking or overshadowing or loss of privacy for any adjoining development.

11.5. **Site Services, Surface Water and Flooding**

Earthworks and Groundworks

- 11.5.1. Concerns were raised by third parties and elected members about the stability of the ground and the fact that there was previous dumping on the site. In this regard, I note Priority Geotechnical were appointed to undertake a detailed Site Investigation and Interpretive Report (SI) of the proposed site, to assess subsoil and bedrock conditions.
- 11.5.2. Two no. cable percussive boreholes and 25 No. trial pits were conducted. Some made ground was discovered at the east of the site, up to 4.0m in depth, in addition, some shallow bedrock was discovered on the west of the site, between 0.6m to 2.3m in depth. The SI report advises that foundations should not be constructed in the made ground. The made ground area comprises fill that was illegally dumped by others in 1999 without the knowledge or permission of Cork County Board. The material in this filled area has been sampled and tested and confirmed as being non-hazardous and inert. It is set out that given that this material has been in place for over 20 years it is intended to leave this material in place and while it will require specialised foundation solutions to be employed for structures developed in this area it would not be sensible or practical to remove this material from the site at this stage.
- 11.5.3. It is proposed that special site-specific foundations will be designed in these areas of fill to ensure the stability of the proposed construction. Piled foundation solutions will be implemented to transfer the structural loads to the natural ground beneath the fill.
- 11.5.4. The report also advises that in areas where bedrock is shallow, the foundations shall be over excavated to the weathered bedrock. No groundwater was encountered during the investigative works.
- 11.5.5. It is further anticipated that any surplus material cut from the previously filled area of the site will be removed from the site. This will be disposed of to an approved site

for re-use and/or recovery or to a licenced waste site. Material cut in other areas of the site will be re-used on site to create the proposed development levels, subject to a detailed soils management strategy.

Foul Water Drainage

- 11.5.6. Wastewater collection will be via a network of gravity sewers for ultimate discharge to Irish Water's wastewater network in Old Whitechurch Road immediately to the west of the site and will ultimately discharge to the Carrigrennan WWTP. In order to serve the proposed development and potential future development, a 150mm diameter watermain will be connected to the existing Irish Water watermain on the Whitechurch Road and extended into the development. From this proposed 150mm diameter watermain, the proposed development will be served by a network of 150mm, 100mm and 80mm diameter watermains.
- 11.5.7. The COF confirms that upgrades to the existing water supply and wastewater infrastructure network are required to serve the full development of the site in the longer term but that the first 100 houses can be developed and serviced immediately by existing infrastructure. The COF also confirms that the upgrade works can be carried out on public roads and do not involve provision of infrastructure that would require planning approval.
- 11.5.8. I note the Drainage Report accompanying the CE report raised no specific concerns as regards wastewater and set out that all technical aspects of the design will be overseen by Irish Water, as part of their New Connection Process. I note IW do not object to the development subject to condition as per their report dated 8th August 2022.
- 11.5.9. Inland Fisheries Ireland in their submission have requested that IW signify there is capacity for the development to ensure the protection of the watercourse. A review of Uisce Eireann's Wastewater Treatment Capacity Register published June 2023 would indicate spare capacity is available in the network (reviewed 27/3/2024).
- 11.5.10. The proposed foul drainage network has been designed to cater for the proposed 319 no. residential units and crèche. Each property will have a separate wastewater connection in accordance with Irish Water Code of Practice and Standard Details

Water Supply

- 11.5.11. Irish Water distribution records show that there is an existing 150mmØ ductile iron watermain located in the Whitechurch Road, west of the site. Following a Pre-Connection Enquiry, Irish Water have issued a Confirmation of Feasibility (COF) that the site can be serviced by its water infrastructure network.
- 11.5.12. To serve the developments 319 units a short length of 200mmØ watermain is required for the initial connection. The remainder of the development will be served by 150mmØ and 100mmØ diameter watermains. If the proposed development progresses in advance of the upgrade works to the existing Irish Water network, a concentric taper reducer will be installed at the connection point to reduce the proposed 200mmØ watermain to the existing 150mmØ watermain.
- 11.5.13. The COF confirms that a connection to the existing 150mm ductile iron watermain in the Whitechurch Road can be made to serve the first 100 houses of this proposed development. In order to facilitate the connection of the remaining units, approximately 750mm of upgrades are required to the existing Whitechurch Road watermain. These upgrades include upgrading the existing 150mm watermain to 250mm as far as the existing 300mm watermain in the Killarney Business Park.
- 11.5.14. IW have been consulted with in order to agree a high-level solution to the necessary upgrade works. IW have confirmed that the upgrade works can be carried out on public roads and do not involve provision of infrastructure that would require planning approval. Agreement on the optimum procurement methods for the provision of this infrastructure can be a matter for later detailed agreement with Irish Water.
- 11.5.15. Regarding concerns raised about fire safety, I note fire hydrants will be provided such that each residential unit will be within 46m of a hydrant and these hydrants will be provided to be fully accessible to the fire service. Apartment buildings and the creche will be subject to later Fire Safety Certificate applications and the provision of appropriate water supply for firefighting at these buildings will be addressed in these applications.

Surface Water

- 11.5.16. The proposed surface water network will include a storm drainage pipe network, attenuation storage structures and several SuDS features which will aid the reduction of runoff volumes by slowing surface water flows, providing the opportunity for evapotranspiration and surface water collection will be via a network of gravity surface water drains discharging to a proposed stormwater attenuation facility in the north-west area of the site. The attenuated discharge from the storage area will be directed to the Glenamought River which is located at the northern boundary of the site.
- 11.5.17. Both the interception and attenuation storage requirements of GDSDS will be sufficiently met. For this development the total catchment area for interception purposes (green roof, permeable paving, tree pits/bioretention area & impermeable area) is 5.30ha (53,000m²). This results in a required interception storage volume of 265m³ (53,000 X 0.005) The proposed interception storage will be provided by green roofs, permeable paving and within the base of the StormTech attenuation tanks. I note the overall interception storage volume provided is 295m³ which represents approximately 5.6mm of interception storage which is above the required minimum provision.
- 11.5.18. Attenuation storage will cater for the 100-year storm event with a 10% climate change allowance added. The proposed surface water network has been split into two catchments, A and B. These catchments will work together in series where the controlled discharge from upstream system connects to the downstream system, so the downstream system receives the flow from the upstream hydro brake as well as flow from the surface water runoff generated within its own catchment. The various SuDS components being proposed as part of the development will provide some attenuation, reduce flow rates and will disperse surface water runoff via evapotranspiration and infiltration.
- 11.5.19. The route from the final storage area to the final discharge location at the Glenamought River must pass a protected butterfly habitat and navigate a steep decline to the river edge. To combat these issues, it is proposed to utilise directional drilling along the outfall route beneath the butterfly habitat at a depth of approximately 3.4m – 4.2m below existing ground. The underground drilling will be

continued beyond the habitat area, as far as the transition from underground to open channel. From this point it is proposed, due to steepness of the gradient to the discharge location, to create a meandering open drain with check dams. The open drain will be designed in consultation with the landscape architect and ecologists to ensure that the open drain is considerate of the existing landscape and will ensure that flows are managed, and erosion of the open drain does not occur. I note the reports from the Drainage Department recommend that the applicant clarify if there is a preferred time of year for this work to be carried out in order to protect the Marsh Fritillary and require that the storm sewer be reduced to distance/length of 80m. I will address this matter in more detail in section 13.0 below.

- 11.5.20. The total site area for planning purposes is 14.8ha, however this includes the northern area of the site which falls steeply to the river, and which will remain largely unaltered. As this area is not positively drained to the developments surface water drainage system, it is excluded from the surface water calculations of Qbar and a figure of 8.07ha is used as the catchment area. The applicants' proposals to limit water discharges to Qbar of 26.261/s is welcomed by the Drainage Department as the 3.6ha. of undevelopable site area will continue to experience its original greenfield response to rainfall events.
- 11.5.21. In summary, where possible surface water runoff will be directed to the SuDS features and will therefore benefit from their pollutant removal qualities. However, to ensure water quality standards a hydrocarbon interceptor upstream of the StormTech attenuation tank is also provided for.

Flooding

- 11.5.22. Some of the Elected Members and the observers raised concerns about flooding.
- 11.5.23. The northern site boundary abuts the Glenamought River. This river has a high probability of flooding and is categorised as Flood Zone A in this location. A Flood Risk Assessment accompanied the planning application.
- 11.5.24. It is set out that the Catchment-based Flood Risk Assessment and Management website shows that the flood extent of the River extends to the northern most portion of the proposed development site. No proposed development will occur at this

portion of the site. There is a very steep rise from the river to the remainder of the site at the northern boundary and it is intended to leave this portion of the site as green open space area. The existing ground level in the northern portion of the site where flooding is confined to is c. +50mOD whereas the existing ground level where the development is proposed is between +68mOD and +89mOD. All highly vulnerable development will be constructed outside of the River 0.1% AEP flood extent. The Flood Risk Assessment identifies that the residential development and all ancillary services are located in Flood Zone C.

11.5.25. Some concerns have been raised about the impact of downstream flooding. The Glenamought River is located to the north of the site and meets the River Bride to the southwest of the site. Historical flood data gathered from www.floodinfo.ie has indicated that the river flooded a residence adjacent to the site and there is a history of flooding downstream of the site, however, there are no records of flooding on the site itself. The site is currently greenfield and the proposed development, as designed, will increase the impermeable area on site. During extreme rainfall events the application of SuDS principles will ensure surface water is managed sufficiently and sustainably discharged to the drainage network. With these mitigation measures in place pluvial flood risk is not considered to be significant. This will reduce the effects of the development on the local existing drainage network reducing the risk of downstream flooding. The likelihood of the proposed development resulting in pluvial flooding downstream of the site is therefore considered low.

11.5.26. The assessment concluded that as the flood risk from all sources can be mitigated, reducing the flood risk to low or very low, the proposed development is considered acceptable in terms of flood risk. Therefore, the proposals are in line with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009. I note the Drainage Department of CCC raised no concerns in this regard. I am satisfied that the subject site is not at flood risk and subject to mitigation measures proposed will not increase the risk of local flooding. Regarding concerns raised by the observers that the FRA refers to the water course as the River Bride, the Glenamought forms part of the catchment of the River Bride and I am satisfied that the FRA appropriately acknowledged the River to the north

of the site albeit incorrectly referred to as the River Bride.

- 11.5.27. The Drainage Department did raise a number of unresolved issues as regards the interface of the development and the river and the impact of a recommended fence including the lack of design details, potential blockages and concerns that the fence would prevent the river mobilising the adjacent storage areas in the event of a flood event. The Drainage Department recommend any proposed fence at this location be removed. I would share these concerns however in the absence of appropriate details, the impact of any fence cannot be assessed. In any case, I consider it necessary for the applicant to appropriately address the interface with the watercourse and I am satisfied that this matter can be addressed by way of condition.

Conclusion

- 11.5.28. The submission by Uisce Eireann raised no objection to the water supply and foul drainage proposals. I note that the potential to build out the scheme is dependent on the upgrade works set out above. However, it of relevance that Uisce Eireann (IW) did not object to the development subject to conditions. Therefore, subject the implementation of the UE conditions, I am satisfied that the development is acceptable.

I further note that the Hydrological and Hydrogeological Assessment identified no hazards to development on the site. I consider the proposed site services and surface water proposals satisfactory in this regard. I am also satisfied that there is no potential flood risk in the vicinity of the proposed site.

11.6. **Transport, Parking, Pedestrian/Cycle Facilities, DMURS**

- 11.6.1. The proposed development is approximately 620m from the junction with Upper Dublin Hill and is immediately adjacent to the Old Whitechurch Road to the west. These two entrances will be the main access points from the wider road network and will also form the preferred haulage route to/from the site. It is estimated that the full construction of the development will take 36 months to complete, with approximately 12 months construction for each of the three phases.

Traffic Impact

- 11.6.2. I note the observers and elected members state that the development is premature and cite deficiencies in the local road network among other concerns.
- 11.6.3. In support of the application, the applicants have submitted a Traffic and Transport Assessment which addresses the transportation capacity considerations relating to the proposal, junction capacity construction traffic, car parking and cycle parking. A Mobility Management Plan and DMURS Statement of Consistency are also submitted.
- 11.6.4. The total trip generation of the development when all three phases are complete accounting for modal split is estimated to be 152 movements in the AM peak and 167 movements in the PM plus an additional 36 movement in the AM and 36 in the PM associated with the creche.
- 11.6.5. A total of 3 no. turning count surveys were undertaken as part of the study on Tuesday 5th April 2022, on Dublin Hill, the Old Whitechurch Road and in Blackpool Village. These surveys were carried out simultaneously using video cameras at each of the junctions for a 12-hour period. The following junctions were identified as the key junctions in the area surrounding the proposed development and were assessed on this basis.
- **Junction 1: Access Road junction with Old Whitechurch Road** - The results indicate that the junction currently operates within capacity for both AM & PM peak at a Level of Service A – Free Flow. Future year results, with the development traffic included, show an increasing RFC% (Ratio of Flow to Capacity) as the different phases are introduced. A maximum AM and PM RFC% result, of 36% and 24% respectively, is shown in 2025 when all three phases of the development are added. The RFC% can be seen to decrease in the future year scenarios 2030 and 2040 as traffic is siphoned away from this junction and onto the Kilbarry Enterprise Centre Rd./ Upper Dublin Hill (Junction 4). The junction operates with a Level of Service A – Free Flow for all modelled scenarios.
 - **Junction 2: Old Whitechurch Rd./ Old Mallow Rd.** - The results indicate that the junction will operate within capacity during both AM & PM peak for all future years both with and without development traffic

- **Junction 3: Redforge Rd./ Dublin Hill** - The results indicate that the junction will reach capacity in 2025 during the PM peak with no additional development traffic applied. When development traffic is included, the junction instead reaches capacity in 2024 during the PM Peak and is shown to exceed capacity during the PM Peak in 2025. The junction can be seen to continue degrading and exceeds capacity both with and without development traffic for the design years 2030 and 2040.

- **Junction 4: Kilbarry Enterprise Centre Rd./ Upper Dublin Hill** - It is not anticipated that the connection between the Development Distributor Road and the Kilbarry Enterprise Centre Rd. will be open for the modelled scenario year 2025. In accordance, a maximum AM and PM RFC% result, of 34% and 20% respectively, is shown in 2030. The reduction in the RFC% in 2040 is the result of anticipated modal shift to more sustainable modes of travel upon the completion of the Northern Distributor Road and improved available public travel facilities prior to 2040. The junction is shown to operate with a Level of Service A – Free Flow for all modelled scenarios.

- **Junction 5: Upper Dublin Hill/ Lower Dublin Hill** - The junction is shown to operate, both with and without development traffic, with a Level of Service B – Reasonably Free Flow (no delay incurred) in design year 2030, and a Level of Service C - Stable Operation (busy but operational with acceptable delay incurred) in design year 2040.

11.6.6. With the exception of Junction 3: Redforge Rd./ Dublin Hill which will reach capacity with or without the development all junctions will operate within acceptable limits. I am satisfied given the location of the site adjacent to the suburban of Blackpool that this is acceptable. I further note the Infrastructure Development Directorate has no objection to the grant of permission for the above proposed development subject to conditions.

11.6.7. Regarding concerns raised about sightlines onto Old Whitechurch Road, I note that the entrance is located within a 50kmph zone, and the layout provides 59m sight distance availability in both directions. In accordance with section 4.4.4 of DMURS, table 4.2 sightlines of 59 meters are required. Sightlines at the junction with Upper Dublin Road are also in accordance with this requirement (Drawing No. 19215- JBB-

00-XX-DR-C-05001) Site inspection indicated speed ramps have been placed on the public road, these also reduce speed at this location. Therefore, I am satisfied sightlines are acceptable at this location.

- 11.6.8. Any concerns regarding the limited vehicular capacity of Old Whitechurch Road to accommodate public transport i.e., busses, this will be addressed by the provisions of the southern link road through the site. Furthermore, regarding the need for the bridge to be serviced, this is not a matter for the applicant.

Accessibility

- 11.6.9. A number of submissions have raised concern regarding the limitations that the railway bridge, at the start of the Old Whitechurch, will have to the public transport. In this regard the Infrastructure Development Report states that 'having reviewed the Bus Connects proposal there is no plan to provide a bus service on the Old Whitechurch Road'.
- 11.6.10. As set on in section 11.2 above the closest bus service proposed is on Dublin Hill, access to which is via the industrially zoned lands to the southeast of the site. I note the Infrastructure Development Report states that this is a privately owned road, and no improvements are proposed to the most easterly section of this road. However, this access route currently serves the adjoining Delaney's GAA club house and grounds and is provided with a footpath and public lightning with onward connections via Dublin Road to Blackpool to the south. Site inspection determined that his access route is in reasonable condition and while the industrial development to the south is not create a visually attractive route this must be considered in the context of the evolving nature of the area and the adjacent residentially zoned lands as set out in section 11.3.33 above. Therefore, I am satisfied that this access is acceptable in principle.
- 11.6.11. Whilst I accept that the most frequent bus will be the 21 UCC to Dublin Hill / Ballyvolane Loop, an hourly service, on its completion the NDR will provide a high frequency orbital bus service in addition to cycle/pedestrian facilities in close proximity to the site. As detailed above (section 11.2), It is considered that as per the Cork Metropolitan Area Transport Strategy (CMATS), future road infrastructural projects such as the Northern Distributor Road and the Outer Ring Road will have

a fundamental effect on traffic in this area, including within the development.

11.6.12. The completion of these road projects, in close proximity to the proposed development, will allow for the continued expansion of BusConnects services creating a greater supply for the transport needs of the residents. In addition, CMATS proposes the development of the Kilbarry Train Station which will provide a direct link to the city centre and to further afield. The close proximity of the train station to the site, within 20-min walk, should provide a very attractive alternative for residents when selecting their mode of travel for their daily commute. These measures will contribute to an expected increase in modal shift towards sustainable travel resulting in a reduction in traffic generation from residential development and would be consistent with Strategic Objective 03 Transport and Mobility Integrate land-use and transportation planning to increase active travel (walking and cycling) and public transport usage and Table 4.1 to increase public transport mode share to 25.7% in the city.

11.6.13. By way of information for the Board, I note the potential to access/egress the site onto the proposed Distribution Road does not form part of the development proposal.

Car Parking

11.6.14. The CE report sets out that the proposed the scheme has an over provision of 48 no. car parking spaces, greater than the maximum allowable in Table 11.13. Having regard to the strategic vision to promote public transport the CE report considers that the proposed overprovision of car parking is inappropriate at this location and would negatively impact integrated land use and transport planning and generally the objectives to support uptake of sustainable transport in the area.

11.6.15. The total no. of car parking spaces proposed is 534 including 12 no. for creche. The CE report recommendation to refuse refers to the over provision of car parking proposed, which is in excess of the maximum set out in Table 11.3 of the Cork City Development Plan and the report notes that this a material contravention of the Development Plan. Car parking is also addressed in the MC statement submitted.

11.6.16. However, having reviewed the Volume 2 (Mapped Objectives) Chapter E: *Car*

Parking Zones (Variation No. 1 8th May 2023), I am satisfied that the subject site is located in Zone 3 and not Zone 2. In Zone 3 the following standard apply:

- Residential (1-2 bedroom) – 1.25 space per unit
- Residential (3-3+ bedroom) – 2.25 spaces per unit
- Crèche – 1 space per 6 students

11.6.17. The scheme provides for 164 no. 1-2 bedroom units and 155 no 3-3+bedroom units. This equates to 205 plus 348 car parking spaces respectively, a maximum of 553 excluding the 12 no. spaces for the Creche. Therefore, the proposed development is below the maximum standards as set out in the CCDP for Zone 3. I note that the Traffic Regulation & Safety Report states that the proposed car parking provision is in accordance with the new CCDP.

11.6.18. I am satisfied that the proposed car parking is in accordance the Development Plan standards. I further note that car parking is in accordance with SPPR 3 of the Compact Settlement Guidelines (2024).

Cycle Parking

11.6.19. A total of 124 bike parking spaces are proposed provided as internal bike storage areas in each of the 3 apartments Blocks E, F and G, covered bike storage for the 4 duplex blocks, and additional bike storage at the crèche.

11.6.20. Section 6.0 Parking Provision of the Mobility Management Plan provides a breakdown of parking including bicycle parking. Table 11.4 of the Development Plan stipulates a standard of 0.5 per units in Suburbs, at 116 apartments this is 58 spaces and 1 per 25 children for Creches, at 71 children this equates to 3 spaces. The proposed 124 bike spaces are acceptable.

DMURS

11.6.21. The CE Report raised serious concerns regarding non-compliance with key principles set out in the Design Manual for Urban Roads and Street. Particular concern is raised as regards the lack of a Quality Audit.

11.6.22. The Urban Roads & Street Design Report states that the applicant has submitted a meaningless, 'tick-box' exercise DMURS compliant document but has failed to carry

out the actual requirements of the manual or even the spirit of the manual which is to create well designed streets at the heart of sustainable communities and to balance the needs of all users. The Quality Audit is a check to promote best practice design solutions. As regards the proposed development it is argued that the development contains multiple design features that promote car as the dominant transport mode, such as;

- Substantial straight sections of Link and Local Streets
- Wide carriageways which encourage higher driver speeds
- Weak sense of enclosure and lack of active street edges which contribute to a loss of pedestrian/cyclists sense of security and comfort by not dividing the footpath into 3 areas, footway, verges and strips.

11.6.23. It is set out that the layout proposed is not a 'well designed street' as it does not promote real alternatives to car journeys as its' car centric design supports vehicle modes above other modes and layout should consider the pedestrians perspective to the approach to street design: Connectivity, Comfort, Safety and Up designing.

11.6.24. The use of DMURS in urban areas is mandatory and the DMURS Street Design Audit is an auditing tool that can be used to ensure that the relevant issues contained within DMURS have been duly considered and is a check to promote best practice design solutions of supporting & encouraging sustainable modes instead of a car centric development. The DMURS Street Design Audit is primarily concerned with four major aspects of street design: • Connectivity • Self-Regulating Street Environment • Pedestrian and Cycling Environment • Visual Quality.

11.6.25. Whilst the applicant has submitted a DMURS Compliance Statement this does not include a Quality Audit in accordance with Advice Note 4 of DMURS nor has the applicant included a detailed Road Safety Audit as requested in the Notice of Pre-Application Consultation Opinion issued on 25th March 2022 (ABP-3121429-21). Section 11.227 of the Cork City Development Plan sets out that a Quality Audit will be required for major developments that impact on the road network and for all new road and traffic schemes. This should be carried out in accordance with DMURS and best international practice. The DMURS Quality Audits (Section 11.228) consist

of a number of individual and overlapping audits that may include an audit of visual quality; a review of how the street is/may be used by the community, A road safety audit, including a risk assessment, a cycle audit etc. The Plan sets out that a street design audit must be submitted as a component of a Quality Audit (for larger projects) or as a stand-alone audit process for smaller projects with an emphasis on placemaking and promoting the multidisciplinary aspects of successful street design.

11.6.26. A DMURS Statement accompanied the planning application. It is detailed in the application that the following measures will be implemented to ensure the scheme adheres to the design concepts of DMURS:

- Hierarchy of Roads and Streets - A new link road connecting from the entrance to the development off the Old Whitechurch Road continues through the southern portion of the site to form an east west link to connect to the Delaney's GAA pitch and its access road which affords connection from the development to Dublin Hill. Public transport connections to Cork City are available from Dublin Hill and it will also allow access to the retail services and other facilities in Ballyvolane. This road is tree lined with development in the form of 3 storey Duplex Housing, a Creche and wide terraced housing fronting the road. The duplex units and Creche which have their parking either behind or to the side of the buildings are pushed out to front the road, creating a more urban form along this road. This road is 6m, wide with a verge of 1m to both sides and a combined 3m wide pedestrian and cycle path. Two access points to the residential development are proposed off this proposed link road.
- Street Permeability - The street network in the scheme is designed to maximise that number of streets that are looped. This maximises the number of junctions and through the addition of narrower carriageways (as shown on the main access route), will ensure that traffic is slowed down naturally through driver caution.
- Gateway and Wayfinding - The design proposes a new entrance building in the form of a 3-storey duplex block as you enter the site from the Old Whitechurch Road creates an urban edge to the proposed new road into the development, and also to the existing Old Whitechurch Road. In terms of wayfinding the

proposed development uses two main focal points in the form of two different public spaces, a public space along the main link road and a second public space at the junction of the two access routes into the scheme.

- **Street Design** - Each street will be detail designed at construction stage to incorporate tactile paving and homezone signage as appropriate. The homezone streets will provide uncluttered environments. The space will be accessible for all and will have a clear prioritisation of pedestrian and bicycle use, be attractive, encourage social interaction and outdoor activity. Where possible the effective sense of enclosure of the street has been reduced through the use of parallel parking and reduced street widths. Home-zones have been designed within the quieter residential areas. Street trees and public lighting will enhance the character and safety of the areas.
- **Pedestrian and Cyclist Environment** – The scheme provides for:
 - A combined pedestrian and cycleway on both sides of the link road to the south of the site as set out above.
 - A combined pedestrian and cycleway linking with this link road at the public plaza and connecting with the public park at the western end of the site
 - A north south combined pedestrian and cycleway connecting the link road to the public park through the centre of the development
 - A series of pedestrian and cycleways located within the proposed public park to the north of the site. These will link into the neighbouring lands which are earmarked for significant residential development as well as any future link to a riverside park to the west towards the old Mallow Road.
- **Pedestrian Crossings** - Throughout the scheme pedestrian routes are prioritised along desire lines heading both east west and north south through the scheme. At junctions raised table crossings are proposed along each route.
- **Carparking** - The development proposes a mix of on-curtilage parking and shared on-street parking to the houses throughout the scheme.

11.6.27. DMURS calls for highly connected street which allow people to walk and cycle to key destinations in a direct and easy-to find manner, a safe and comfortable street environment for pedestrians and cyclists of all ages. Streets that contribute to the creation of attractive and lively communities. Streets that calm traffic via a range of design measures that make drivers more aware of their environment. Furthermore, the Cycle Design Manual (2023) sets out that facilities where pedestrians and cyclists share the same space should be avoided and the absolute minimum width is 3.0m for shared Active Facility and Greenway (table 4.15 Cycle Design Manual (2023)). Where cycle tracks at footpath level are provided, they should be clearly distinguishable from the footpath so that each mode has its own defined space and people who are blind and vision impaired can detect and negotiate the track. DMURS identifies a 1.8m wide footpath as being suitable for areas of low pedestrian activity and a 2.5m footpath as being suitable for low to moderate pedestrian activity. The proposed 3m wide shared pedestrian and cycling path is considered too narrow in my opinion, in particular along the link road. There would however appear to be capacity within the layout to increase the width along the link road and I am satisfied that this can be addressed by way of condition should the board consider this appropriate.

11.6.28. Whilst I note the concerns raised in the CE report as regards the absence of the DMRUS Audit, I am satisfied that the layout of the scheme is DMURS compliant and any minor technical details regarding corner radii, dished kerbs etc, can be addressed by condition.

Conclusion

11.6.29. CMATS contains policies and objectives which promote the Northern Distributor Road, and the Outer Ring Road and Kilbarry Train Station will enhance the accessibility of the site and alleviate traffic congestion in and around Blackpool including the proposed site.

It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that the components are in place to facilitate access to the proposed site and to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved

by the implementation of the mobility management plan and car parking strategy submitted by the applicant.

Regarding concerns that the link road will serve as a rat-run. I have no concerns in this regard owing to the proximity to the proposed Northern Distributor route.

DMURS is intended to lower traffic speeds, reduce unnecessary car use, and create a built environment that promotes healthy lifestyles and responds more sympathetically to the distinctive nature of individual communities and places. The implementation of DMURS is intended to enhance how we go about our business; enhance how we interact with each other and have a positive impact on our enjoyment of the places to and through which we travel. The creation of a neighbourhood that is well connected and permeable for pedestrians and cyclists is of paramount importance. This development in my opinion is a catalyst for enhanced permeability and integration. There are a number of natural tie-in points with surrounding developments which will aid to create an integrated network of pedestrian connection going forward enhanced by the wider public park to the north of the site. In addition to a range of uses and social spaces including 'home zones' all of which are provided for within the layout. Whilst I accept that the applicant has not submitted a DMURS Quality Audit, I am satisfied that this matter can be addressed by way of condition in light of the fact the development does not fall short in terms of the qualitative provision and is in accordance Strategic Objective 03 Transport and Mobility, which promotes integrated land use and transportation planning to increase active travel.

11.7. **Chief Executives Report**

The planning authority's report recommended that permission be refused for 2 no reasons.

Integrated land use and transportation planning, noncompliance with DMURS and over provision of car parking

- 11.7.1. The planning authority consider that the proposed development would be contrary Strategic Objective 03 Transport and Mobility, which promotes integrated land use and transportation planning to increase active travel, it is considered that the

development as proposed due to, the lack of usable public open space, non-compliance with key principles set out in the Design Manual for Urban Roads and Streets and the over provision of car parking proposed, which is in excess of the maximum set out in Table 11.3 of the Cork City Development Plan, does not accord with the proper planning and sustainable development of the area.

- 11.7.2. It is my view as set out in section 11.3 of this report that the proposed provision of open space is acceptable and appropriately spread across the site to provide for optimal accessibility to future residents. The scheme is further enhanced by the development of and proximity to the proposed public park to the north of the site.
- 11.7.3. Regarding car parking provision, I note the CE reports refers to the location of the site in Zone 2, as set out above the site lies to the north of Zone 2 and is located in Zone 3 as per Volume 2 (Mapped Objectives) Chapter E: *Car Parking Zones* (Variation No. 1 8th May 2023). I am satisfied that the quantum of car parking is in accordance with the applicable standards sets out for Zone 3. Having regard to compliance with DMURS, in particular, the failure of the applicant to provide a Quality Audit, I concur with the concerns raised and the failure to summaries the issues and qualify any improvement measures means the there is insufficient information to adequately assess the development in accordance with Section 11.227 and 11.228 of the City Development Plan.

Negative Impact on the Environment.

- 11.7.4. The planning authority consider that applicant has not demonstrated, to the satisfaction of the Planning Authority, that the proposed development will not impact negatively upon the environment and the documentation submitted with the application has failed to comprehensively assess the impact of the proposed development upon the receiving environment and in particular upon protected and at-risk species including the Marsh Fritillary, an Annex II species, and rare fungi.
- 11.7.5. I would refer the Bord to section 13.0 of this report.

11.8. Material Contravention

- 11.8.1. The applicant's Material Contravention Statement states that the proposed development could be considered to materially contravene the Cork City

Development Plan 2022-2028 in relation to– Density – table 11.2, Dwelling Size Mix – table 11.8, and Car Parking Provision -table 11.3.

11.8.2. Table 11.2– Density

11.8.2.1. Table 11.2 of the CCDP requires a target range of density of between 40 and 60 units per hectare. The proposed development has a stated density of 38.77 units per hectare.

11.8.2.2. The applicant contends that in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the site can be considered an outer suburban/greenfield site, as recognised in Figure 2.2 of the CDP. A target of between 35-50 units per hectare is set out in the Guidelines for locations such as this, with which the proposed density of 38.77 units per hectare is fully compliant. I would agree.

11.8.2.3. I note the 2009 guidelines were the applicable guidelines at the time the application was made and have been superseded by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Table 3.1 of the Compact Settlements Guidelines stipulates densities in the range of 40 – 80 units per hectare. Appendix B: *Measuring Residential Density* of the guidelines refine density calculations to exclude Larger, Regional or District Parks, Wayleaves or rights of way. The applicant has identified the total developable site area as 8.229ha. and density has been calculated as follows:

DENSITY	
Total Site Area	15.52
Total Open Space Zoned Lands	4.463
Remaining Site Area (Existing Roads and GAA grounds)	0.781
Total Residential Zoned Land	10.276
Undevelopable Areas: (Hectares)	
Lands required for Road Objective and Creche	0.895
Lands Too Steep to be developed inc Wayleave	1.152
Total	2.047
Total Developable Area	8.229
Density (Units /Hectare)	38.77
Density (Units /Acre)	15.69

11.8.2.4. The guidelines (2024) note that it may be necessary and appropriate in some

exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area.

- 11.8.2.5. Strategic Objective 2 *Delivering Homes & Sustainable Neighbourhoods* of the CCDP sets out 'To ensure that new homes are provided at appropriate densities in brownfield, infill and greenfield locations within and contiguous to existing City footprint identified in the Core Strategy, and aligned with transport, community and social infrastructure..'. Section 3.25 states that '*Greenfield sites will need to be developed to densities that reflect their suitability for urban density. This will require a step-change in the urban density of schemes being proposed. As a general rule the **minimum density shall be 35 dwellings per hectare (net density)**, excluding one-off houses*'.
- 11.8.2.6. The CE report notes that the achieved density at 38.77 units per hectare although falls below the 40 uph outlined in Table 11.2 the difference of 1.23uph is marginal and is not considered to be materially significant. Given that the density achieved is above 35 uph, and is above the prevailing 25uph in the area, the density achieved is considered to positively contribute to compact growth.
- 11.8.2.7. Having regard to the constraints of the site as regards topography, the location of the periphery of the built-up area and as regard an appropriate transition (Strategic Objective 2 *Delivering Homes & Sustainable Neighbourhoods*), I am satisfied that the density is acceptable in this instance and the shortfall, equating to 1.23% or a total of 10no. units, is not materially significant and considered acceptable and justified in the context of Section 3.25 of the CCDP, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and superseding documentation the Compact Settlements Guidelines for Planning Authorities (2024) and the prevailing character of the area. I do not consider the proposed density to be a material contravention.
- 11.8.2.8. However, in these circumstances should the proposed development be considered

to materially contravene the provisions of the CCDP the Board is empowered to, and should, decide to grant permission for the proposed development pursuant to the provisions of Section 37(2)(b) of the Planning and Development Act 2000, as amended.

11.8.3. Table 11.8 - Dwelling Size Mix

11.8.3.1. In terms of dwelling mix, the provision of 3-bedroom units is in excess of the standards set out in Table 11.8 a maximum of 38% for 3-bedroom units as set out below:

The proposed housing mix does not align with that set out in the Plan as illustrated in Table 1 below:

Unit	Max % Mix	Target % Mix	Proposed Mix
1 bedroom	25%	20%	12.85%
2 bedroom	40%	34%	38.56%
3 bedroom	38%	28%	40.75%
4 bedroom / Larger	15%	8%	7.84%

Table 1: Proposed Housing Mix compared to the maximum/target mix of the Plan

11.8.3.2. The proposed number of 3-bed units marginally exceeds the maximum set out in the Plan. The percentage exceedance of 2.75% equates to between 8 to 9 residential units. In the context of the overall scheme and the scale and extent of development in the immediate area and across the northside of the city, the PA do not consider this exceedance to be material or significant.

11.8.3.3. The applicant contends that development in accordance with national, regional and government policies as regards compact growth, *Housing for All, 2021* in so far as both national and regional policy have assigned a heretofore unprecedented scale and rate of growth for Cork City in order to assist in counterbalancing the excessive growth and sprawl of Dublin. In order to achieve the ambitious regional growth targets, set for Cork, it is paramount that proposals such as the subject proposed development are facilitated through the planning process.

11.8.3.4. I note Objective 11.2 Dwelling Size Mix of the CDP includes 'where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided

according to the ranges specified’.

- 11.8.3.5. The Joint Cork Housing Strategy and Housing Need Demand Assessment (HNDA) 2022-2028 has carried out detailed assessment to help predict and plan for changes in future AHS during the plan period and beyond. The strategy sets out a city-wide average household size target of 2.49 for the Plan period based on a changing average household size from 2022-2028. Objective 3.6 - Housing Mix states that in implementing the provisions of the Joint Housing Strategy and HNDA the Council will seek to *‘encourage the development of an appropriate mix of dwelling types to meet target residential densities, utilising a range of dwelling types and density typologies with combinations of houses, stacked units and apartments, balance of housing tenure and dwelling size to sustain balanced and inclusive communities, including a balance of family sized units and smaller dwellings tailored to suit the location...’*.
- 11.8.3.6. It is recognised that the proposed mix would not be consistent with Table 11.8 of the Development Plan requirements. However, I agree with the PA that percentage exceedance of 2.75% is not material or significant and I do not consider it a material contravention.
- 11.8.3.7. However, should the Board consider that a shortfall in unit mix is not appropriate, and therefore a material contravention arises, the Plan does establish that the average household size is 2.49 which would imply the average household contains 3 persons. Thus, the proposed unit mix is considered to be justified in the context of Objective 3.6 - Housing Mix which supports a balance of family sized units and smaller dwellings tailored to suit the location and the sites’ greenfield location on the periphery of the built-up area, the Board is empowered to, and should, decide to grant permission for the proposed development pursuant to the provisions of Section 37(2)(b) of the Planning and Development Act 2000, as amended

11.8.4. **Car Parking Provision - Table 11.3**

- 11.8.4.1. The total no. of car parking spaces proposed is 534 including 12 no. for creche. The MC statement states that the subject site is located in Zone 2. Table 11.3 of the Plan applies and as a result the following maximum car parking standards apply:

- Residential (1-2 bedroom) – 1 space per unit
- Residential (3-3+ bedroom) – 2 spaces per unit
- Crèche – 1 space per 6 students

11.8.4.2. The proposed development provides the following carparking:

Unit	No	Maximum	Proposed
1 bedroom	41	41	41
2 bedroom	123	123	171
3 bedroom	130	260	260
4 bedroom	25	50	50
SUB-TOTAL	319		
Creche	71 students	12	12
TOTAL	-	486	534

11.8.4.3. However, having reviewed the Volume 2 (Mapped Objectives) Chapter E: *Car Parking Zones* (Variation No. 1 8th May 2023), I am satisfied that the subject site is located in Zone 3 and not Zone 2. In Zone 3 the following standard apply:

- Residential (1-2 bedroom) – 1.25 space per unit
- Residential (3-3+ bedroom) – 2.25 spaces per unit
- Crèche – 1 space per 6 students

The scheme provides for 164 no. 1-2 bedroom units and 155 no 3-3+bedroom units. This equates to 205 plus 348 spaces respectively, a maximum of 553 excluding the 12 no. spaces for the Creche. Therefore, the proposed development is below the maximum standards as set out in the CCDP.

11.8.4.4. The level of car parking provision is considered in accordance with Table 11.3 of the Cork City Development Plan 2022-2028 and the proposed car parking does not constitute a material contravention of the development plan.

11.9. Other Issues

Affordable Units

11.9.1. Some concerns were raised by third parties that the units should be cost affordable. Whilst noted this is not a planning consideration. However, it is considered that the

provision of additional housing in the northern suburbs of Cork City will increase in housing supply in Kilbarry is anticipated to have a positive impact on the affordability of the area.

Emergency Access

- 11.9.2. An observation was raised with respect to fire access. In this regard I note that the site is accessible with regards emergency vehicles. The development will be subject to a separate Fire Safety Certificate application.

Pairc Ui Chaoimh

- 11.9.3. Any issues raised as regards Pairc Ui Chaoimh funding are not relevant planning considerations.

Community and Social Audit

- 11.9.4. The third parties contend that the site does not benefit from good accessibility and the area lacks the required services and amenities to accommodate further development. I refer the Board to the SCIAA accompanying the planning application demonstrating that there is sufficient social and community infrastructure within the catchment (the population of Kilbarry is defined for the purposes of this SCA by all Electoral Divisions located within a 2km radius of the subject site). The area in which the site of the proposed development is located is well provided for in terms of social and community facilities and services including health services, retail, arts and culture facilities, and faith and centres of religious and spiritual worship. In addition, there are 13 no. existing primary schools and 5 no. existing secondary schools within the defined catchment area of the proposed development. In addition, the development includes childcare facility and a publicly accessible park. I am satisfied that the site is accessible to relevant services and amenities.
- 11.9.5. Regarding childcare the SCA and Childcare Needs Assessment found that there is currently sufficient availability of early years childcare spaces in Kilbarry. However, the *Childcare Facilities Guidelines for Planning Authorities (2001)* states that unless there is a significant reason to the contrary a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings is recommended. The assessment determined that the proposed development would

generate the need for a total of 53 no. childcare spaces. A creche with a capacity for a total of 71 children is proposed within the development. This creche has been located along the proposed link road at the proposed public plaza with direct cycle and pedestrian connections within the site and also to areas outside the site so that it can be easily accessed by both the residents of the scheme itself as well as neighbouring areas.

- 11.9.6. I am satisfied given the suburban nature of the site that the existing and permitted services in the area will cater for demand generated. I am satisfied that the site benefits from proximity and accessibility to a range of community facilities including school, retail and community facilities required to support the development, sustainable neighbourhoods and communities.

Drawings

- 11.9.7. The CE report notes that there does not appear to be any plans showing terrace configuration. Furthermore, it is unclear whether plans for mirrored dwellings (for instance house type B which appears at both ends of terraces) have been provided. I am satisfied these matter can be addressed by way of condition should the Board be minded to grant planning permission. I do not consider this will result in any material change to the proposed development.

Application Lists -An Bord Pleanala

- 11.9.8. The third parties set out that the list of applications is not kept up to date on the Board's website contrary to Aarhus Convention principle of Access to Information. I refer the third parties to the 'Weekly List' section of the Bord's website which sets out relevant case lists by week.

Deeds for land transfer restrict use to Sports

- 11.9.9. Concerns were raised that the Deeds for land transfer restrict use to sports. The subject site is zoned for residential development, and the proposed development is consistent with this zoning.

Public Consultation

11.9.10. The third parties set out that it should be mandatory practice to include consultation with local communities who are impacted by proposed works, particularly when the normal planning process is restricted. The planning application was subject to public observation. Surrounding properties have had the opportunity to comment on the proposals. Accordingly, I am satisfied that adequate opportunity has been afforded for comment on the proposed development in accordance with the provisions of the Planning and Development Act 2000 (as amended)

12.0 **Appropriate Assessment**

12.1. **Introduction**

The applicant has prepared a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded the potential for significant effects to the Cork Harbour SPA and the Great Island Channel SAC as a result of the discharge of contaminated surface drainage waters via the Glenamought River to the north of the site and wastewater generated.

Cork Harbour SPA and its special conservation interest bird species and wetland habitats, as identified during the Screening Report, relates to the presence of a hydrological pathway linking the project site to the River Lee Estuary, in which sections of the SPA are located. The section of the SPA comprises intertidal wetland habitats relied upon for foraging and roosting by special conservation interest bird species of the SPA.

During the Screening Report a wastewater pathway was identified between the project site and the Cork Harbour SPA and the Great Island Channel SAC by virtue of the proposal to discharge wastewater generated at the project site during its operation phase to the Carrigrennan WWTP outfall located at Lough Mahon.

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

- 12.1.1. 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).
- 12.1.2. The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Statement. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. In line with Departmental Guidance and having regard to ECJ case law and the 'precautionary principle' Stage 2 Appropriate Assessment is required in respect of Cork Harbour SPA (004030) and the Great Island Channel SAC (001058).
- 12.1.3. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Stage 1 AA Screening

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

whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Description of Development

- 12.1.5. The development is summarised in Section 2 of this report. In summary, 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).
- 12.1.6. Description of the Site Characteristics
- 12.1.7. The site has a stated area of c. 15.52 hectares on zoned lands within an existing urban environment on the northern fringe of Cork City. The site comprises a greenfield site.
- 12.1.8. The project site is located within the River Bride sub-catchment (EPA name: Kiln_SC_010) of the River Lee catchment and will result in the discharge of attenuated surface water from the proposed development to this sub-catchment. The River Bride drains to the lower River Lee, which in turn drains to the River Lee Estuary, along which a section of the Cork Harbour SPA and pNHA is located. As such, there is a hydrological pathway connecting the project site to the River Lee Estuary and the section of the SPA.

Relevant Prescribed Bodies Consulted

- 12.1.9. At application stage the application was referred to the relevant prescribed bodies by CCC. The appeal has not been referred to prescribed bodies.

Information Submitted

- 12.1.10. The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application. It provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It concludes that there is no possibility of significant impacts on Natura 2000 sites, qualifying interests, or site-specific conservation objectives, and that a Natura Impact Statement is not required.
- 12.1.11. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects

of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

European Sites

12.2. Table 4.1 set out - Consideration of Potential Impact to the Site-Specific Conservation Objectives for Features of Interest occurring within the Zone of Influence of the Project. I note that the site is not within or immediately adjacent to a Natura 2000 site.

Initial Assessment of European Sites and Zone of Influence

European Site (Code)	Distance (km)
SAC's	
Great Island Channel SAC (001058)	8.5km
Blackwater River SAC (002170)	12km
SPA's	
Cork Harbour (004030)	6km

12.2.1. The following European Site can be screened out at Stage 1 on the basis that there will be no direct or indirect effects due to lack of hydrological connectivity, thus no complete source-pathway-receptor chain and / or no habitat present for the relevant species (including breeding and foraging habitat), also distance and intervening land uses between the development site and the relevant European Site:

- Blackwater River SAC (002170)

12.2.2. I am also satisfied that there is no potential for direct, indirect or cumulative effects on the above European sites. I conclude that it is reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

12.2.3. In addition, I note that there is a minimum separation distance of 12km from the appeal site. On this basis, I do not consider that the proposed development has the potential for disturbance of qualifying species, by reason of noise, vibration, dust, human activity, or otherwise. Furthermore, based on the site habitat and the site surveys completed, I would agree that the site is not a significant ex-situ foraging or

roosting site, and no significant effects are likely for the species of qualifying interest from any of the SPAs.

12.2.4. Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table below. I am satisfied that no other European Sites fall within the possible zone of influence.

12.2.5. The Conservation Objectives and Qualifying Interests of Cork Harbour SPA (004030) and the Great Island Channel SAC (001058) are outlined in the table below.

European Site (code)	Distance to Development	Qualifying Interests/ Conservation Objectives
Cork Harbour SPA (004030)	6km (as the crow flies)	<p>A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site:</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149]</p>

		<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]</p>
Great Island Channel SAC (001058)	8.5km	<p>A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site. Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p>

Potential effects on European Sites

- 12.2.6. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
- 12.2.7. As previously discussed, the application site does not fall within the boundary of any Natura 2000 site, therefore there are no Natura 2000 sites at risk of direct habitat loss impacts as a result of the proposed development. Potential impact pathways are restricted to hydrological pathways. The project will result in the discharge of surface water and wastewater to the River Lee and Cork Harbour and as such a hydrological pathway connects the project site to the Cork Harbour SPA and the Great Island Channel SAC.
- 12.2.8. No other pathways such as noise, visual or nighttime lighting disturbance or emissions to atmosphere will arise due to the distance of the project site from the nearest European Sites. I am satisfied having regard to the nature and scale of the

proposed development on serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts).

12.2.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on Cork Harbour SPA (004030) and the Great Island Channel SAC (001058) relate to:

- Surface water runoff generated at the project site during the construction phase and operation phase will be discharged to the Glenamought River, which in turn drains to the River Lee. A section of this SPA occurs along the lower River Lee which supports intertidal foraging areas and roosting sites used by special conservation interest bird species.
- During the operation phase wastewater generated at the project site will be directed to the existing combined sewer network and will be conveyed to the Carrigrennan WWTP for treatment. The outfall of the Carrigrennan WWTP is located in Lough Mahon to this south of Cork Harbour SPA. There is also potential for tidal movements of WWTP effluent discharge from the Carrigrennan WWTP outfall into Great Island Channel SAC.

Assessment of Likely Significant Effects on Designated Sites

12.2.10. The Great Island Channel SAC (001058) contains two marine habitats. There is no direct hydrological pathway linking the construction phase and operation phase surface water runoff from the project site to this SAC. Hydrodynamic modelling of Cork Harbour has shown that the Great Island Channel is influenced by tidal flows with little influence on this area of the harbour by freshwater inputs from the River Lee. Given the tidal dominance on hydrodynamics and water quality in the Great Island Channel, along with the imperceptible volumes of surface water generated at the project site during the construction and operation phases (relative to those occurring within the Lee Estuary and the harbour) it is concluded that no functional surface water hydrological pathway links the project site to this SAC.

- 12.2.11. Surveys completed during the non-breeding season and overlapping with the occurring of nonbreeding migratory wetland bird species in Ireland in September 2020, October 2021, November 2021 and April 2022 did not identify the presence of wetland birds and birds species listed as special conservation interest bird species of the Cork Harbour SPA occurring within or relying upon the project site. No wetland habitats occur within the project site and much of the habitat supported by the project site which consists of scrub and tall sward grassland habitats are unsuitable as foraging and roosting habitat for the special conservation interest bird species of the Cork Harbour SPA.
- 12.2.12. During the operation phase it is proposed to discharge surface water from the project site to the Glenamought River along the northern boundary of the project site. It is proposed to convey the surface water to the river via an open drain. The open drain will be designed to form part of the landscape plan for the project and will ensure that flows are managed, and erosion of the open drain does not occur. The proposed surface water management design will include a storm drainage pipe network, attenuation storage structures and several SuDS features which will aid the reduction of runoff volumes by slowing surface water flows, providing the opportunity for evapotranspiration and providing the opportunity for infiltration to ground. Surface water generated at the project site during the operation phase will be discharged through a Class 1 bypass oil interceptor designed in accordance with BS EN 852:2. An attenuation tank, sized to cater for a 100-year storm event with a 10% climate change allowance, will be provided downstream of the interceptor. Discharges from the attenuation tank will be limited to greenfield runoff rates. Both the interception and attenuation storage requirements of GDSDS will be sufficiently met. It is standard practice that SuDS are included in all projects, and they are not specifically included to reduce or avoid any effect on a designated Natura 2000 site.
- 12.2.13. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. The most likely forms of contamination are 'siltation' and spillage. Siltation will be mitigated on the project using silt fencing, stilling basins and strainers within the site to prevent silt being discharged to the existing drainage network and watercourses.

- 12.2.14. I note the NIS notes that that the existing baseline water quality conditions within the receiving River Bride and downstream along the Lower River Lee Estuary are already perturbed by pollution inputs. However, I am satisfied that the pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Cork Harbour can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Cork Harbour (dilution factor).
- 12.2.15. I note the SFRA identified the site in Flood Zone C. To ensure the proposal is not at risk of pluvial flooding all highly vulnerable development will be constructed outside of the River 0.1% AEP flood extent. (I refer the Boad to section 11.5 above).
- 12.2.16. Wastewater generated at the project site during the operation phase will be treated at Carrigrennan WWTP and discharged to the Lough Mahon section of Cork Harbour. In this regard I note that the outfall location is buffered from the nearest point of the SPA by over 500m of transitional waters. Furthermore, it is noted that the wastewater generated by the project will result in an imperceptible increase in the organic loading of the Carrigrennan WWTP. As such the project will represent a miniscule and negligible increase in the level of nutrient discharged to Lough Mahon and will therefore not have the potential to result in a perceptible change to the nutrient levels of waters within the Cork Harbour SPA and the Great Island Channel SAC.
- 12.2.17. I am satisfied the potential for significant effects, as a result of surface waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 sites (Cork Harbour SPA (004030) and the Great Island Channel SAC (001058)) can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water environments.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on water quality in the River Lee and Cork Harbour due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- All foul water will be discharged to the public sewer and will be treated at the Carrigrennan Wastewater Treatment Plant before discharges to the river Shannon. A Pre-Connection application has been submitted to Irish Water and a Confirmation of Feasibility was received.
- Inland Fisheries Ireland note that the retention of existing habitats have potential to provide the river with significant buffering. No objection to the proposed development subject to 4 no. recommended conditions relating to standard pollution control measures.

12.2.18. As previously discussed, the Appropriate Assessment Screening carried out by the applicant concluded that given the nature of the construction works, the fact that the Glenamought River which forms the northern boundary of the project site continues flowing downstream to the River Bride and the River Lee Estuary and ultimately Cork Harbour, it is considered that the potential Zone of Influence of the proposed works extends beyond the site to include the Glenamought River, River Bride and the River Lee Estuary, Cork Harbour SPA (004030) and the Great Island Channel SAC (001058)). In the absence of mitigation measures, there is considered to be potential for petrochemicals, hazardous material or silt laden material to enter these environments. Adopting a precautionary approach, a Natura Impact Assessment was deemed to be required in respect of the effects of the projects on this SPA and

SAC. Therefore, a Natura Impact Statement (Stage 2 Appropriate Assessment) was prepared and submitted.

- 12.2.19. I have examined the 'mitigation measures' outlined, in Section 6 of the NIS, to prevent impacts on Natura 2000 sites. They generally comprise of construction best practice/control measures detailed in the Outline Construction Management Plan, Resource Management Plan. Although a Project Ecologist is to be appointed/consulted in the context of the project, to ensure implementation of mitigation measures outlined in the application material. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site and that those outlined constitute the standard established approach to construction works on greenfield/brownfield lands. The adoption of such measures would be standard practice for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site.

In combination or Cumulative Effects

- 12.2.20. The applicant's AA Screening Report has considered cumulative / in-combination impacts, including other permitted developments in the vicinity of the site and relevant plans and policies. It concludes that no projects or plans would act in-combination with the proposed development to cause any likely significant effects on any European sites.
- 12.2.21. I further note that in terms of in combination impacts other projects within the Cork areas which can influence conditions in the River Lee and Cork Harbour via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.
- 12.2.22. I acknowledge that there would also be a cumulative effect in relation to surface water discharge. However, all other developments will be required to incorporate appropriate construction management measures and to incorporate GDSDS requirements to suitably manage the quantity and quality of surface water discharge. Accordingly, I am satisfied that there would be no potential for significant

cumulative / in-combination effects on the relevant European Sites as a result of surface water.

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

AA Screening Conclusion

- 12.2.24. I have considered the material submitted by the applicant, including the Appropriate Assessment Screening & Natura Impact Statement and environmental reports, and the information regarding Natura 2000 sites contained on the NPWS website. Having considered this, and having regard to the nature/scale of the proposed development on serviced lands, the nature of the receiving environment within a defined settlement boundary, the distances to the nearest European sites and the hydrological pathway considerations, it is my opinion that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058), or any Natura 2000 Site. The risk of watercourse contamination is extremely low and in the event that a significant pollution incident occurs in the context of surface water locally, it is reasonable to assume that this would be imperceptible to Natura 2000 sites given the applicable separation distances and the dilution that would have occurred as the surface water moved downstream. Therefore, contrary to the view of the applicant, I do not consider a Stage 2 Appropriate Assessment necessary in this instance and am satisfied that Stage 1 Appropriate Assessment is appropriate for all sites.

- 12.2.25. I note that the application included a NIS. In deciding to prepare and submit this, the applicant states that the precautionary principle was being applied. It is my opinion that the adoption of the precautionary approach is over cautious and unwarranted in this instance. Upon review, the mitigation measures outlined to

prevent impacts on Natura 2000 sites generally comprise of construction best practice/control measures detailed in the Outline Construction Management Plan and a Flood Risk Assessment accompanying the application. The adoption of such measures would be standard practice for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. I am satisfied that no mitigation measures pertaining specifically to potential impact to a Natura 2000 site have been proposed.

If the Board does not adopt the screening recommendation set out above, I deem sufficient information to have been included in the submitted NIS to allow a Stage 2 Appropriate Assessment to be completed.

13.0 Environmental Impact Assessment (EIA)

Environmental Impact Assessment Report

- 13.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project and it should be read in conjunction with the planning assessment above. The development provides for the demolition of disused Hurley manufacturing factory and associated outbuildings, construction of 319 no. residential units (203 no. houses and 116 no. apartments), creche and associated site works on lands at Kilbarry on the Old Whitechurch Road, Cork City. The site is located within the administrative area of Cork City Council.
- 13.1.2. This application was submitted to the Board after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Schedule 5 of the Planning and Development Regulations 2001- as amended identifies projects in respect of which the submission of an EIAR is mandatory.
- 13.1.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

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

13.1.4. Class 14 of Part 2 to Schedule 5 of the Planning Regulations provides that mandatory EIA is required for:

- works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule.

13.1.5. The development will consist of the demolition of existing structures (total demolition area 622 sq m). Given the scale and nature of buildings to be demolished, it is not envisaged that likely significant effects on the environment arising from the demolition will occur. For this reason, it is considered that mandatory EIAR under Class 14 of Part 2 of Schedule 5 of the Regulations is not required. Nevertheless, The total site area for the proposed works is c. 15.52 hectares (ha). The proposed development constitutes an “urban development” as it is a housing development. According to the Interpretation of Definitions of Project Categories of Annex I and II Document (European Commission, 2015), “Housing developments, in particular, are frequently included in the ‘urban development projects’ category”. The site of the proposed development is located within the functional area of the Cork City Council Development Plan 2022-2028 and is zoned as:

- Sustainable Residential Neighbourhoods and • Public Open Space.

13.1.6. The site can then be categorised as “other parts of a built-up area” and accordingly the 10-hectare area threshold applies. The total area of the proposed development site is approximately 15.52 ha. The proposed development exceeds the threshold of 10 hectares under Class 10 (b)(iv) and accordingly, a mandatory EIAR was prepared as part of this application.

13.1.7. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Section 1.6 set out details of contributors to the EIA Report the role and responsibility of each contributor.

Vulnerability of Project to Major Accidents and/or Disaster

- 13.1.8. Consideration of risks associated with major accidents and/or disasters. Article 3(2) of the Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 13.1.9. The 2018 Guidelines on carrying out Environmental Impact Assessment identify two key considerations:
- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.
 - The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.
- 13.1.10. The EIAR observes that the site is not a Seveso facility and is not within the consultation distance of any Seveso facility. Therefore, there are no implications for major accidents or hazards at the proposed development site.
- 13.1.11. Annex IV of the Directive 2011/92/EU as amended by Directive 2014/52/EU refers to both a proposal's potential to cause accidents/disasters and to the vulnerability of the proposal to accidents/disasters. These risks can be from both man-made and natural disasters and there is a requirement to build resilience into projects and to invest in risk prevention. Principal risks include accidental spillages, ground instability, landslides, flooding, major traffic accidents, and work-place construction accidents. The EIAR concluded that 'no plausible potential risks were identified which would result in the proposed development causing a major accident or disaster on or outside of the proposed development'.
- 13.1.12. The application is accompanied by a site-specific flood risk assessment, and Chapter 14 (Water) of the EIAR considers the risk of flooding. This concludes that the site the proposed development is not at risk of flooding from external sources, or as result of the proposed development and will not give rise to flooding impacts elsewhere. The proposed buildings for this development are located within Flood Zone C. There are no historic flood events recorded within the proposed development site according to FloodInfo.ie. Therefore, the proposed development

is not likely to have an impact on floodplain storage and conveyance and will not increase flood risk off site during the construction phase. Pluvial and groundwater flooding will be managed through the implementation of the drainage measures. Having regard to the nature of the proposed residential development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

Alternatives

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

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of ABP-313176-22 Inspector's Report Page 119 of 179 the main reasons for the option chosen, taking into account the effects of the project on the environment.

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

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

13.1.15. Chapter 3 addresses 'Consideration of Alternatives' and notes the entire site, which is located in the built-up area of Cork City, is zoned for residential development under the new Cork City Development Plan 2022-2028. At this location, the proposed scheme will deliver significant additional public and private housing in a range of house types in a consolidated and accessible urban neighbourhood in the existing built-up area of Cork City, which will be supported by ancillary community facilities and public open spaces. This location also offers the potential for sustainable transportation modes. As such, the proposed development is fully aligned with the provisions of the National Planning Framework 2018 as outlined in Chapter 2 of this EIAR, which advocates compact urban housing growth and the

intensification of population in the built-up area of Cork City.

13.1.16. In the context of the current planning and housing policy for the area, county and the region, the do-nothing scenario is considered to have a negative impact in terms of housing provision and associated local services and community and public open space provision. The construction and mitigation measures presented in the EIAR represent the best practice. Having regard to the site's location and zoning objective the 'Alternative Process' do-nothing scenario was discounted.

13.1.17. Alternative designs and layouts were also considered during the design process. A number of site constraints and guiding principles influenced the site layout's design:

- The locations of existing residential developments, entrances, houses, and public open spaces.
- The locations of existing trees, hedgerows, watercourses, and water bodies.

The proposed design is the culmination of a considered design process. It is set out that the final alternative chosen improves upon the layout presented to An Bord Pleanála at the pre-planning consultation. This layout respects the nature of the existing site and its immediate context as much as possible, while also providing an appropriate residential density. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

Consultations

13.1.18. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

13.1.19. Section 1.7 of the report details 'Consultation Undertaken'. Prescribed bodies as per Article 28 of the Planning and Development Regulations, 2001, as amended, were contacted to seek initial comments to inform the preparation of the EIAR.

Likely Significant Direct and Indirect Effects

13.1.20. The EIAR dated June 2022 comprises a non-technical summary (Volume 1), Environmental Impact Assessment Report (Volume 2), and Appendices (Volume

3). Chapter 19 of the main volume addresses interactions, Chapter 20 addresses mitigation measures are set out in the various chapters throughout the EIAR.

13.1.21. The likely significant indirect effects of the development are considered under the headings below in the context of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Traffic and Transportation
- Air Quality and Climate
- Noise and Vibration
- Biodiversity
- Archaeology and Cultural Heritage
- Landscape and Visual Assessment
- Land, Soils and Geology
- Water
- Resources and Waste Management
- Material Assets – Services, Infrastructure and Utilities
- Population and Human Health
- Major Accidents and Disasters
- Cumulative and Interactions Effects
- Mitigation and Monitoring Measures

13.2. **Traffic and Transportation**

13.2.1. Chapter 7 of the submitted EIAR deals with Traffic and Transportation. The methodology for assessment is described, relevant transport proposals and the receiving environment is outlined. Observers have raised concerns in relation the capacity of the surrounding road network and public transport and the impact of construction traffic. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts. My assessment of Traffic Impact and Car Parking in Section 10.6 above also considers these matters and I refer the Board to same.

13.2.2. It is set out that as per CMATS, the proposed Northern Distributor Road is anticipated for completion in 2031 and will provide a direct route for local traffic to

avoid the major traffic centres of Blackpool and the City Centre when wishing to travel to the N22 west or the N8 east.

- 13.2.3. During the construction phase, construction traffic travelling to the site will use both the Old Whitechurch Road and the Upper Dublin Hill Road. A Construction & Environmental Management Plan (CEMP) would be implemented. The level of construction traffic throughout the working day is expected to be low to moderate, the highest volume of vehicles is expected when workers arrive to and leave work. It is expected that there will be a typical average of approximately 80 no. construction employees on site during each phase of the works. Deliveries and HGV movement numbers are expected to be low to moderate and evenly spread throughout the day. The HGV traffic is expected to be greater during the initial stage of the development as larger machinery and materials will be delivered. This will, however, reduce as the construction of the buildings advance. Overall, it is considered that the impact of the construction phase on Traffic and Transport will be negative, temporary and slight.
- 13.2.4. The likelihood of an accident occurring involving development traffic is unlikely with vehicular access to the site by means of two priority-controlled junctions from Old Whitechurch Rd. and Upper Dublin Hill, each with good sightlines in both directions. The development junctions are designed in accordance with the Design Manual for Roads & Bridges and achieve the required sightlines for the posted speed limit in the area, 50kph. The provision of a footpath on the development side of Old Whitechurch Rd. coupled with the provision of pedestrian crossings will serve to urbanise the area resulting in reduced traffic speed.
- 13.2.5. Industry standard growth rates have been applied to background traffic for future year assessments (to account for further development within the area). These growth rates make allowance for modal shift targets as set by national policy but do not take account of site-specific measures that may be implemented to mitigate against traffic generation from a particular development. In this instance the development of strategic transport corridors in-line with CMATS and Bus Connects. An increase in modal shift from the recorded 19% level to 40% has been applied to development traffic in design year 2040. It was deemed inappropriate to apply this

increase to prior year scenarios. The 40% figure falls short of the national target of 45% implying that the analysis presented is robust. Measures not allowed for in the industry standard growth rates applied include future infrastructural projects in the area such as the Northern Distributor Road, the Outer Ring Road, and the Kilbarry Train Station. As previously mentioned, these projects will have a significant effect on traffic in the area and will reduce the residents' reliance on the private car.

- 13.2.6. A Travel Plan / Mobility Management Plan has been prepared for the proposed development which includes mitigation measures to reduce usage of private cars and increase the use by residents and patrons within the development of more sustainable modes of travel, such as including good cycle parking provision, will further promote the greater use of sustainable travel modes. Successful implementation of the Travel Plan / Mobility Management Plan measures included will reduce the vehicular trip generation from the proposed development.
- 13.2.7. However, it is acknowledged in the analysis carried out that if government modal shift targets are achieved in the future, there will remain a percentage of new trips on the roads network because of the proposed scheme. These new trips will add traffic to the assessed junctions reducing their operational efficiency.
- 13.2.8. There is ongoing significant investment in bicycle, bus and train infrastructure, with ongoing increase in uptake of these modes. During the operational phase, it is anticipated that there is likely to be a moderate, negative and long-term effect on the surrounding roads as a result of the proposed development. I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network which in my opinion is within the norm of a busy urban environment.
- 13.2.9. Mobility Management has been provided for in the development master planning, and the development will be dominated by sustainable transport modes. The capacities of the existing vehicular, public transport and pedestrian / cycle networks have been assessed and have been found to be more than capable of accommodating the additional movements associated with the proposed development.

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

13.3. **Air Quality and Climate**

13.3.1. Air Quality and Climate is outlined in chapter 8 of the EIAR. The methodology for assessment is described.

13.3.2. Impacts to air quality and climate can occur during both the construction and operational phases of the proposed development. With regard to the construction stage the greatest potential for air quality impacts is from fugitive dust emissions impacting nearby sensitive receptors and the observers have raised concerns in this regard. Impacts to climate can occur as a result of vehicle and machinery emissions. Potential impacts to air quality during the operational phase of the proposed development are as a result of a change in traffic flows and volumes on the local road network.

13.3.3. With regard to the construction stage the greatest potential for air quality impacts is from:

- Dust deposition, resulting in the soiling of surfaces;
- Visible dust plumes, which are evidence of dust emissions;
- Elevated PM₁₀ [Particulate Matter (PM)] and PM_{2,5} concentrations, as a result of dust generating activities on site;
- To a lesser extent, increase in concentrations of airborne particles and nitrogen dioxide due to exhaust emissions from diesel powered vehicles and equipment used on site.

13.3.4. The site is classed as medium risk for dust emissions during all phases of development. The sensitivity of the area for human health and ecological effects are

medium to low overall. The combined classification for risk of impacts is medium. The classification indicates the level of control and mitigation required during the different phases of development. In particular the demolition phase will require strict best practice measures and monitoring to ensure the potential for impact is negligible. The site will operate in accordance with a Construction Environmental Management Plan. This plan includes dust control measures and monitoring procedures detailed in the appendices of this report. The mitigation measures will ensure that the development complies with the relevant EU ambient air quality standards which are based on the protection of human health. The management will include the placement of continuous dust monitors which will ensure the site is compliant. Provided the dust mitigation measures outlined in section 5.3 of the CEMP are implemented, the impact of construction of the proposed development could be negative, short-term with perceptible effects in the absence of mitigation.

- 13.3.5. The number and intensity of HDV at this proposed development will not be significant in terms of local traffic emissions in Cork City and environ. Construction stage traffic has the potential for a negligible and short-term impact on air quality.
- 13.3.6. Regarding demolition works the report notes that there are other potential impacts, such as the release of heavy metals, asbestos fibres or other pollutants during the demolition of certain older type buildings or the removal of contaminated soils. An asbestos survey should be completed in line with legislative requirements prior to any demolition, confirming the presence or absence of asbestos within the structure. I am satisfied this can be addressed by way of condition should the Board be minded to grant planning permission.
- 13.3.7. The operational phase of the proposed development will result in a slight impact on local air quality primarily as a result of the requirements of new buildings to be heated and with the increased traffic movements associated with the development.
- 13.3.8. Traffic movements associated with the development have been evaluated and assessed as part of the Traffic Impact Assessment. All link roads and junctions with the exception of Lower Dublin Hill and Upper Dublin Hill Junction will experience an increase in AADT of greater than 10%. Applying the 2025 percentage increase in annual emissions to the average pollutant concentration at each location that will

experience an increase of more than 10% AADT would predict that the ambient PM₁₀ concentrations will all be well below the 1-hour limit of 50 µg/m³ during peak traffic periods and PM_{2.5} concentrations with the development in place (“do something”) will all be well below the annual mean limit of 20 µg/m³ during peak traffic periods. The impact of the proposed development on ambient air quality and human health during the operational stage is considered long-term, localised, negative and imperceptible, therefore no mitigation is required.

- 13.3.9. Due to the size and nature of the development, emissions of CO₂ and N₂O from construction equipment and materials will have a negligible impact on climate change. The impacts to climate from the construction phase of the development will be short-term, unlikely and not significant. In addition, a Building Life Cycle Report accompanied the planning application. This report highlights how the construction and long-term management of the proposed development will be catered for and how overall energy considerations have been inherently addressed.
- 13.3.10. Best practice mitigation measures are proposed for the construction phase of the proposed Project, which will focus on the proactive control of dust and other air pollutants to minimise generation of emissions at source. The mitigation measures that will be put in place during construction of the proposed Project will ensure that the impact complies with all EU ambient air quality legislative limit values which are based on the protection of human health. Therefore, the predicted residual impact of construction of the proposed Project is negative, direct, short-term and imperceptible with respect to human health.
- 13.3.11. The proposed development is not predicted to significantly impact climate during the operational stage. Given the proposed use of this development, there are no direct sources of dust or other emissions that could give rise to nuisance or contravene any air quality standards. There will be an increase in traffic along junctions and link roads which will have negligible impact on dust and NO₂ emissions once the project is completed.
- 13.3.12. Overall, the effects on air quality standards of the project during construction and operational phases and the resultant interaction with human health and ecology have been shown to be negligible.

13.3.13. Regarding cumulative impact the EIAR states that even if the construction phases of proximity projects coincide for a period of time with that of the proposed development, *“given their temporary nature, the likelihood of any significant cumulative effect on air quality is low and short term. No cumulative effects on air quality or climate are predicted to arise from the proposed development during the operational phase”*.

13.3.14. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Air Quality or Climate

13.4. **Noise and Vibration**

13.4.1. Chapter 9 of the EIAR deals with noise and vibration. The methodology for assessment is described. A number of observers raised concerns about noise and vibration impacts. A desk study was undertaken and included review of available published data. An environmental noise survey has been conducted at the site in order to quantify the existing noise environment. The survey/s were conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise. Three measurement locations were selected. The approach adopted here calls for the designation of a noise sensitive location into a specific category (A, B or C) based on existing ambient noise levels in the absence of construction noise. This then sets a threshold noise value that, if exceeded, indicates a significant noise impact is associated with the construction activities.

13.4.2. The main contributors to noise build-up at this location were distant road traffic on the Old Whitechurch Road and other nearby road networks, wind-generated noise, birdsong nearby and building services noise from the City North Business Park and Pallet Recycling Facility. Daytime ambient noise levels at location 1 were in the range of 48 to 49dB LAeq and 43 to 44dB LA90, location 2 - 51 to 58dB LAeq and 48 to 49dB LA90 and location 3 - 40 to 42dB LAeq and 35 to 36dB LA90. Night-time ambient noise levels were in the range of 36/37 to 38dB LAeq and 25 to 26dB LA90.

13.4.3. The highest potential noise and vibration impact of the proposed development will occur during the construction phase due to the demolition of various buildings, the operation of various plant machinery used to construct the various phases in

addition to Heavy Goods Vehicles (HGVs) movement to, from and around the site. However, impacts during this phase are short-term in duration.

- 13.4.4. In this instance, the nearest residential properties are the dwellings located along Old Whitechurch Road to the west. Daytime ambient noise levels measured at these locations were in 48 to 58dB LAeq at these locations. All of these dwellings would therefore be applied with a Category A designation. The site is located within an existing urban area and there are noise sensitive receptors (existing residential properties) at the site's boundaries. Details of which are set out in section 9.5.2 of the EIAR. The calculated noise levels in Table 9.8: *Likely Impact Associated with Change in Noise Level* indicate that during the Site Preparation and General Constructions phases, there are likely to be slight exceedances of the criteria by 1 - 2dB(A) at the nearest Old Whitechurch Road dwellings. However, these exceedances would be considered slight and will be very in nature.
- 13.4.5. With respect to vibration impact, the potential for vibration at the majority of neighbouring sensitive locations during construction is typically limited to excavation works and lorry movements on uneven road surfaces (there is no blasting planned in the site preparation for the development). The more significant of these is the vibration from excavation operations; the method of which will need to be selected and controlled to ensure there is no likelihood of structural or even cosmetic damage to existing neighbouring dwellings. However, the relative distance between the excavation areas and the existing residences is such that any ground borne vibration should be well below threshold limits.
- 13.4.6. The main potential source of vibration during the construction programme is associated with piling and any initial groundbreaking or demolition activities. Vibration measurements were conducted during various staged activities and at various distances. Vibration magnitudes associated with this activity are well below those associated with any form of cosmetic damage to buildings. Vibration from construction activities will be limited to the values set out in Table 9.10 of the EIAR but will likely be far below these values.
- 13.4.7. The demolition and construction phase will involve intrusive works and high noise activities, utilities and structural works, substructure and lower noise activities and

there is the potential for some temporary significant noise impacts at the closest receptor when intrusive works are undertaken. While it is acknowledged that the proposed construction phase would cause noise and disturbance the works would be temporary, and it is noted that the majority of the construction works will take place at significant distances from the receptors and within controlled hours. Therefore, no significant impacts are predicted. The application of the practicable noise control measures detailed in Section 9.6.1 and controlled hours of working should ensure that the impact of construction noise and vibration is mostly within the criteria limits established in this report and is minimised as far as practicable. There are likely to be slight exceedances of the criteria by 1 - 2dB(A) at the nearest Old Whitechurch Road dwellings but these exceedances would be considered slight and will be very in nature. The use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase will ensure impacts are controlled to within the adopted criteria.

13.4.8. During the operational phase, the differences between predicted traffic flows with and without the site are such that the resulting increase in noise levels is < 1.0 dB at receptors adjacent to most of the surrounding road networks. The impact of this increase is therefore considered to be imperceptible and therefore negligible. The only exception are the receptors located along Old Whitechurch Road to the south of the development which are expected to experience a 5dB increase in noise level. An increase in noise level of this order would result in a slight noise impact to these residential dwelling. I note the concerns raised in the submissions in this regard, however, noise emissions from the road are not expected to exceed NRA minimum threshold criteria for noise emissions from roadways and there are no supplemental mitigation measures that could be practicably provided in this instance. However, the EIAR notes that noise or vibration monitoring would be required in this instance given the relative distance of the primary construction areas from the nearest noise sensitive receptors.

13.4.9. Furthermore, at the detailed design stage, best practice measures relating to building services plant will be taken to ensure there is no significant noise impact on NSLs adjacent to the development. No significant sources of vibration are

expected to arise during the operational phase of the development. Noise and vibration levels associated with operational plant are expected to be well within the adopted noise limits at the nearest noise sensitive properties.

13.4.10. Regarding concerns raised about noise from the creche, it is noted that noise from creches are primarily in the form of children playing and engaging in other outdoor activities. In this instance, that will occur in the small outdoor play area at the rear of the building. In order to minimise noise impact from the creche on these dwellings, a 2m high boundary wall is proposed to be provided along the boundary between the creche's small outdoor play area and these dwellings. This boundary wall will be further supplemented with trees planted adjacent to the boundary wall (on the creche side) to provide further noise shielding / diffusion / masking for the dwellings. Maximum noise emission levels from the creche playground predicted at the nearest dwelling resulted in a level of the order of 60dB LAmax. Although there is no maximum noise level criterion for daytime periods, a level of this order would be consistent with or below the 63 to 67dB LAmax measured during daytime periods. The nearest Old Whitechurch Road dwelling is located at a distance of approximately 25m to the west. As set out in section 11.4.3 above the landscape drawing does not include a 2m high boundary wall at this location, however I am satisfied this can be addressed by condition should the Board be minded to grant planning permission.

13.4.11. Mitigation measures are proposed for both the construction and operational phases in relation to noise and vibration.

13.4.12. I am satisfied that the proposed mitigation measures and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

13.5. **Biodiversity**

13.5.1. Chapter 10 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 12 above, the proposed

development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

- 13.5.2. A number of concerns have been raised about the impact of the development on the biodiversity of the site. In this regard the CE report recommended that permission be refused as the documentation submitted with the application has failed to comprehensively assess the impact of the proposed development upon the receiving environment and in particular upon protected and at risk species including the **Marsh Fritillary, an Annex II species, and rare fungi** and the proposed development does not accord with the proper planning and sustainable development of the area. The timing of surveys undertaken has been queried in the submission, particularly the survey for the Marsh Fritillary (An Annex II species). The Heritage Officer's Report highlighted concerns regarding the lack of any detail in the EIAR regarding the fungal habitats on site.
- 13.5.3. A range of on-site field surveys were completed to inform the baseline biodiversity conditions at and surrounding the project site. Habitat and vegetation surveys were undertaken by DEC Ltd. during September 2020; October and November 2021; and on a monthly basis between April and July 2022. Surveys for the presence of non-volant mammals, with particular attention given to the presence of badgers within and in the immediate vicinity of the proposed development footprint and otters along the Glenamought River to the north of the proposed development footprint and bounding the available landholding. Breeding bird surveys were completed during the 2022 breeding bird season between April and July. Non-breeding season bird surveys were completed during the 2020 non-breeding bird season in September 2020 and during the 2021 and 2022 non-breeding bird season in October and November 2021. Detailed bat surveys were undertaken during the 2022 bat activity season. Detailed marsh fritillary surveys were undertaken during the autumn season of 2020 in September 2020 and during the late spring and early summer season of 2022 during May and June 2022.
- 13.5.4. The Habitats within the site have been identified to Level 3 of the Guide to Habitats in Ireland (2000). Figure 10.2 provides a habitat map showing the location and extent of habitats occurring within the landholding. The primary habitat types located

within the site of the proposed development comprised Semi-Improved Grassland GA1/GS3, Dry Acid Grassland GS3, Recolonised Grassland Mosaic ED3, Scrub WS1, Broad-leaved woodland WD1, Hedgerow WI1/Treeline WI2 and Eroding Watercourse FW1.

13.5.5. The habitat within the footprint of the project site is considered to be species poor. It is of low heritage value, representative of a habitat of low importance (lower value, Rating E). The scrub habitat to the north of the project site provides an area of semi-natural woodland in an area otherwise dominated by artificial and intensively managed agricultural and urban land cover. Of note, the woodland habitat to the north of the project site provides an area of semi-natural woodland in an area otherwise dominated by artificial and intensively managed agricultural and urban land cover. The hedgerows and treelines bounding the project site provide links to the woodland to the south and connectivity to the wider linear network of hedgerows and treelines in the surrounding area. These linear woodland features support a range of fauna, including foraging and commuting bat species and nesting birds. They are of high local value (Rating D -Local Importance (higher value)). A Habitat Map is provided on page 257 on the EIAR (Figure 10.2).

13.5.6. *Glenamought River*. The Glenamought River flows broadly east to west along the northern boundary of the landholding, It flows through a steep V-side valley and over gradients that result in high flow rates indicative of an eroding watercourse. The section of the river along the northern boundary ranges from 2m to 3m in width. The instream habitats are diverse and include riffle, run and glide sections along broad meanders. Some pool habitat is also present. Shading is limited to the northern side, while the absence of continuous woodland habitat along the southern bankside facilitates light penetration. The river channel and riparian corridors are unmodified and in natural condition. Habitat conditions for salmonids and spawning lamprey are considered to be good. However downstream modifications to the lower section of the River Bride, which is culverted under Blackpool upstream from its tributary of the River Lee are considered to represent impassable barriers to the upstream migration of salmonids. Nevertheless, the Glenamought River is known to support moderate stocks of wild brown trout (*Salmo trutta*).

The water quality of the section of the Glenamought River is currently under review and has not been assigned by the EPA. The section of the River Bride a short distance downstream, beyond Glenamought Bridge has been assessed by the EPA and has been classified as an “At Risk” waterbody under the Water Framework Directive (Water Framework Directive). The remainder of the River Bride downstream to its confluence with the River Lee has been classified as “At Risk”. Nutrients in the form of ortho-phosphates in particular have been identified as having a negative impact on the water quality of the River Bride downstream. In this regard I refer the Board to section 11.5 and 12.0 above as regards proposal for the disposal of surface water.

As part of the project, it is proposed to construct a natural stream corridor to the north of the proposed development footprint that will connect into the left-hand bankside of the Glenamought River. The proposed new stream channel will be constructed in sequence to avoid/minimise the potential for disturbance to the Glenamought River and the potential for the loss of silt from the newly constructed channel to river. The timing of works for the final connection of the new constructed stream to the Glenamought River will coincide with the open season for instream works. A final method statement will be required to be prepared by the site contractor prior to the commencement of any works for the new stream channel and the connection to the Glenamought River. The method statement will be required to incorporate the above measures as part of the approach to the installation of the new stream channel. During the establishment of the new channel and in the absence of an appropriate approach to the construction of the new stream channel and its connection to the Glenamought River there will be potential for localised disturbance to the river bank and instream habitats. Such impacts associated with these works to the Glenamought River are predicted to be temporary and low in magnitude and will have the potential to result in an effect of minor negative significance for this watercourse.

I note the concerns raised by IFI and the EIAR sets out that the contractor will be required to liaise with Inland Fisheries Ireland (IFI) and the method statement of the new stream works will be provide to the IFI. The works will be implemented only where the IFI have indicated their satisfaction with the proposed approach to the

works as set out in the method statement. Subject to the implementation of mitigation measures including consultation with IFI, I am satisfied that the impact on the riparian zone will be short term and limited to a specific area and the wider riparian corridor and ecology of the 'sloping area' will remain undisturbed having particular regard to the separation distances as set out below.

Regarding concerns raised about light trespass and glare impacts down the valley. The proposed development footprint will be located at a remote distance from the nearest point of the Glenamought River (located over 100m to the north, while the proposed bicycle trail will be located approximately 60m from the river) and this buffer distance will ensure that the construction and operational phase of the project do not pose a risk to the status of this river and the aquatic species that it supports and any lighting will be sufficiently removed to reduce the potential for light trespass.

13.5.7. *Trees:* The Parks and Recreation Report highlights concerns regarding the lack of detail in the tree survey provided and boundary treatments. It concludes that, in the absence of a landscape analysis of the entire site, ecological and biodiversity surveys, the proposed development is premature and cannot be assessed in full to determine the impact it will have on this sensitive rural environment. According to the Arboricultural Impact Assessment for the site, 98 trees, both individual and in groups were assessed as part of this report in accordance with BS 5837. 48 individual and groups of trees are to be removed due to direct conflict with the proposed development. The majority of the trees proposed for removal are both category B and C trees. The trees to the north of the design boundary but still within the footprint of the entire site were only assessed in order to provide guidance for the design of the drainage layout. Whilst a Tree Survey drawing combined with the topographical survey was submitted no Arboricultural Impact/Tree Protection Plan drawing was submitted thus it is difficult to quantify the impact of tree removal/loss, the images used in the written report, in my opinion do not adequately address these concerns as they are difficult to read. However, site inspection indicated a limited number of trees within the development area and those of significance relate to the western site boundary and are required to be removed to accommodate sightlines at the proposed entrance onto Whitechurch road. The loss of woodland/treelines/hedgerows would be negative, permanent, moderate.

- 13.5.8. *Invasive Species*: Three non-native invasive species have been recorded within the landholding and the proposed development footprint. These include *Fallopia japonica*, *Buddleja davidii* and *Petasites fragrans*. A non-native invasive species management plan has been prepared for the proposed development construction phase.
- 13.5.9. *Bats*: Dedicated bat activity surveys were completed on site. This involved roost emergence surveys at structures on site during the June 2022 survey dates as well as continuous static detector monitoring at the project site over an 18 night period between the 2nd June and 20th June 2022. Three Song Meter Mini Full Spectrum bat detectors were deployed on site to monitoring bat activity. A total of 19 nights of continuous bat monitoring in the vicinity of the static bat detector locations was completed on site. Table 10.10 sets out Bat Activity Categorisation. In summary the automatic bat monitoring recorded high levels of Leisler's bat activity at all monitoring points; low levels of Common pipistrelle activity at monitoring points MP1 and MP2 and high levels at MP3; and low levels of activity for all other species at each of the three monitoring points.

Regarding the existing structures to be demolished as part of the proposed development a daytime inspection of the structures within the proposed development footprint did not identify the presence of roosting bats or field signs indicating their presence and no bats were observed emerging from the structures occurring within the proposed development footprint during the roost emergence survey.

The presence of Leisler's bat, Common pipistrelle and Soprano pipistrelle foraging within the grassland and scrub vegetation and surrounding the proposed development footprint is not unexpected. The loss of these habitats will result in the loss of suitable foraging habitat for these species. The total area mapped as suitable foraging habitat for Leisler's bat within 3km radius of the proposed development footprint amounts to approximately 1,400Ha. The loss of these habitats as a result of the development will amount to a loss of circa 0.5% of the mapped area of suitable foraging habitat within a 3km radius of the project site.

In the absence of any roosting activities within the proposed development footprint or the surrounding landholding, the landholding is considered to be representative of a site of local importance for bats (Rating D). The project will not result in any direct or indirect disturbance to bat roosts. An imperceptible magnitude impact to the local populations of other bat species will represent an effect of negligible significance. The project has been designed to minimise disturbance from artificial night time lighting to the existing boundary vegetation associated with the hedgerows, treelines and woodland. This has been achieved by setting back housing, access roads and lighting columns from high value bat foraging habitats, and particularly woodland, the riparian corridor of the Glenamought River and the meadow grassland habitats to be provided, retained and/or enhanced to the north of the project site. The mitigation measures outlined in Section 10.4 would be provided within the scheme. If bats are found roosting on site during the pre-construction inspection a derogation licence will be required from the NPWS. With the implementation of appropriate mitigation measures no significant impacts on are likely.

13.5.10. *Mammals*: No breeding or resting places of protected non-volant mammals were recorded within the proposed development footprint or the surrounding landholding. Concerns were raised about the impact on Otters; However, no field signs of badger or otter were observed on site during surveys for protected non-volant mammals. Smaller mammals such as hedgehog, which have been previously recorded at the project site are likely to occur within woodland habitats. Rabbits are present throughout the landholding and the proposed development footprint and rabbit burrows were recorded in scrub and hedgerow/treeline within and bounding the proposed development footprint. However, it is noted that these species are all highly mobile and would be able to move away from the area of works during vegetation clearance. This risk constitutes a potential negative, short-term, significant impact on the local populations of these species. In accordance with the NRA Guidance, pre-construction mammal surveys will be undertaken at the site to identify evidence of protected mammals (e.g., badger, pine marten, red squirrel) within the works area associated with the proposed development. The survey will be undertaken to ensure that such protected species have not taken up residence

within or close to the development footprint. Should breeding or resting places be recorded in the preconstruction surveys, a site-specific mitigation plan shall be prepared and agreed with the NPWS prior to the commencement of works. The overall impact of the development on common species is considered as not significant.

13.5.11. *Amphibians/Reptiles*: No amphibians have been recorded within the proposed development footprint or landholding during field surveys.

13.5.12. *Birds*: A range of bird species were seen and heard on site during the site field surveys completed between April and July 2022. Species recorded during surveys are listed on Table 10.5. The majority of species recorded within or flying over the landholding and the proposed development site during surveys included green listed bird of low conservation concern. However, amber and red listed birds as per the Birds of Conservation Concern in Ireland (BoCCI) list were also noted during surveys and included greenfinch, house sparrow, starling, swallow which are amber listed bird species and yellowhammer which is a red listed bird species. Greenfinch was the only amber listed species confirmed as breeding within the landholding.

The proposed development will result in the loss of grassland and scrub habitat that have the potential to support a range of birds including yellowhammer. Yellowhammer or other amber listed species were not identified to be nesting within areas of scrub or other woodland habitat that will be lost during the construction phase of the proposed development. The semi-improved grassland supports uncultivated cereal species in the form of oat grasses and other seed bearing species that provide some foraging resource for yellowhammer. The loss of this area of habitat to the proposed development footprint will amount to approximately 2% loss of suitable yellowhammer habitat. This effect will be further minimised by the provision of compensatory foraging habitat within areas of open long sward meadow to the north of the proposed development footprint. Where possible vegetation to be cleared onsite will be completed outside the nesting bird season between March and August inclusive. Where it is not possible to time such works outside these months then a survey of hedgerow/treeline/grassland vegetation and habitats for the presence of nesting birds will be required to be completed prior to the

commencement of vegetation removal by an experienced ecologist. This will involve a detailed inspection of the vegetation to be removed for the presence of nest. Particular attention will be required to be given to establishing the presence of yellowhammer nest sites or nests of other red or amber listed bird species. While the nest is active an appropriate exclusion zone will be implemented around the nest by the ECoW and the contractor will be advised of the exclusion zone. In the event that it is not possible to postpone such works, then they will only be allowed to proceed following consultation with the NPWS, and where required, upon receipt of a licence from the Department/NPWS permitting the destruction of the nests.

The potential for the operation phase of the proposed development to result in disturbance to the local bird assemblage will be restricted in its extent due to the presence of existing roads and built lands to the west and south and the nature of the proposed development which will involve residential dwelling and associated activities which will not generate significant levels of ongoing disturbance to birds relies on surrounding greenfield habitats to the north and east of the proposed development. Overall, the proposed development footprint is considered to be of an area of low sensitivity for all other species and the loss of these habitats will represent an impact of low significance for other bird species.

13.5.13. *Flora*: No rare plant species, or plant species of conservation value were noted during the field assessment.

13.5.14. *Fungi*: No fungi were noted in the EIAR assessment. However, a submission received notes the diversity of rare and threatened fungi on the development site. It is set out that these fungi are characteristic of old, unfertilised, undisturbed, semi-natural grassland. Such grassland habitat is commonly referred to as waxcap grassland. The report prepared by Dr. Isobel Abbot states that the waxcap count of 19 at Kilbarry reaches the threshold count (19) for which the site should be considered for designation as a Site of Special Conservation Interest (SSSI) according to the Joint Nature Conservation Committee (JNCC) guidelines. The report includes an assessment of other key indicator species collectively referred to as the GHEGD fungi (McHugh *et al*, 2001) which includes a scoring system to rank and highlight the conservation values of Irish waxcap grasslands sites. A table

setting out the McHugh *et al.* (2001) Irish Grassland Species Quality scores for the Kilbarry site and a map showing the location of where identified species were found on the site is included in the submission. The table indicates an 'Irish Score' of 48 and places Kilbarry waxcap grassland among the top-ranked Irish waxcap sites in the country. The report lists a number of rare and threaten fungi on the site and includes photographs. Dr. Abbot notes that she is not a mycologist and that there may be other fungi of conservation significance on the site and given the number of high-quality indicator species found, the development site merits a professional team of mycologists to survey and evaluate the site.

13.5.15. Whilst I note the contents of the submission and accept that Biodiversity refers to the interactions and variety of, and variability within, species, between species and between ecosystems. It is of relevance that there is no legislative protection for fungi and their identification on site is likely as a result of the lands being idle for years. Furthermore, I note the submission does note that the most diverse and important fields to protected are those to the north of the site. In any case it is not proposed to develop this area with the exception of new public footpaths. I am satisfied that the assessment of the north portion of the site for rare fungi can be addressed by condition and that this is accordance with Biodiversity Goal No. 2 of Section 6.56 of the Plan which seeks, 'To ensure that sites and species of natural heritage and biodiversity importance in non-designated areas are identified, protected and managed appropriately'.

13.5.16. *Invertebrates*: The area of currently identified marsh fritillary suitable habitat (GC) occurring within the landholding to the north of the site will be subject to specific landscape and habitat management measures during the operation phase. I note Marsh Fritillary is afforded protection under Annex II of the EU Habitats Directive and its conservation status is reported on every six years under Article 17 of that Directive. Under the Red List of Irish Butterflies published by National Parks and Wildlife Service in 2010, the marsh fritillary is categorised as 'Vulnerable', meaning it is considered at risk of extinction.

13.5.17. The EIAR sets out that the abundance of marsh fritillary will be maintained in the existing c. 6,500m² of suitable marsh fritillary habitat within the enclosed area and

the colonisation of remaining areas within the enclosed meadow area by *Succisa pratensis* (devil's bit scabious) will be promoted. The area to be enclosed within the boundary amounting to approximately 9,400m². This area will be managed for marsh fritillary and the successful management of this area as a suitable marsh fritillary habitat will result in an increase of approximately 2,900m² of area of suitable marsh fritillary habitat within the landholding. In addition to these other areas of unenclosed meadow that will be treated as short sward meadow will also be managed to promote the growth of abundant *Succisa pratensis* in the sward.

13.5.18. Both areas will be seeded with *Succisa pratensis*, with seed being collected from the existing stands of *Succisa pratensis* occurring within the landholding. An experienced botanist/horticulturalist will be engaged to collect and seed these areas with *Succisa pratensis*. The seeding will be completed during the latter stages of the construction phase and will form part of the construction phase contract and associated landscape works.

13.5.19. During the operation phase abundant *Succisa pratensis* will be maintained. An indication suitable habitat with a mosaic of tall and short sward vegetation between 10cm and 25cm in height is shown on Figure 14.6 of the EIAR. The potential for livestock grazing was not deemed practical on the site therefore rotational mowing is proposed for the management of the marsh fritillary. Rotational mowing will be completed to leave a mosaic of small compartments that are not mown. All cuttings will be removed from the habitat areas during mowing. Mowing will be completed in mid to late June and late September. Regarding concerns raised about the timing of the surveys accompanying the planning application, I note that detailed habitat condition survey and a count of larval webs should be carried out in September and October each year. As set out above detailed marsh fritillary surveys were undertaken in September 2020 and during May and June 2022. Due regard was also given to previous records on the site, I am satisfied that the timings are acceptable and in line with best practice guidelines.

13.5.20. Both habitat suitability surveys and larvae surveys will be completed throughout the operation phase during years 1 to 5 of operation, year 7 and again during year 10. The monitoring regime will be reviewed during year 10. Site management will be

required to liaise with the Planning Authority and the NPWS during the review of the monitoring regime at year 10 so that future ongoing monitoring is agreed between site management, the Planning Authority and the NPWS. The primary marsh fritillary habitat management target will be the maintenance of suitable marsh fritillary habitat in Good Condition (GC).

13.5.21. Whilst I note the above proposals, it is also of relevance that during the construction phase the stormwater outfall pipe from the attenuation storage area to the outfall is to be directionally drilled under this habitat area at 3.4-4.2m below ground level. As set out in section 11.5.18 of this report the Drainage Department recommends that the storm sewer be reduced to the minimum distance possible and stipulate a preferred distance of 80m and that the applicant clarify the most appropriate time of year for this work to be carried out. The current proposal provides for 136m of west-east directionally drilled storm sewer beneath the protected area. I agree that the redirection of the stormwater sewer to reduce the potential impact on the marsh fritillary is warranted in this instance and I am satisfied that this matter can be addressed by condition.

13.5.22. Habitat fragmentation is the biggest threat to marsh fritillary's, small areas of isolated populations are easily affected by sudden changes to habitat, natural ups and downs in numbers and genetic decline. In this instance while the landscaping plan provides for the protection and enhancement of the marsh fritillary. Furthermore, while a public footpath is proposed to the north and south of the marsh fritillary, I note that the area is currently used as a recreational walking and dog walking area by the public and the formal laying of the path will ensure not traversing by the public of the habitat.

13.5.23. No amphibians have been recorded within the proposed development footprint or landholding during field survey.

13.5.24. Regarding specific concerns raised in the CE report as regards the Marsh Fritillary and Fungi, I am satisfied that there is enough information to come to a reasoned conclusion and the proposed development is not likely to have a significance effect. Having regard to the present condition of the site, I am satisfied that the development of the site and the proposed landscaping and planting provides

greater benefits in terms of biodiversity. I draw the Boards attention to the AA section of my report (Section 9) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

13.5.25. It is considered that, with the implementation of the mitigation measures set out in this EIAR, the construction and operation of the proposed development will not have a significant negative impact on biodiversity in the Zone of Influence.

13.6. Archaeology and Cultural Heritage

13.6.1. Section 11 of the EIAR addresses Cultural Heritage and Archaeology. The methodology for assessment is described and the receiving environment is described.

13.6.2. There are no records of any recorded monuments within the site boundary of the proposed development. The Archaeological Survey of Ireland (ASI) records no known archaeological sites within the boundary of the proposed development site. The ASI records 14 archaeological sites within 1km of the proposed development footprint. The nearest of these is a corn mill (CO063-067----) which is located c.25m to the north of the proposed development boundary. There are no predicted impacts to any archaeological assets during the operation of the proposed development.

13.6.3. As regards cultural heritage, the immediate surrounding landscape is rural and agricultural in nature. The site of the proposed development is agricultural land. The site is not located within an Architectural Conservation Areas. There are no NIAH-listed buildings or Protected Structures within the boundary of the proposed development site. There are three Protected Structures and eight structures listed by the NIAH within 1km of the proposed development site, the nearest of these to the is Glenamought Bridge (20906320) which is located circa 40m north of the development site boundary. Owing to the separation distance, it is not considered the development would represent any significant negative impact on these properties.

- 13.6.4. The derelict remains of disused Hurley manufacturing factory and a number of 19th century farm buildings are located within the proposed development site. There is nothing particularly unique about these structures and the farm buildings have been reduced to limited upstanding walls, as such the demolition of same would not result in any significant cultural loss, in my opinion.
- 13.6.5. In summary, there are no predicted cumulative impacts to the archaeological or cultural heritage resource.
- 13.6.6. From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

13.7. Landscape and Visual Assessment

- 13.7.1. Section 12 of the submitted EIAR deals with landscape and visual. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR. This section should be read in conjunction with section 11.3 above.
- 13.7.2. The development site is positioned on a plateau area on the edge of the existing Kilbarry suburban district. Existing adjoining land uses are industrial, active sports and agricultural. There are a few existing individual dwellings and a small estate at a distance with views towards the site. There are no natural heritage areas within sight or special protection areas. The city limits and metropolitan greenbelt sit to the north with the undeveloped zoned lands surrounding the site set to have industrial development together with a proposed northern distributor route currently at a design stage. The site is located on the periphery of Cork City.
- 13.7.3. A Landscape and Visual Impact Assessment (LVIA) was also undertaken as part of the EIAR. Nine viewpoints were assessed (Section 12.7.2). The EIAR states that ‘while on plan it appears that the site area is situated in an area potentially exposed to views from all sides tree lines, hedgerows, hills and ridges beyond the site restrict site exposure. The site area is generally not fully exposed from any identified viewpoint except perhaps from the Old Whitechurch Road on approach to the city’.

Six views were determined to have permanent visual impacts. The majority of the viewpoints are considered to experience neutral effects. There are a range of existing dwellings in particular the 4no. dwelling backing on to the site and a number of dwellings fronting towards the western edge of the site all on the Old Whitechurch Road. These dwellings where there is no adequate screen fencing or vegetation will be impacted negatively by the proposed development. The dwellings fronting the development site road frontage will also be impacted upon negatively as they will lose the current outlook on to a rural hedgerow. The Mill Building is below the site and has no visual connection to the residential development area and will not be impacted upon.

- 13.7.4. Other locations are too distant from this site to be impacted upon. The site is well concealed to the east and south and has limited exposure to parts of Farranree Upper 1.5km to the west. These areas already look across the Bride Valley onto industrial and commercial development that is more prominent and closer to that viewpoint location.
- 13.7.5. It concluded that the mitigation measures will reinstate turf, shrub and tree vegetation and the landscaping and proposed townscape will be put in place and the parkland proposed on the open space area will largely retain the existing vegetation of scrub trees and meadows in place as existing. I would agree. I further note that the proposed development will not have any landscape or visual impact in any Protected View, Scenic Route or Protected Structure identified in the Cork City Development Plan 2022-2028.
- 13.7.6. The site is excluded from any “Special Area of Conservation”, “Special Protection Area”, “High Amenity Area” or “Natural Heritage Area” of the Cork City Development Plan 2022-2028. In terms of the landscape impact assessment, the landscape of the area will undergo some moderate/significant changes due to the construction of the new buildings, the removal of some existing trees and shrubs, the removal of some hedgerows and the installation of the proposed public park. The predicted landscape impacts will reduce rapidly with distance from the site boundaries. The development on the northside of the plateau is fully exposed along this edge and the mass and scale of the new neighbourhood is broken down into three distinct

character areas. The apartment buildings are designed as a focal point in the landscape.

- 13.7.7. It is concluded that with mitigation strategies in place, the development once completed will generally result in neutral to slight negative impact, the negative impacts arising are due primarily to the change from open pasture lands to a residential neighbourhood. The development overall will not have any significant or profound residual landscape or visual impacts except on the individual property dwellings at close proximity accustomed to a rural outlook. The development will become a permanent element on the urban edge of Cork City and the visual impact of the proposed development will be permanent as the open space landscape in existence in the valley below the housing is to be conserved as existing to protect biodiversity. This involves avoiding overshadowing of the existing meadow areas therefore, it is a requirement to minimise the amount of tree planting along the northern edge of the residential area. The proposed buildings will therefore not become more screened by maturing trees in the future.
- 13.7.8. On completion the proposed development would represent a marked and comprehensive change to the site from a former greenfield site. The key landscape and visual mitigation measures used during the Construction Phase have been incorporated into the layout of the site and design of the proposed buildings. The buildings will be low height (2-5 storey). The height and massing of the development has been considered in the context of the site's suburban location whilst also respecting the local context and topography of the site. Careful consideration has been given to the scale, bulk, massing and siting of the residential units. This design approach now also ensures a reduced level of engineering and site works required to accommodate the development. I have no concerns in this regard.
- 13.7.9. There are architectural similarities between the proposed Kilbarry development and other residential neighbourhoods on the northern periphery of the city. Visually, the residual impact is the removal of a large meadow area together with some trees and its replacement with an urban (plateau area) and a park landscape (valley area). In the context of the site the visual envelope is quite restricted. When it is visible it will be a noticeable change in the landscape.

13.7.10. I have considered all of the written submissions made in relation to landscape and visual impact and the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

13.8. **Land, Soils and Geology**

13.8.1. Chapter 13 of the EIAR addresses land, soils and Geology. The methodology for assessment is described as well as the receiving environment.

13.8.2. The primary study area for the purpose of this assessment covers a 2 km zone beyond the boundary of the proposed development. A ground investigation, comprising cable percussion boreholes, trial pitting, in situ testing including standard penetration tests and hand vane tests, and laboratory testing, was carried out by Priority Geotechnical Limited (PGL) at the site between 07th August and 13th September 2019. Geotechnical laboratory testing of selected samples collected during these works was carried out to determine soil properties and strength parameters. A subsequent series of soakaway tests were carried out by PGL between 29th January and 01st February 2021.

13.8.3. The majority of the study area is characterised by well drained shallow and deep (mainly acidic) mineral soils described as fine loamy drift, with an area of shallow, rocky, peaty/non-peaty mineral complexes (mainly acidic). Topsoil was encountered with an average thickness of 0.3m, Made Ground was encountered in the eastern section of the site generally ranging from 1.0-4.9m bgl. Granular Glacial Till was encountered during the ground investigations at thicknesses ranging from 0.20 m to ≥ 2.70 m. Bedrock was encountered at depths ranging from 0.7 m bgl to 3.9 m bgl, and in some places is at >4.9 m bgl. The bedrock is predominantly described as weathered shale, and in one locality as broken purple siltstone and sandstone at a depth of 1.40 m bgl

13.8.4. The topographical survey of the proposed development site indicates that the developable area ranges from approximately 88m above ordnance datum (mOD) in the northeast to approximately 78m/74.5m AOD to the central/southwest of the site. In general, the site is gently sloping to the west. Proposed subsoil and rock excavation and backfilling works will also result in slight changes to the local topography in some areas of the site. Due to the limited impact on the overall topographical character of the area, this work will have an imperceptible, neutral effect, of permanent duration. The EIAR identified the following earthwork volumes:

Cut	Volume	Fill	Volume
Total cut required to develop the site incl.	53,615m ³	Total fill required to develop the site incl.	35,544 m
Topsoil Cut	19,230m ³	Topsoil required on site	9,615m ³
Rock Cut	1,883m ³		
Total material to be disposed off site incl. topsoil	18,071m ³	Fill required from cut	25,929m ³
	9,615m ³		

13.8.5.

13.8.6. A geotechnical investigation in relation to the proposed development was undertaken. I refer the Board to section 11.5 of this report. There are no identified geotechnical or geological hazards associated with the land soil and geological condition associated with the proposed development or that may impact on the Operational Phase of the proposed development of human health of the occupants of the proposed development.

13.8.7. Landslide potential was a concern raised by observers and elected members. The EIAR notes that a review of the GSI Landslide Susceptibility dataset indicates the landslide susceptibility varies from 'Low' to 'High' susceptibility within the proposed development (Figure 13.5 Landslide Susceptibility). Construction will occur on areas of 'Low' to 'Moderately Low' landslide susceptibility. The northwest portion of the site, which includes the areas of 'Moderately High' and 'High' landslide susceptibility, likely due to the steep slope to the Glenamought river along the northern boundary of the site, will be used primarily as green amenity spaces. The GSI Landslide Events dataset does not identify any historic landslides in the vicinity of the proposed development. I have no concerns in this regard.

- 13.8.8. There is a potential risk of localised contamination of the land and soils due to the accidental release of diesel fuel or similar hazardous materials during the construction phase. The CEMP sets out the proposed procedures and operations to be utilised on the proposed construction site to protect water quality. The mitigation and control measures outlined in the CEMP will be employed on site during the construction phase. All mitigation measures outlined here, and within the CEMP will be implemented during the construction phase, as well as any additional measures required pursuant to planning conditions which may be imposed. It is recommended that a Soil and Material Management Plan (SMMP) is produced by the appointed Contractor, to detail procedures to manage the excavation and removal of soil during construction works.
- 13.8.9. The completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion. No indirect impacts on the land and soils are predicted for the operational phase.
- 13.8.10. No cumulative impacts were identified during the construction or operational phase.
- 13.8.11. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land, soil and geology.

13.9. **Water**

- 13.9.1. Chapter 14 of the EIAR deals with Water (hydrology and Hydrogeology). The methodology for assessment is described as well as the receiving environment.
- 13.9.2. The site is bound to the north by the Glenamought River, a tributary to the River Bride, which is itself a tributary to the River Lee. The Lee Estuary is a designated Water Framework Directive (WFD) transitional water body (IE_SW_060_0950), with an ecological status of Moderate, and deemed to be At Risk. I refer the Bord to Section 11.5.2.1 of this report. A site-specific flood risk assessment concluded the developable site are to be within Zone C.

- 13.9.3. To prevent any increased flooding arising from the proposed development, it is proposed to implement SuDS measures in order to limit the discharge from the site to the current greenfield discharge rates. The implementation of these SuDS measures will mitigate the risk of flooding outside of the development site. Therefore, any potential impacts arising from this activity may be characterised as imperceptible and neutral.
- 13.9.4. Concerns were raised about the impact on adjacent wells. No wells were mapped in the area of the proposed development site. Based on the GSI well database, there are no mapped source zones (Group Scheme and Public Supply Source Protection Areas) mapped within 3km of the development site. GSI mapping of 'Groundwater Wells and Springs' indicates that there are 18 no. wells recorded within the 2 km study area.
- 13.9.5. During the construction phase there will be some excavation in rock for foundations and sewers, with maximum depths of approximately 4.0 m of excavation in rock expected in localised areas to achieve the design levels required for proposed drainage infrastructure. The impact is considered to be negligible on the groundwater contained within the bedrock aquifer. The impact on the regional groundwater quality is predicted to be negligible in magnitude and imperceptible in significance, temporary in duration and unlikely.
- 13.9.6. There will be no unauthorised discharge of water groundwater or surface water runoff to ground, drains or water courses during the construction phase of the proposed development. Surface water runoff from areas stripped of topsoil and surface water collected in excavations will be directed to on-site settlement areas, where measures will be implemented to capture and treat sediment- laden runoff prior to discharge of surface water at a controlled rate. Silt-fences will be installed at upper sides of the existing vegetated areas to the north of the development area to protect the existing watercourse from unintended silt runoff.
- 13.9.7. The proposed development is to be served by a sustainable drainage system. Surface water runoff arising on site during the operational phase will be directed to the surface water drainage system and then via an appropriately designed system such as petrol or hydrocarbon interceptor and silt traps that remove the

contaminants from runoff prior to discharge to the final outfall point. Attenuation and nature-based SuDS measures will be provided to ensure that the discharge rate is maintained at greenfield runoff rate. The attenuation facility and SuDS features will accommodate rainfall events up to, and including, the 1-in-100-year storm event with a 10% allowance for further flow increases due to climate change. Surface water runoff from the site will be managed and attenuated to the greenfield runoff rate as recommended in the Greater Dublin Strategic Drainage Study (GSDSDS).

- 13.9.8. There will be an increase in hardstanding area associated with the development area. This will have a minor effect on local recharge to ground. However, the surface water network has been designed to provide sufficient capacity to contain and convey all surface water runoff. The residual effect on surface water flow and quantity during the operational phase is considered to be neutral, imperceptible and long-term.
- 13.9.9. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated. I further note the cumulative impact is concluded to be neutral and imperceptible in relation to water.

13.10. **Resources and Waste Management**

- 13.10.1. Chapter 15 of the EIAR deals with Resources and Waste Management. The methodology for assessment is described as well as the receiving environment.
- 13.10.2. *Waste Management:* Wastes arising will be taken to suitably registered / permitted / licenced waste facilities for processing and segregation, reuse, recycling, recovery, and / or disposal, as appropriate. There are numerous licensed waste facilities in the Southern Region which can accept hazardous and non-hazardous waste materials, and acceptance of waste from the development site would be in line with daily activities at these facilities. At present, there is sufficient capacity for the acceptance of the likely C&D waste arisings at facilities in the region. All waste generated during the construction phase will be segregated onsite to enable ease in re-use and recycling, wherever appropriate. In general, the priority of the plan shall be to promote recycling, reuse and recovery of waste and diversion from

landfill wherever possible. It is anticipated that 53,615 m³ of soil, gravel, clay and rock will be excavated to facilitate the proposed development and it is envisaged that 35,544 m³ of excavated material will be reused onsite as structural/non-structural fill and fill for landscaping. Approximately 18,071 m³ of material will need to be removed off-site as there will be a surplus of material after excavation, the removal of surplus soil offsite will be undertaken in accordance with applicable statutory requirements.

- 13.10.3. If the material that requires removal from site is deemed to be a waste, removal and reuse / recycling / recovery / disposal of the material will be carried out in accordance with the Waste Management Act 1996 (as amended), the Waste Management (Collection Permit) Regulations 2007 (as amended) and the Waste Management (Facility Permit & Registration) Regulations 2007 (as amended).
- 13.10.4. A specialist assessment of the fill material in the existing made ground area and its waste classification was undertaken by Verde Environmental Consultants. Their report (Review of Existing Ground Investigation Data relating to Proposed Residential Development _June 2022) is contained in the Appendix 13.1 of the EIAR. The site investigation and soil sampling results from the site investigations were reviewed, Verde has completed a waste classification exercise using approved HazWasteOnline™ software. The outcome from this exercise confirmed material characterised by the sampling undertaken is non-hazardous and can be appropriated described under List of Waste Code, 17 05 04 (non-hazardous soil and stone). Trial pit logs and associated photographic evidence indicate a generally clean, uncontaminated fill material that would be suitable for on-site reuse.
- 13.10.5. Provided the mitigation measures detailed in section 15.6 are implemented, and a high rate of re-use, recycling and recovery is achieved, the likely effect of the Construction and operational phases on the environment will be neutral and imperceptible in the long term. Other developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate against any potential cumulative effects associated with waste generation and waste management.

13.10.6. No cumulative impacts will arise that would result in significant effects on the environment.

13.10.7. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Resources and Waste Management.

13.11. **Material Assets – Services, Infrastructure and Utilities**

13.11.1. Chapter 16 of the EIAR deals with materials assets or the physical resources in the environment, including built services and infrastructure comprising electricity, gas supply, information and communications technology, surface water/stormwater drainage, water supply, the foul water network and waste management infrastructure. The methodology for assessment is described and the receiving environment is described.

13.11.2. The EIAR notes that the proposed development is to be delivered in 3 phases and over a period of 3 years. The Construction Phase will include all necessary site clearance and preparation work, site development and construction activities.

13.11.3. *Power and Gas Supply:* During construction, contractors will require power for heating and lighting of the site and their onsite construction compound. The power requirements will be relatively minor and will require temporary connection to the local electrical supply network. The Main Contractor will apply for a power supply from ESB Networks to power both the compound and the construction site. The size of supply will be calculated to ensure it is sufficient to power both the site compounds and construction site activities.

During the operational phase there are plans for four substations within the site. A Building Lifecycle Report has been prepared for the Operational Phase of the proposed development, which provides details on the mechanical and electrical services that will be installed at the proposed development. Low Energy Technologies Considered are listed in this report including: • Charging Points; • and • Air Source Heat Pump. The impact of the Operational Phase of the proposed

development on the electricity supply network is likely to be to increase demand to the existing supply. The potential impact from the Operational Phase on the electricity supply network is likely to be neutral, long term and not significant.

There is no gas connection required during the construction phase. Although not totally excluded it is unlikely a gas supply will be required. To the west of the site, there is an existing medium pressure pipe that could supply the development if required. If it is required any alterations to the existing gas supply network for the development of the subject site, will be agreed in advance of construction with Gas Networks Ireland.

The diversion of the overhead power lines to underground ducting will be carried out by ESB under planned outages. There may also be a potential temporary loss of connection to the ESB, gas and telecommunications infrastructure while carrying out works to provide connection to the proposed development. These likely adverse impacts may be characterised as a temporary, regionally short term, moderate impact.

13.11.4. *Telecommunications:* From utility maps received from EIR, there are telecommunications networks serving the existing dwellings along the Old Whitechurch Road. Delaney's GAA club to the east of the site is fed from a separate network to the east. Also, from the Department of Environment, Climate and Communications online mapping the area surrounding the proposed development is serviced by High-Speed Broadband. New connections will be controlled by the network provider in accordance with standard protocols. The likely effect of the Operational Phase on the local telecoms network will be permanently neutral and imperceptible.

13.11.5. *Surface Water Drainage:* There is no existing formal surface water network within the proposed development site. There is an existing 225mm diameter Cork City Council storm sewer in the Old Whitechurch Road to the south-west of the site. The invert level and distance to the sewer does not allow connection from the development site by gravity so all discharges of stormwater will be to the Glenamought River/River Bride to the north of the site. I refer the Bord to section 13.9 of this report. The proposed surface water network will include a storm

drainage pipe network, attenuation storage and several SuDS features which will aid the reduction of runoff volumes by slowing surface water flows, providing the opportunity for evapotranspiration, and providing the opportunity for infiltration to ground. As discharge to the Glenamought River/River Bride will be at a restricted rate equivalent to the greenfield runoff any impact without mitigation will be permanent but slight. The increased impermeable areas will reduce local ground water recharge and potentially increase surface water runoff if not attenuated to greenfield runoff rate. Any impact will be permanent and slight without mitigation.

13.11.6. *Water Supply and Demand* - The site of the proposed development is greenfield and there is no water supply or demand at present. A 150mm diameter ductile iron watermain is located in the Old Whitechurch Road to the west of the development site. A Pre-Connection Enquiry was submitted to Irish Water, the response to which confirmed that the proposed development can be serviced by the existing water infrastructure network in the area. A copy of the confirmation is included in Appendix 16-5 of the EIAR. I refer the Board to section 11.5 above.

The Confirmation of feasibility states that sufficient capacity is available in the IW network to facilitate a water connection of 330 units. An initial phase of approximately 100 houses can be connected without upgrade requirements.

The EIAR states that the increase in water supply demand will happen incrementally over a four to five-year period as the housing development is completed. The impact of the operational phase of the proposed development on the public water supply is likely to be to increase the demand on the existing water supply by approximately 161 m³ /day. As such additional water quantities would need to be treated and supplied through the existing network to the site. This will result in extra cost as well as increasing abstraction volumes from the existing source. The additional demand arising from the development is minor in the context of the capacity of the existing water supply network in the area and therefore the residual impacts on existing potable water infrastructure during the operational phase of the development will be long term but minimal.

During the construction phase, the site compound will require a temporary water connection. This likely adverse impact of this temporary connection will be

temporary and imperceptible and will be subject to a Connection Agreement with Irish Water.

- 13.11.7. *Wastewater Management* -The Proposed Development Site is currently a greenfield site and there is currently no existing connection to a public sewer. Wastewater collection within the proposed development will be via a network of 150mm and 225mm diameter gravity sewers, which will direct the flows to the western boundary of the site and will connect directly to the foul sewer in the Old Whitechurch Road. Foul Water from the proposed development will ultimately discharge to the Carrigrennan WWTP for treatment and disposal. This discharge will incrementally increase over a four to five-year period as the development is completed and occupied with a final estimated daily discharge of 146 m³ /day. The potential impact from the operational phase of the development on the existing wastewater treatment plant at Carrigrennan will be long-term and minimal.

The installation of the foul sewers for the development will be conducted in parallel with the other services. This will mainly involve the construction of the drainage network using trench excavation. The site compound will require a temporary foul connection. The potential adverse impact on the local infrastructure during the construction phase of the development would therefore be temporary and imperceptible.

The confirmation of feasibility states that sufficient capacity is available in the IW network to facilitate a water connection of 330 units. IW have advised that the connection is to be made via a 250mm diameter watermain to the 300mm watermain in the Kilbarry Business Park to the south. This can be done by upgrading approximately 750m of watermain on the Old Whitechurch road to 250mm or finding another route with a wayleave through the adjoining business park. An initial phase of approximately 100 houses can be connected without upgrade requirements. I refer the Board to section 11.5 above.

- 13.11.8. No cumulative impacts will arise that would result in significant effects on the environment.
- 13.11.9. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation

measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Assets.

13.12. Population and Human Health

- 13.12.1. Population and Human Health is addressed in Chapter 17 of the EIAR. The methodology for assessment is described as well as the receiving environment. The Electoral Divisions (ED) included in the Study Area are those containing or within 2 km of the Proposed Development site, incorporating 11 no. No. Electoral Division Areas (EDs). Recent demographic and socio-economic trends are examined.
- 13.12.2. The population of this catchment increased from 28,488 people in 2011 to 32,258 no. people in 2016, representing a significant increase of over 13% over the 5-year period, Table 17.1 relates to Electoral Division Areas and Population Change 2011-2016. The overall population trend is expected to continue with increased population growth and urbanisation, putting pressure on the need for more homes.
- 13.12.3. The chapter considered that for the purpose of the assessment that available data on: Population and Age; Existing facilities - 1. Education/Training 2. Social/Community Services 3. Childcare 4. Arts and Culture 5. Health 6. Faith 7. Sports/Recreation and Open Space 8. Other Features within the Study Area provides sufficient information to establish the population sensitivity.
- 13.12.4. The EIAR notes that within the study area a review of the age profile of the area reveals that the area has an evenly distributed ratio of population, with 23% of the population being aged 55 years or older, while 27.3% of the population are under the age of 18. 20.9% of the population are between the ages of 19 and 35, while 28.8% are between the ages 35- 54.
- 13.12.5. The Social Infrastructure Audit accompanying the planning application sets out that there is sufficient provision of existing social infrastructure in the vicinity of the subject site to support the proposed development. The EIAR noted following analysis that ample primary, post-primary and further and third level educational facilities and services exist and are planned that can cater for the population of the catchment area of the proposed development now and into the future. While there

is some availability of childcare places within the existing local childcare facilities, this availability is somewhat limited in its capacity to fully cater for the increased demand for childcare places that the proposed development may result in. On this basis, a crèche facility is included in the proposed development. Furthermore, the EIAR identified a total of 73 no. health facilities in the area comprising: 1no. hospitals; 17no. GP practices; 24 no. pharmacies; 12 no. dental surgeries; 11no. physiotherapists; and 8no. opticians. There is an adequate supply of community and cultural facilities, religious institutions and health care services within a reasonable distance of the subject lands, as well as a range of sports and recreational facilities (incl. children's play areas) to serve the growing population. The nearest zoned District Centre is located approximately 600m south of the subject site, the nearest Neighbourhood centre is located 1.7km to the south, while the nearest zoned Local Centre is located approximately 2.4km south-east of the subject site ensures an appropriate quantum of retail services for future residents.

- 13.12.6. During the construction phase it is likely that there would be indirect direct positive effect for the local economy. The main negative effects would be in relation to air quality, noise and vibration, visual effects and traffic. The predicted impact during the construction phase will be slight, localised, and short-term in duration. During the operational phase the scheme would contribute to the population growth and would have a positive impact on employment, open space and community facilities. The predicted impact during the operational phase is locally significant, positive and of permanent duration in terms of human health impacts.
- 13.12.7. Cumulative Impacts with other projects are outlined in Section 17.4.4. It is noted that as the preferred route of the Northern Distributor Road has still not been decided, it is very unlikely that the construction of the road will coincide with the construction of the proposed development. Even if the construction phase of the Northern Distributor Road project coincides for a period of time with that of the proposed development, given its temporary nature, the likelihood of any significant cumulative effect on population and human health is considered low and short term.
- 13.12.8. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation

measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

13.13. Major Accidents and Disasters

13.13.1. Chapter 18 of the EIAR deals with Major Accidents and Disasters This chapter of the EIAR sets out the assessment of the vulnerability of the proposed development to risks of major accidents and/or disasters. The assessment reviewed:

- The vulnerability of the project to major accidents or disasters.
- The potential for the project to cause risks to human health, cultural heritage and the environment, as a result of that identified vulnerability.

13.13.2. Table 18.8 categorises each of the potential risks by their 'risk score.' A corresponding risk matrix is provided in Table 18.9, which is colour coded, the red zone represents 'high risk scenarios', the amber zone represents 'medium risk scenarios' and green represents 'low risk scenarios'. No plausible potential risks were identified which would result in the proposed development causing a major accident or disaster on or outside of the proposed development.

13.13.3. The EIAR notes that design criteria of the buildings are in accordance with all relevant building and fire safety standards. In line with building regulations and health and safety laws, appropriate fire detection and abatement systems will be installed throughout the site.

13.13.4. Seveso and EPA licenced sites are heavily regulated by the relevant enforcement agencies. Iarnród Éireann and the Port of Cork both have a comprehensive and accredited safety and environmental management system in place. As a result, the likelihood of major accidents and/or disasters is considered 'extremely unlikely'. The completed risk assessment determined that all potential risks were considered 'Low Risk Scenarios'.

13.13.5. All potential risks, direct and indirect, identified during the construction phase were determined to be 'low risk scenarios'. A detailed CEMP will be prepared by the contractor and implemented throughout the works. The CEMP will be a live

document and continuously updated to ensure that potential risks of major accidents and/or disasters are identified, avoided, and mitigated as necessary.

- 13.13.6. The site is not located in close proximity to any Upper or Lower Tier Seveso Sites. The design has considered the potential for flooding, road accidents, invasive species or fire within the design methodology. From this, it is considered that the vulnerability of the proposed development to major accidents and/or disasters is not significant.

13.14. **Cumulative and Interactions Effects**

- 13.14.1. Each individual chapter provides an assessment of the cumulative impact and interactions effects of the development. This Chapter summarises the residual effects that have been identified in Chapters 7 – 18.
- 13.14.2. Proposed and existing developments in close proximity to the proposed development site which are most likely to result in cumulative effects arising from the construction and operation of the proposed development are outlined in Table 19.1 of the EIAR. It is concluded that should the construction of any of the developments mentioned occur concurrently, the potential cumulative construction effects are not considered significant, given the implementation of standard construction environmental measures, the Construction Environmental Management Plan for the proposed development and a Construction Traffic Management Plan.
- 13.14.1. Section 19.4 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 14.1 provides a matrix of interactions. Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative. Mitigation measures are proposed throughout this EIA Report to minimise any potentially negative impacts.
- 13.14.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans

and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the development plan that was subject to SEA. It is, therefore, concluded that the cumulation 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.

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

13.15. Mitigation and Monitoring Measures

13.15.1. Section 20.2 provides an overview of all mitigation measures proposed in respect of the environmental assessment. Each individual chapter provides a summary of the recommended mitigation measures. The mitigation measures contained in table Section 20.2 should be read in conjunction with the associated chapters and assessment contained within

13.16. Reasoned Conclusion on the Significant Effects

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

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised site to residential use. Given the location of the site within the built-up area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Biodiversity impacts including potential effects on the Marsh Fritillary and Fungi will be mitigated by preservation in situ, additional landscaping and appropriate work practices.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.

- Archaeology would be avoided by a programme of archaeological test trenching, under licence by the National Monuments Service, will be carried within the undisturbed areas of the proposed development site in advance of the construction phase. A detailed building survey of the farm buildings within the proposed development site will be compiled in written and photographic formats in advance of the construction phase. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- A positive effect on Cultural and Social Heritage as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces with access to and views of the wider valley and city environs.

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

14.0 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.

15.0 Reasons and Considerations

Having regard to

- a. The site's location on lands with a zoning objective ZO 01 Sustainable Residential Neighbourhoods and ZO 15 Public Open Space.

- b. The policies and objectives in the Cork City Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. The Southern Regions Regional Spatial and Economic Strategy (RESES);
- i. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024
- 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, 2023;
- 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. Chief Executive's Report; and
- o. 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.

16.0 Recommended Order

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 4th day of July 2022 by Coakley O'Neill Town Planning Ltd., on behalf of Cork County GAA Board.

Proposed Development: The proposed development will consist of a strategic housing development of 319no. residential dwellings comprising of 85no. semi-detached units (comprising of 17no. 4-bed units and 68no. 3-bed units), 118no. terraced units (comprising of 8no. 4-bed units, 60no. 3-bed units and 50no. 2-bed units), 53no. duplex units (comprising of 26no. 1-bed units, 25no. 2-bed units and 2no. 3-bed units) and 63no. apartments (in 3no. part 4 storey and part 5-storey blocks and comprising 15no. 1-bed units and 48no. 2-bed units). The development also includes the provision of a crèche facility (519sqm) and a riverside amenity park to the north and northeast of the site. The proposed total gross floor area is 33,738.70sqm.

The proposed development will also consist of the demolition of a disused hurley manufacturing factory and associated out buildings, the removal and replacement of the southern and eastern boundary treatments, as well the creation of formalised walking paths to replace the informal walking paths located to the north of the site, a new through road from the proposed site access on the Old Whitechurch Road to Delaney's GAA Grounds and accessing the Upper Dublin Hill Road, with associated new boundary treatments at Delaney's GAA club, all associated ancillary site development and hard and soft landscaping works, to include the provision of private, communal and public open space, waste storage areas, bicycle, motorcycle and car parking, including EV and disabled parking, esb substations, groundworks, foul drainage works, stormwater drainage proposals including directional drilling for the stormwater outfall, water supply proposals, public lighting, and all new boundary treatments.

A Natura Impact Statement and Environmental Impact Assessment Report have been prepared in respect of the application.

Decision:

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

Matters Considered:

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

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

- The site's location on lands with a zoning objective for residential development;
- The policies and objectives in the Cork City Development Plan 2022-2028
- Nature, scale and design of the proposed development;
- Pattern of existing development in the area;
- The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- The Southern Regions Regional Spatial and Economic Strategy (RESES);
- The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024;
- 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;
- Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government, 2023;

- The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- Chief Executive's Report;
- Inspectors Report; and
- Submissions and observations received.

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

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment:

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning authority, third parties and the prescribed bodies in the course of the application; and (d) The Planning Inspector's report. The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the 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 planning application.

- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Air Quality and Climate impacts mitigated by dust minimisation plan.
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.
- Biodiversity impacts mitigated by appropriate work practices and additional planting/landscaping.
- Archaeology and Cultural Heritage. Given the greenfield location of the site and the absence of any archaeological, built heritage or feature of cultural significance no significant adverse direct, indirect or cumulative effects are likely to arise.
- Landscape and Visual Assessment impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large area of greenfield site to residential. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.

- Land, Soils and Geology impacts mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Water impacts to be mitigated by upgrade works to the network and the management of surface water run-off during construction to prevent run off discharging directly into watercourses.
- Resources and Waste Management impacts which will be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan
- Material Assets – Services, Infrastructure and Utilities. An upgrade of utilities and telecommunications will have a long-term positive impact for the site and the surrounding area.
- Population and Human Health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board 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/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, quantum of development, and in terms of pedestrian and traffic safety. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the proposed development is compliant with the provisions of the Cork City Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 **Conditions:**

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

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The development shall be carried out in accordance with the phasing scheme submitted with the application subject to agreement with Uisce Eireann with respect to upgrade requirements. Full details shall be submitted and agreed with the Planning Authority prior to the commencement of development.

Reason: In the interest of proper planning and orderly development and in the interest of public health.

4. Prior to commencement the applicant shall submit, for agreement with the Planning Authority, a full set of house type plans, including all terrace configurations and mirrored dwellings.

Reason: In the interest of clarity

5. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors 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.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Details of signage, waste management, set down/drop off and hours of operation of the creche shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

7. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

8. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- a. A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b. Provision for mitigation measures described in the approved NIS;

- c. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d. Location of areas for construction site offices and staff facilities; e) Details of site security fencing and hoardings;
- e. Details of on-site car parking facilities for site workers during the course of construction;
- f. Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g. Measures to obviate queuing of construction traffic on the adjoining road network;
- h. Details of lighting during construction works;
- i. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- j. Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- k. Provision of parking for existing properties at during the construction period;
- l. Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- m. Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- n. Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- o. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- p. A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Environmental Protection Agency, 2021.

Reason: In the interest of sustainable waste management.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 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.

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

11. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

a) proposals to provide screen planting along the eastern site boundary between the site and Delaney GAA grounds and along the entire length of the southern site boundary.

b) proposals to provide mature tree planting to the north of the proposed apartment blocks.

- c) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
- d) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;
- e) details of proposed street furniture, including bollards, lighting fixtures and seating;
- f) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. Proposals shall include a 2-metre-high blockwork boundary wall between the creche and the adjoining residential properties to the west.
- g) the proposed 'fence' referenced in Section 5.2 of the Flood Risk Assessment at the northern boundary of the site to prevent access to the adjacent Glenamought watercourse shall be omitted. The applicant shall submit revised proposals to address the interface of the site and the watercourse for the written agreement of the planning authority.
- h) a suitably scaled Arboriculture Impact Drawing and separate Tree Protection Plan.

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 three 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.

Reason: In the interest of the proper planning and orderly development and the appropriate integration of the development into the receiving environment.

13. Prior to commencement the developer shall submit, for the written agreement of the planning authority,
 - a) Revised proposals to reduce the 136m directionally drilled section of 225mm storm sewer beneath the Marsh Fritillary to the minimum distance possible of

- c. 80m. The Applicant shall investigate if there is a preferred time of year wherein these works could take place.
- b) A Marsh Fritillary monitoring programme shall be undertaken at seasonably appropriate times both before the start of works and upon completion.
- c) Prior to occupation Marsh Fritillary monitoring reports shall be submitted to the Planning Authority for the review and written agreement of the planning authority.

Reason: To protect and conserve the Marsh Fritillary

- 14. Prior to commencement the developer shall submit, for the written agreement of the planning authority, a detailed fungi survey and impact report prepared by a suitably qualified person at a seasonably appropriate time with respect to the northern 'Open Space' zoned portion of the proposed site to include measures to protect, where appropriate.

Reason: To protect and conserve rare fungi

- 15. Future access arrangements and Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

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

- 16. With reference to the historic dumping of waste construction material on the site, prior to commencement, the Applicant shall agree an extensive suite of sampling and testing throughout the site with the Planning Authority, to ensure any pockets of contaminated material are identified and managed appropriately, before construction activities begin.

Reason: In the interests of public health

- 17. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a DMURS Quality Audit. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design

standards outlined in DMURS. In particular, the applicant shall provide for a segregated pedestrian and cycle path along the link road to the south of the site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

18. All recommendations of the road safety audit are to be incorporated into the development at the expense of the developer. A Stage 3/4 audit is to be carried out at the appropriate stage and all recommendations to be incorporated into the works at the applicant's expense.

Reason: In the interest of traffic safety

19. Temporary signage shall be erected on the L-5093 Old Whitechurch Road and L-2980 Dublin Hill to warn road users of Construction accesses and the movement of construction traffic as indicated in the Construction Management Plan.

Reason: In the interest of Public Road safety.

20. The applicant shall sign a connection agreement with Uisce Eireann prior to any works commencing and connecting to the Irish Water network.

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

Reason: To aid in the provision of, and to protect, water related infrastructure.

21. a) Prior to the commencement of any construction activity the wet meadow and woodland habitats should be fenced to prevent the entry of any construction related plant or machinery. No storage or stockpiling of soil or other construction related products or by-products should be permitted in these areas or in any lands in close proximity to the Glenamought River.

b) Prior to the commencement of any construction activity effective silt fencing or other silt control measures should be installed and maintained at the site along all

site boundaries to prevent the escapement of solids contaminated site runoff to surface waters.

c) During construction all solids contaminated site water should be treated on site to a maximum of 20 mg/l before being released to any surface water network.

d) There shall be no interference with, bridging, draining, cleaning, maintaining, or culverting of the Glenamought River or any watercourse, their banks or bankside vegetation to facilitate this development.

Reason: To protect surface water bodies

22. Prior to commencement, the Applicant shall submit a site layout drawing clearly demonstrating how access for maintenance will be maintained throughout the lifetime of the project, for access and servicing of stormwater manholes and outfall in the north of the site.

Reason: In the interests of public health

23. 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:

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,

b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

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. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

24. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names

shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

25. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

26. (a) Prior to the commencement of any house or 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.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the

requirement of this planning condition has been discharged in respect of each specified housing unit.

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

27. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

28. 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 (as per Drawing No. 1009 - Site layout – Areas to be Taken In Charge), 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

29. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the

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

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

I confirm that this report represents my professional planning assessment, judgement and opinion 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.

Irené McCormack

Senior Planning Inspector

8th April 2024