



An
Bord
Pleanála

Inspector's Report ABP-314947-22

Development	Demolition of 2 farm buildings and derelict dwelling and construction of 21 two-storey dwellings.
Location	The Cedars Estate, Lackenroe, Glounthaune, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/6851
Applicant(s)	Citidwell Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Grant
Appellant(s)	Louise Barrett Heather and Michael Fleming Michael and Imelda Pierce
Observer(s)	Enda and Marie Barrett

Glounthaune Sustainable
Development Committee
Annmount Residents
Daniel FitzPatrick and Rachel
FitzPatrick (nee Barrett)

Date of Site Inspection

30 January 2024

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The appeal site is located in Glounthaune, a village located approximately 10km east of Cork city centre and 5km west of Carrigtwohill. Glounthaune is an extensive settlement, with much development accessed off the old N25 route, and the old village centre with some outdoor amenities located south of this route. The site is approx. 1.5km from Glounthaune rail station.
- 1.2. The subject site is accessed off local road L2968 via The Cedars, a substantially completed and occupied estate comprising 40 houses. There are substantial differences in grounds levels throughout The Cedars, the highest point of the estate being in the vicinity of the north eastern corner of the site, in the general area of House No.s 23 and 24. On the opposite (western) side of L2968 is the entrance to Cois Chuain, an established low-density housing scheme.
- 1.3. The site comprises 0.81ha and while of irregular shape, it is roughly rectangular. It is accessed from an existing short cul-de-sac at the south of The Cedars. The site can be described as a brownfield site. There are 2 no. large former agricultural buildings at the eastern end of the site, and a derelict house near the western end. Part of the site is overgrown, particularly along part of the southern and eastern boundaries, and there was a large amount of construction materials on site. At the western wedge-shaped part of the site, in the general area of the existing house, the site slopes from north to south west and to south east.
- 1.4. The south western boundary has very limited roadside frontage to a private shared access road which serves approx. 3 houses. This private road terminates at the driveway entrance to Robin Hill, a dwelling located at a significantly lower ground level west of the subject site, on the opposite side of the access road.
- 1.5. The site is bounded:
 - to the north by the rear garden boundary of 12-21 The Cedars, which comprises a concrete block wall, and by the side (southern) boundary to the rear garden of 11 The Cedars.
 - To the east by the large front gardens of 2 no. dwelling houses, named The Orchard, and which have a shared entrance.

- To the south by large detached dwelling houses, namely Pheasant Lawn and Annmount House, the grounds of Robin Hill and the private access road.
- To the north east by a detached 2-storey dwelling house and a mature line of trees along this site boundary.

2.0 Proposed Development

2.1. Permission is sought for

- Demolition of 2 no. farm buildings and a derelict dwelling
- Construction of 21 no. two-storey dwellings adjacent to the under-construction 'The Cedars' Estate.
- All associated drainage, site development and landscaping works.

2.2. The 21 no. houses consist of:

- 16 no. 3-bed semi-detached units
- 4 no. 4-bed semi-detached units
- 1 no. 4-bed detached unit

The housing mix in terms of floor areas is outlined as follows:

House Type	Number of Units	Number of Bedrooms	Floor Area
House Type E	4no.	3no.	90sqm
House Type F	12no.	3no.	117sqm
House Type D1	1no.	4no.	173.56sqm
House Type G	4no.	4no.	141.5sqm

2.3. The description of development refers to access to the proposed development to be via the under-construction The Cedars estate and internal road network permitted by An Bord Pleanála Ref. 300128-17 and P.A. Ref. 17/5699. However, I noted on site inspection that these 'under construction' elements of The Cedars estate appear to

be substantially complete and houses within the estate are occupied. No works were underway at time of inspection.

- 2.4. The proposed house types are the same as some of those completed in The Cedars. The houses are of contemporary design, and the main external finish is render.
- 2.5. Documentation lodged with the application includes a Civil Engineering Report and a Demolition Plan and Method Statement.
- 2.6. Further Information (FI) was submitted on 16 May 2022 and Clarification of Further Information (CFI) was submitted on 9 September 2022. Unsolicited FI was submitted on 21 October 2021, 2 November 2021, 8 December 2021 and 16 September 2022.

3.0 Planning Authority Decision

3.1. Decision

The planning authority made a decision to grant permission subject to 48 no. conditions. Conditions of note are as follows:

Condition 1: Development to be carried out in accordance with plans and particulars lodged with the application on 20 October 2021, as amended by documents/drawings received on 21 October 2021, 2 November 2021, 8 December 2021, 16 May 2022, 9 September 2022 and 16 September 2022.

Condition 5: Submit sections through dwellings 41 and 54, their private amenity spaces and private amenity spaces and dwellings adjoining their boundaries, and detail all boundary treatment and planting.

Condition 16: Submit storm water attenuation proposals, to be incorporated into storm water system.

Condition 26: Submit a Construction and Demolition Waste Management Plan.

Condition 31: Construction and demolition works shall be carried out in accordance with a site specific Environmental Management Plan.

Condition 42: Implement recommendations of Bat Survey submitted on 9 Sept. 2022.

Condition 43: Submit revised landscape plan, including Trees T1475 and T1476 retained.

Condition 46: Development contribution of €42,929.60.

Condition 47: Supplementary development contribution of €103,031.04 in respect of the Cobh/Midleton-Blarney Suburban Rail Project.

Condition 48: Special development contribution of €52,500.00 for the provision of traffic calming north and south of the development access on the L2968, including improved footpath connectivity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority's decision -

First Area Planner's report (13 December 2021) notes the content of internal reports on file. Key issues are summarised as follows:

- Proposed density of 26uph on Medium B zoning which has net density range of 12 to 25 is acceptable.
- Phase 1 of Part 8 pedestrian/cycle route from Dunkettle to Carrigtwohill completed, from Fitzpatrick's shop via Glounthaune village to The Elm Tree.
- Proposal being developed to improve existing footpath south of Dry Bridge.
- If granted special contribution of €52,500 required towards cost of traffic calming north and south of access on L2968, including improved footpath connectivity.
- No public open space provided within red line boundary, and no details to demonstrate that open space provision in wider development is sufficient.
- Insufficient information provided with regard to relationship of proposed dwellings to the existing adjoining dwellings.

Further Information requested relating to 14 no. items reflects Area Planner's report.

Second Area Planner's report (10 June 2022)

Recommends Clarification of Further Information (CFI) be requested, including relating to finished floor levels/ground levels on the subject site and adjoining properties, landscaping, further bat survey and public lighting design.

Third Area Planner's report (6 October 2022)

- Considers that there would be a high level of overlooking from House No.s 41 and 54, notes internal reports (from Ecology, Public Lighting and Environment) and sets out calculations for General, Supplementary and Special development contributions.
- Recommends grant subject to 45 no. conditions.

First Senior Executive Planner's report (dated 14 December 2021)

Includes noting that special contribution of €80,000 levied on P.A. Ref. 17/5699 and ABP Ref. 300128. Concurs with Area Planner's recommendation to request FI.

Second Senior Executive Planner's report (dated 13 June 2022)

- Concurs with Second Area Planner's recommendation to request CFI.

Third Senior Executive Planner's report (dated 6 October 2022)

- Endorses Area Planner's report.
- Considers that good definitive boundary treatment is provided along the south western site boundary, at No. 41, and condition required for additional detail on landscaping proposals and a site section.
- States special contribution towards provision of traffic calming north and south of access on L2968 including footpath connectivity is based on €2,500 per dwelling.
- Recommends grant subject to 48no. conditions.

3.2.2. Other Technical Reports

Area Engineer report (12 November 2021)

- States no objection subject to 14 no. conditions.

Water Services report (11 November 2011)

- Report states no objection subject to 2 no. standard conditions.

Estates reports (10 December 2021, 9 June 2022)

First Estates report

- Notes storm water drainage is proposed to discharge to attenuation tank in The Cedar's estate which is proposed to be increased in size.
- Visitor parking should be considered and that applicant shall clarify if retaining structures are required.

Second Estates report states no objection subject 8 no. conditions.

Environment (8 December 2021, 10 June 2022, 3 October 2022)

First Environment report

- States the Demolition Plan & Method Statement is too generic, and recommends FI to include Demolition and Construction Waste Management Plan, site investigation report and Environmental Management Plan.

Second Environment report

- Notes FI response does not adequately address a number of matters, relating to demolition and construction waste management, including relating to asbestos contaminated materials. States no objection, subject to 9 no. conditions.

Third Environment report states no further comments.

Ecology (7 December 2021, dated 9 June 2022, 6 October 2022)

First Ecology report

- States concerns regarding the loss of a number of mature trees and treelines. Recommends FI for Ecological Impact Assessment (EcIA).

Second Ecology report

- Includes that EcIA does not have regard to existing tree species and bat survey is very limited. Recommends CFI for revised proposals to minimise tree loss, and bat survey.

Third Ecology report

- It is not clear which trees are to be retained or lost. Tree No.s T1475 and T1476 appear lost and should be retained, and landscaping plan uses non-native species. Recommends condition requiring revised landscaping plan which retains existing boundary trees, treelines and hedgerows, planting to be in line with All Ireland Pollinator Plan, and provide details of Root Protection Zones and associated fencing.
- Should all mitigation measures in Bat survey be implemented, the development will not have significant negative effects on bats.
- Recommends 3 no. conditions.

Public Lighting (16 November 2021, 24 May 2022, 21 September 2022)

First Public Lighting report

- Recommends FI for public lighting design.
- FI request includes that applicant to cross check between light locations and tree locations to ensure that no light is within 10m of a tree.

Second Public Lighting report

- Recommends deferral subject to 3 no. matters being addressed. These include applicant to separate results from lighting report required for this application from that submitted under P.A. Ref. 17/5699.

Third Public Lighting report

- No objections subject to 6 no. conditions.

Housing (12 November 2021 and 23 May 2022)

First Housing report

- Notes it is stated that the development is exempt from 20% Part V obligation.

- Recommends that developer be requested to verify the date of acquisition by providing a copy of the signed and completed deed of transfer of the site to confirm that the site was acquired during the exemption period.

Second Housing report

- Having reviewed FI, states no objection.

3.3. Prescribed Bodies

Irish Water/Uisce Éireann in a letter dated 9 December 2021, states that the developer has liaised with IW and that confirmation of feasibility has issued. Where the applicant proposes to connect to a public water supply/wastewater network operated by IW, it will be necessary to enter into a connection agreement prior to commencement of development. IW Infrastructure capacity requirements and proposed connections will however be subject to the constraints of the IW Capital Investment Programme.

Inland Fisheries Ireland (IFI) in a letter dated 2 November 2021 state that it appears that it is proposed to dispose of treated effluent from the development to the public sewer. IFI ask that Irish Water signifies there is sufficient capacity in existence so that it does not overload either hydraulically or organically existing treatment facilities or result in polluting matter entering waters.

Gas Networks Ireland in an email dated 9 November 2021 state that they have no comment to make on the application.

3.4. Observations to the Planning Authority

9 no. observations were submitted to the planning authority. The issues raised are similar to those raised in the grounds of appeal, summarised in detail below.

4.0 Planning History

Subject Site:

No planning history relating to the subject site has been outlined. A very limited area at the north of the site overlaps with previous planning applications for The Cedars housing estate, which has been substantially completed and from which the subject site is accessed.

Adjoining Sites – The Cedars housing estate:

P.A. Ref. 17/5699 and ABP Ref. 300128-17: Permission sought for 40 no. two-storey houses, provision for the upgrade of the Knockraha road and access to the development to be via a proposed signalised junction with Cois Chuain, with a pedestrian access to the country road to the north of the site.

This is the 'parent' permission for The Cedars housing scheme, granted by An Bord Pleanála in 2018. Condition 2 requires the omission of 9 no. houses (No.s 32 to 40 inclusive), and states that this portion of the site shall be used for the provision of single storey dwellings only, to be subject of a separate planning application.

The 3.93ha site area extends to the entrance of the Cois Chuain housing scheme on the opposite (western) side of the L-2968 local road, includes part of this road north of the proposed entrance and also includes a separate narrow strip of land extending from the main residential part of the site to local road to the north. The Cedars housing estate is substantially complete and is occupied, although the signalised junction at Cois Chuain and the separate pedestrian access to the local road to the north of the site have not been carried out.

Two no. conditions requiring the payment of special contributions under Section 48(2)(c) of the Planning and Development Act 2000, as amended, are as follows:

Condition 24: €80,000 in respect of works for the provision of traffic calming north and south of the development access, including improved footpath connectivity.

Condition 25: €20,000 in respect of works for the provision of the upgrading of the storm sewer that crosses under the railway line.

Note: The omission of 9 no. units (under Condition 2 of parent permission) and subsequent grant of permission for 7 no. single storey units (under P.A. Ref. 18/6312 outlined below) results in 38 no. houses permitted. Further to the subsequent grant of permission for 2 no. houses (under P.A. Ref. 21/6082), the overall number of houses constructed in The Cedars is 40 no., on a slightly larger site.

P.A. Ref. 18/6312: Permission granted in 2018 for 7 no. single storey dwellings, accessed via the entrance of the residential development permitted by P.A Ref. 17/5699 and ABP Ref. 300128-17.

P.A. Ref. 20/5864: Permission granted in 2020 for construction of 7 no. two storey dwellings, as a change of plan from that previously permitted under P.A. Ref. 17/5699 and ABP Ref. 300128-17 (number of units remained the same).

P.A. Ref. 21/6082: First Area Planner's report on the current appeal outlines that under P.A. Ref. 21/6082 FI has been sought for 2 no. detached dwellings including modifications to cul-de-sac granted under P.A. Ref. 17/5699 and ABP Ref. 300128-17. This 0.2481 site is accessed from the internal spine road within the housing scheme, near the main entrance. The planning authority's website indicates that this planning application was granted in 2022. These 2 houses have been constructed.

P.A. Ref. 19/5659 and ABP Ref. 305398-19: Permission refused in 2020 by An Bord Pleanála for 55 no. dwelling houses, provision for the upgrade of the Knockraha road, access via a proposed signalised junction with Cois Chuain, and pedestrian access to L-2969-0 road to the north of the site. Proposed development was a change of plan from that permitted by P.A. Ref. 17/5699 and ABP Ref. 300128-17, subsequently amended by P.A. Ref. 18/6312. The overall site area is 3.93ha, i.e., the same as the 'parent' permission for The Cedars (P.A. Ref. 17/5699 and ABP Ref. 300128-17).

The Board refused permission for 2 no. reasons:

1. Having regard to the infrastructural improvements required to provide safe connectivity for pedestrians, cyclists and motorists, to the village centre and to the railway station, it is considered that the proposed development would be premature pending the determination by the planning authority of a road improvement works scheme for the area.
2. Having regard to density, it is considered that the proposed development would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under Section 28 of the Planning and Development Act, 2000, and to the provisions of the National Planning Framework (2018). The site of the proposed development is on serviceable lands, within the

development boundary of Glounthaune, which is designated as a Key Village within the Metropolitan Cork area, where the objective of the Cobh Municipal District Local Area Plan 2017- 2023 is to secure a significant increase in the population of the settlement. It is considered that the proposed development would not be of a sufficiently high density to provide for an acceptable efficiency in serviceable land usage, and that the low density proposed would be contrary to the Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. Furthermore, it is considered that the proposed development would be contrary to the National Planning Framework which aims to achieve compact growth through effective density and consolidation rather than more sprawl of urban development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Sites in the Vicinity:

Elsewhere in the immediate vicinity, I note that the An Bord Pleanála website includes the following Strategic Housing Development (SHD) decision:

ABP-312222-21: Permission refused in 2022 for 289 units, comprising a mix of houses, apartments and duplexes, crèche and 4 no. substations at Lackenroe and Johnstown (townlands), Glounthaune, Co. Cork. This is a substantial site extending to 13.87ha. This SHD site is located 70m east of the current appeal site, and adjoins The Cedars housing estate to the east of No. 22 The Cedars.

The Board's 2 no. reasons for refusal are summarised as:

- Having regard to existing local road network which is substandard in terms of suitable pedestrian and cyclist facilities, proposal would lead to conflict between traffic, pedestrians and cyclists and would endanger public safety by reason of traffic hazard.
- Having regard to the topography of the site, the provision of suitable pedestrian and cyclist facilities cannot be achieved to an acceptable level, and the development would generate a significant volume of traffic which the road network in the vicinity is not capable of accommodating safely due to the restricted width and capacity of L-2968 Local Road and restricted capacity of

its junction at the 'Dry Bridge' with the L-2970 Local Road, and the proposed development would give rise to traffic congestion and endanger public safety by reason of traffic hazard.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Vol. 1 – Main Policy Material and Vol. 4 – South Cork

Glounthaune is a key village within Cobh Municipal District, and is also located within Metropolitan Cork. The development boundary of Glounthaune can be described as a roughly C-shaped form.

The subject site is zoned Existing Residential/Mixed Residential and Other Uses, which is set in Vol. 1 as follows:

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

includes that the scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

*Note: This is based on Existing Residential/Mixed Residential and Other Uses applying to main towns and to key villages with a population of over 1500 or a population expected to grow over to 1500 in the lifetime of the Plan.

Appropriate Uses in Existing Residential/Mixed Residential and Other Uses include residential development.

Separately, lands at the northern end of the eastern boundary of The Cedars housing estate bound the **Metropolitan Green Belt**.

As set out in Table B1 County Metropolitan Cork Strategic Planning Area (Vol. 1 - Appendix B Core Strategy Tables), Glounthaune's population target to 2028 is 2,432, an increase from 1,440 population (estimated population calculated based on Geodirectory Data for Q2 2016). 379 new housing units are required to 2028.

Vol. 4 – South Cork

It is stated (at Section 2.8.2) that as Glounthaune is projected to grow to over 1,500 people during the lifetime of the plan it is treated in a similar manner as regards zoning and land-use to the other main settlements which are over 1,500 people.

Glounthaune is set out under Section 2.10.

Lands directly north of the current appeal site are identified as **Specific Development Objective GN-R-04**. These lands approximate to the area now developed as The Cedars housing scheme. The red line boundary for the 'parent' permission under which this scheme has been developed (P.A. Ref. 17/5699 and ABP Ref. 300128-17) extends slightly beyond the boundary of the GN-R-04 lands, as it extends to the entrance of the Cois Chuain housing scheme on the opposite (western) side of the L2968, part of this local road to the north, and the separate narrow strip of land which links the GN-R-04 lands to the local road to the north. While this site has been substantially developed, for completeness, Specific Development Objective GN-R-04 states:

Medium B residential development. Ecological function of important grassland habitat at western area of site is to be protected as much as possible through retention of ecological corridor or buffer.

General Development Objective GN-GO-02 states that all development shall contribute to improved pedestrian and cyclist connectivity and permeability, particularly to the rail station and the village centre areas.

Section 2.10 includes the following:

- The development boundary of Glounthaune is tightly drawn to protect the strategic gap between Glanmire to the west and Carrigtwohill to the east so as to be sensitive to the topography of the locality. The boundary has been amended relative to the 2017 Local Area Plan to exclude visually prominent

greenfield land to the east and west that is not required to deliver the planned growth to 2028 and that is remote and disconnected from the rail station.

- An existing permission for 40 units, the development of other sites zoned in this plan, including completion of Harper's Creek scheme, could yield approx. 379 units. With the exception of an unimplemented permission for 40 units to north of the village, new development will take place close to rail station.
- Permission secured in 2020 for 7.7km pedestrian and cycle route from Bury's Bridge, Kilcoolishal to Carrigtwohill via Glounthaune and is now underway.
- Glounthaune has capacity in wastewater treatment to accommodate growth. While there are some compliance issues with Carrigrennan WWTP, Irish Water is currently working to resolve these.
- There are problems with stormwater and the need for a new discharge has been highlighted.

Vol. 1 – Main Policy Material

Chapter 4 - Housing

- It is stated at (Section 4.9.5) Key Villages with a population >1,500 will have a density approach similar to the smaller towns. This will generally focus on the application of Medium B density thresholds within centrally located sites and Medium C for all other greenfield lands.
- **Approach to Density within lands zoned Existing Residential/Mixed Residential and Other Uses** states at Section 4.9.8 the Plan generally supports proposals for increased densities within this category to optimise development of lands within the built envelope of a settlement, subject to protecting existing residential amenities and adhering to proper planning and development standards. It includes at Section 4.9.9 that the design approach should also be guided by the site's location relative to the town centre and its access to good quality public transport links.

Chapter 12 - Transport and Mobility

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

including (b) All residential development proposals, in Metropolitan Cork, in areas within walking distance of town centres and public transport services, will be subject to maximum parking standards as a limitation to restrict parking provision to achieve greater modal shift.

Section 12.24 Parking Standards includes **Table 12.6 Car Parking Requirements for New Developments**, which states 2 no. car parking spaces per dwelling house.

Section 12.12.12 states that for all location types, where it is sought to eliminate or reduce parking provision, it is necessary to ensure, where possible, an appropriate number of drop off, service and visitor spaces and spaces for the mobility impaired.

Section 12.24 also includes **Table 12.8 Cycle parking for residential development (minimum)**, which requires 1 long stay parking space unit (house) and 1 short stay (visitor) parking space per 5 units (houses).

County Development Plan Mapping:

Scenic Routes: There are 2 no. scenic routes in the vicinity of the site:

- Route S42 is further north of the site, and is described as Road at Cashnagarrifee, N.W. Carrigtwohill and Westwards to Caherlag
- Route S41 is further south of the site, and is described as Road from Dunkettle to Glanmire and eastwards to Caherlag and Glounthaune.

Protected Structure: Anne Mount House is indicated to be a protected structure: RPS Ref. 00499

5.2. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Department of Environment, Local Government and Heritage, 2024)**

The Sustainable Residential Development and Compact Settlements Guidelines were introduced by the Department of Housing, Local Government and Heritage in 2024, and replace the Sustainable Residential Development in Urban Areas Guidelines 2009. These are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), such that planning authorities and An

Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines.

With regard to cities and metropolitan (MASP) areas, the key priorities for city and metropolitan growth include strengthening city, town and village centres, protecting and enhancing amenity and biodiversity, and realising opportunities for incremental brownfield and infill development. Density ranges for towns and villages in the metropolitan areas and outside of the city and suburbs area are set out in the following 3 no. categories in Table 3.3 of the Guidelines:

- Metropolitan Towns (>1,500 population) – Centre and Urban Neighbourhoods: Densities in the range 50 dph to 150 dph (net) shall generally be applied.
- Metropolitan Towns (>1,500 population) – Suburban / Urban Extension: Suburban areas are low density residential areas at the edge of the town, and urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. Densities in the range 35 - 50 dph (net) shall generally be applied at these locations, and densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). (Table 3.8: Accessibility is set out under Section 3.4 Refining Density, and contains terms to define accessibility)
- Metropolitan Area – Village (<1,500 population): These are small in scale with limited infrastructure and services provision. These settlements are identified for incremental growth that takes account of the capacity of existing services and infrastructure (including public transport and water services infrastructure). Density should be tailored to reflect existing density and/or built form but should not generally not fall below 25 dph.

It is stated at Section 5.3.3 that all residential developments are required to make provision for a reasonable quantum of public open space, to focus on the overall quality, amenity value and biodiversity value of public open spaces, including seating and provision for children's play.

Policy and Objective 5.1 - Public Open Space states that is a policy and objective that statutory development plans include an objective(s) relating to the provision of

public open space in new residential developments. The requirements shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.

Policy and Objective 3.1 It is a policy and objective that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.

5.3. Cork Metropolitan Area Transport Strategy 2040 (CMATS)

CMATS represents a coordinated land use and transport strategy for the Cork Metropolitan Area. It sets out a framework for the planning and delivery of transport infrastructure and services to support the CMA's development in the period up to 2040. With regard to suburban rail at Glounthaune, the following implementation elements are outlined (Chapter 16: Implementation):

- Medium term: Signalling improvements likely to be required at Glounthaune Junction
- Long term: Existing single track between Glounthaune and Midleton will be required to be upgraded to a double track, and also long term consideration for electrification of commuter rail lines between Mallow, Cobh and Midleton.

5.4. Natural Heritage Designations

Cork Harbour SPA (Site Code: 004030) is approx. 0.5km south of the site, and covers an extensive area.

Great Island Channel SAC (Site Code: 001058) is approx. 0.5km south of the site, and covers an extensive area.

5.5. EIA Screening

See Form 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Three no. third party appeals have been received from Louise Barrett, Heather and Michael Fleming and Michael and Imelda Pierce. They are collectively summarised under 'General', with more specific residential amenity concerns set out in detail:

General

- Density is excessive.
- Design, layout and house type not in keeping with dwellings in Annmount or Glounthaune.
- Traffic volumes and road safety issues. An Bord Pleanála refused an appeal to increase density from 39 to 55 houses on adjacent under construction site. This is a high density, car dependent development very remote to the village. Lack of connectivity to village. Area around Dry Bridge is at choking point.
- Existing storm and sewage drains are at capacity. 21 extra houses would add significantly to the overload.
- Lack of open spaces in the development.
- Current social amenities in the area would not support this. Glounthaune National School is beyond capacity and is not accepting new students.
- Threat to existing house values and enjoyment of rural location

Specific residential amenity concerns raised by Louise Barrett (Annmount House, Annmount, Glounthaune)

- The south eastern part of site at approx. location of House No. 54 is in her ownership.
- Proposed House No.s 50-54 directly overlook back garden.
- Healthy mature trees proposed to be felled trees provide a valuable windbreak, privacy and visual amenity to third party's and neighbours' properties. Concerns regarding potential loss of tree numbers T1475, T1476 and T1478 on tree survey.
- Potential light pollution from No.s 50-54, and loss of quietness in garden

Specific residential amenity concerns raised by Heather and Michael Fleming (The Orchard, Annmount, Glounthaune)

- Repair and maintenance of stone boundary wall between The Orchard and proposed development not adequately addressed. Heavy machinery and rock breaking taking place very close to the walls, resulting in it deteriorating further as part of Phase 1. Neither current nor previous (leaseholders) removed damaging ivy growing inside walls. Requests An Bord Pleanála to request an investigation of all historic damage caused by ivy growth and potential for future damage.
- Landscape masterplan shows 2m high concrete post and panel fence to be constructed on boundary with The Orchard. Section E-E notes existing stone wall. It is unclear whether intention is to construct new wall on their side of wall or demolish stone wall and construct new stone wall.
- Loss of privacy by proposed 6no. units facing directly into The Orchard, and very negative impact on any future development in The Orchard.
- Inadequate provision of suitable height screening. Landscape masterplan does not include details of proposed tree type, newly planted or height pertaining to boundary with The Orchard.
- Proximity of no. 54 to adjacent properties.
- Potential destruction of 100+ year old trees. Particular concern are category C trees as detailed in the Tree Survey - T1478, T1480 and T1483 and category

B tree T1479. Foundations for No.s 54 and 55 would have a serious impact on the tree roots. No provision made for protection of this tree.

- Light pollution from houses and public lighting close to The Orchard.
- Noise pollution
- Concern regarding additional surface water run-off into parts of Annmount Estate. Contaminated water run off from Phase 1 runs down their driveway, and is putting The Orchard walls at risk, especially the northern wall.

Specific residential concerns raised by Micheal and Imelda Pierce (Pheasant Lawn, Annmount, Glounthaune)

- Landscape Master Plan, Sections, Planting Schedule show southern section of boundary as it adjoins their property. It is a 90m long boundary with almost 4 metre difference in levels between western and eastern end.
- Despite substantial difference in levels and effect on privacy, boundary heights, protection of tree root systems, lighting plans and surface water, developer submitted single section A-A showing proposed 2m high concrete post and panel fence on southern side of existing tree lined ditch boundary.
- Concrete post and panel shown ending 15m short of their boundary to north east, and 2 healthy ash and sycamore trees T1475 and T1476 shown destroyed. If granted it would create open access to their property. Critical Root Zones (CRZs) for these two trees not adequately protected.
- Inaccuracy of drawing, absence of boundary wall and misrepresentation of existing ground levels led to gross misrepresentation of on-site conditions and error in assessment.
- Scale and position of their dwelling shown does not match aerial photograph.
- Planning authority did not require developer to provide information of levels or boundary treatment at the southern boundary from No. 44 to No. 53 despite requesting similar in Condition 5.
- Condition 43 made no reference to positioning of southern boundary wall and instead focussed on other areas where boundaries already existed.

- No distance detailed for positioning of post and panel fence which would require substantial excavation in rocky subsoil, classed as sandstone with mudstone and siltstone by the Geological Survey of Ireland Database.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

6.4. Observations

4 no. observations were received from Enda and Marie Barrett, Glounthaune Sustainable Development Committee, Annmout Residents and Daniel FitzPatrick and Rachel FitzPatrick. The issues raised are similar to those raised in the 3 no. third party appeals, and are summarised as follows:

Impacts on character of area

- Scale and density of proposal are out of grain and character with existing development and will have negative impact on village character.
- Cork Area Strategic Plan states that landscape in Glounthaune with Scenic Routes S041 and S042 are High Value and should have rural nature retained.
- It would change character of a location of significant beauty and may destroy a priceless historical landscape.
- Annmount House Demesne is south of the site and has adjoining boundary walls. Annmount House, built in 1770s (later re-modelled), was destroyed by fire in 1960. Remaining structures are decorative steps and walled orchard. It is on Record of Protected Structures; RPS ID 00499.
- It will wrap around orchard and potentially impact on walls' structural integrity.

- If approved make conditional the repair and height restoration of wall to 3m in advance of construction. Observers (Daniel FitzPatrick and Rachel FitzPatrick) do not consent to removal or replacement of any of the wall.
- Heavy machinery and rock breaking taking place very close to the wall has resulted in parts of the wall deteriorating further as part of phase 1.

Traffic safety and connectivity

- Serious threat to pedestrians. An Bord Pleanála refused to increase the density from 39 to 55 houses on adjacent site as it would be premature pending the determination of a road improvement works scheme. There are no plans or funds available for these infrastructural works.
- Traffic increase on Knockraha road will exacerbate risk of pedestrian injury or death.
- Recent traffic assessment carried out by Glounthaune Community Association showed over 10,000 vehicles per week pass under the dry bridge, and speeds of 120kph have been recorded.
- Guidelines for Planning Authorities for Sustainable Rural Housing state new housing proposals on certain regional roads need to consider that entrance provides effective visibility for users of entrance and public roads.
- There is no safety pedestrian or cycle access to the village centre.
- If grant, it would be appropriate to include condition to contribute to the completion of the footpath to the south.

Excessive density and lack of open space

- Site is c.1.5km from train station, with the final 350m up a steep hill with areas devoid of paths. Guidelines on Sustainable Urban Development recommend that higher scale and density developments should be within 500m radius of public transport. A scheme such as 'coca cola' bike scheme in Cork should be operated between train station and any new development in the area.
- New Cork County Council 2022-2028 will be enacted next year. Draft plan defines adjacent lands to the east a greenbelt. While it is residential zoning, it

is a high density, car dependent development very remote to village and travel infrastructure, and would cause further congestion.

- LAP 2005 states area to the north of the village has limited potential due to the nature and aspect, including its distance from train station.
- If Citidwell intend to proceed with land acquisition under this application, it should be used to reduce density of current development. There is no provision for open space or turning areas.
- Steep gradients of the open spaces in phase 1 are completely unusable. Steeply sloping areas could present a hazard. The local play area is far smaller than shown on drawing and neighbourhood play area is not present. Amenity walkways and pedestrian access steps proposed by P.A. Ref. 17/5699 have been removed post-consent.
- Little or no provision for outdoor play and recreation areas. Deficient provision of open space is a material contravention of Development Plan and the Cork County Recreation and Amenity Policy.
- Notes content relating to public open space at Section 4.15 of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages).
- Open space calculations in Planner's report use net site area. Guidelines recommend calculation based on total site area. From visual assessment, over half the area in P.A. Ref. 17/5699 is not usable public open space.
- This is a peripheral site and should not be subject to higher density, this is supported by clarification under Circular Letter NRUP 02/21.
- Private garden space is very limited in most units.

Impacts on residential amenities

- Loss of privacy due to loss of mature trees on eastern boundary would remove an existing screen. If approved houses 54-59 should be reoriented to face south, and reduced in height to bungalows.
- Decision should be reversed or if upheld additional conditions applied.

- Light and noise pollution. Noise pollution and significant vibration as a result of increased traffic and construction activity.
- Houses 54 and 55 are too close to the boundary.
- Observer intends to build within garden. This cannot curtail their options.
- Concerns regarding boundary wall.

Lack of amenities

- Current social amenities would not support a further 21 houses. Glounthaune National School, church, shop and railway car parks are at full capacity.
- Glounthaune is a Key Village in Cobh MD LAP, but lacks much of required infrastructure.
- No publicly accessible sports facilities within village boundary, no commercial business, little or no employment, no Garda station, no medical centre. The lacking civic infrastructure should be urgently addressed.
- Glounthaune comprises c.506 dwellings. This is 15% increase in housing stock.

Lack of surface water and wastewater infrastructure

- Existing storm and sewage drains are at capacity.
- Regarding water infrastructure/water run off, at such an elevated height this development will require significant pressure increases to allow adequate water supply. This will have negative effect on existing residents' water supply as it may lead to pressure leaks or lower pressure throughout the network.
- Issue of surface water run-off into parts of Annmount, particularly houses to the south and east of the site further damaging original estate stone walls.

Biodiversity

- Increased waste water and run off increases the risk of water contamination in Cork Harbour SPA and may have a negative effect on sensitive wildlife in Cork Harbour Estuary and be in contravention of Water Framework Directive. There is no capacity for additional sewerage to the north of the village.

- Recommends environmental risk assessment. There is significant risk that this does not comply with Habitat Directive.

Title/Consent

- Developer has not sought any consent to proceed with development.
- Citidwell neither owns nor has control over the site.
- Houses 54 and 55 are on land not in the ownership of the developer. This land remains the property of the Barrett family and has been in constant use.

Asbestos

- Structure proposed to be demolished contains asbestos in the roofing material and is extremely hazardous.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the main issues in this appeal are as follows:

- Density
- Public Open Space
- Traffic and Transportation
- Trees and Site Boundaries
- Residential and Visual Amenity Impacts
- Water and Wastewater
- Ecology
- Legal and Procedural Issues
- Other Issues

7.2. **Density**

- 7.2.1. The matter of density in the subject appeal is assessed with reference to the Development Plan provisions, Sustainable and Compact Settlements Guidelines for Planning Authorities (2024), the site context and the planning history in the immediate vicinity, including The Cedars housing scheme.
- 7.2.2. The subject proposal to construct 21 no. houses on a 0.81ha site results in a density of 26uph. The proposed development would effectively be an extension of The Cedars housing estate, which currently comprises 40 no. houses on an approx. 3.74ha site. This 3.74ha site area is based on
- the 3.5ha site area of the 'parent' **P.A. Ref. 17/5699 and ABP Ref. 300128-17** site, excluding the adjoining public roads, and
 - the 0.24ha site area for 2 no. houses constructed pursuant to **P.A. Ref. 21/6082**. (Site area excluding access road is estimated to comprise 0.24ha, as measured from the planning authority's online planning search tool).
- 7.2.3. The combined 3.74ha and 0.81ha sites amount to 4.55ha. The current proposal would result in 61 no. units (40 no. existing and 21 no. proposed) on the combined 4.55ha site, providing a density of 13.4uph for the overall The Cedars housing estate.
- 7.2.4. For clarity, the Sustainable and Compact Settlements Guidelines sets out (at Appendix B - Measuring Residential Density) that net site area includes all areas of incidental open space and landscaping, and excludes areas of land that cannot be developed due to topographical constraints, i.e., steepness. I note the sloping nature of much of the open space in The Cedars, including steep slopes. However, the plans and particulars lodged do not delineate those areas of public open space within The Cedars which are not useable for active recreational use. In the particular circumstances of this case, the assessment of density where referring to the 'overall' site includes a 3.5ha area relating to the 'parent' **P.A. Ref. 17/5699 and ABP Ref. 300128-17** (excluding public road). The matter of topography at The Cedars is discussed further under Section 7.3 Public Open Space.

County Development Plan

- 7.2.5. The current Development Plan identifies Glounthaune as a Key Village in the Metropolitan area. As it is projected to grow to over 1,500 people during the lifetime

of the plan it is treated in a similar manner as regards zoning and land-use to the other main settlements which are over 1,500 people. It states (at Section 4.9.5 – Vol. 1) that Key Villages with a population >1,500 will have a density approach similar to the smaller towns, and that this will generally focus on the application of Medium B (20-35uph) density thresholds within centrally located sites and Medium C (5-20uph) for all other greenfield lands.

- 7.2.6. The entrance to The Cedars is approx. 560m north of Glounthaune village, and approx. 1.5km from the rail station. The Medium C density range references greenfield lands. Given that there is a derelict dwelling and farm buildings on the site, I do not consider the subject site to be a greenfield site. While the subject site is somewhat distant from the commercial/community facilities and amenities in Glounthaune, rather than being immediately proximate to the village centre, I note that the Development Plan identifies most of the adjoining The Cedars housing estate as Medium B under Specific Development Objective GN-R-04, albeit on lands now substantially built out.
- 7.2.7. More particularly, given that the subject site is zoned Existing Residential/Mixed Residential and Other Uses, I note that (at Section 4.9.8 – Vol.1) the Plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement, subject to protecting existing residential amenities and adhering to proper planning and development standards. I consider that the proposal to provide a residential scheme at a density of 26uph on this site would be in compliance with Section 4.9.8 of the Development Plan, and would not be in conflict with the provisions of Section 4.9.5. The matter of impacts of the proposed development on existing residential amenities is discussed elsewhere in this report.
- 7.2.8. Furthermore, for completeness, two further matters are highlighted below for the Board's information outlining the broader context of the discussion on density. These relate to recent (2022) changes to the Glounthaune development boundary, and population changes in Glounthaune since 2016.
- 7.2.9. For wider context, I note that the current Cork County Development Plan (Section 2.10.10 - Vol. 4) states that the development boundary of Glounthaune has been amended relative to that of the 2017 LAP to exclude land to the east and west that is

not required to deliver planned growth to 2028 and that is remote and disconnected from the rail station. The previous Cobh Municipal District Local Area Plan 2017 (Cobh MD LAP 2017) included a substantial landbank approx. 70m to the east of the subject site and a separate landbank at the western side of the village. I consider these amendments to the development boundary of Glounthaune to be relevant to note in the assessment of density in the current appeal, insofar as it reduces the quantum of land available for development in the wider area over that provided for in the previous Cobh MD LAP 2017.

7.2.10. For clarity, I note that the 1,440 population figure in the Development Plan for Glounthaune is an estimated population calculated based on Geodirectory Data for Q2 2016. Having regard to the timeframe since 2016, the construction and occupation of the 40-unit The Cedars, and the partial completion and occupation of the Harper's Creek SHD development at the eastern end of the village, I consider it reasonable to conclude that the population of Glounthaune may have exceeded 1,500 at time of writing. Furthermore, I have viewed Census 2022 information on the Central Statistics Office website (www.cso.ie) on 16 February 2023, namely Small Areas data for the Glounthaune area, and based on the Small Areas viewed, conclude that their combined population is 2055 persons. (For completeness, the Small Areas of Census 2022 viewed are A047064027 (239 persons); A047064026 (270 persons); A047064024 (253 persons); A047064025 (171 persons); A047077001/02 (219 persons); A047077001/03 (328 persons); A047077001/01 (208 persons) and A047077012 (367 persons)).

7.2.11. I highlight this matter of Glounthaune's current (higher) population, as distinct from the 2016 population estimate, given that the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024) specifically reference villages of less than 1,500 population located within a metropolitan area, as discussed in the following sections.

Sustainable and Compact Settlements Guidelines for Planning Authorities (2024)

7.2.12. These Guidelines set out at Table 3.3 the density ranges for all towns and villages within the Metropolitan areas, in which Glounthaune is located. Of the 3 no. categories outlined in Table 3.3,

- Metropolitan Towns (>1,500 population) – Centre and Urban Neighbourhoods

- Metropolitan Towns (>1,500 population) – Suburban/Urban Extension
- Metropolitan Area – Village (<1,500)

I do not consider that Glounthaune, being a Key Village stated to be less than 1,500 population, but to be treated as stated in the Development Plan in a similar manner as regards zoning and land-use to the other main settlements which are over 1,500 people, fits 'neatly' into any one of these three categories.

- 7.2.13. Having regard to the content of the Development Plan, I do not consider it appropriate to treat Glounthaune, although a Key Village, as "Metropolitan Area – Village (<1,500 population)".
- 7.2.14. Of the three categories in Table 3.3, I consider that the site would tend to align most closely to the Metropolitan Towns (>1,500 population) – Suburban/Urban Extension. This is noting that while the subject site is not at the edge of a town, it is in relatively close proximity at approx. 70m from the eastern development boundary of Glounthaune. This is taking account also of Glounthaune's population increase since 2016, as discussed elsewhere.
- 7.2.15. As the Guidelines state that densities in the range 35 - 50 dph (net) shall generally be applied at these locations, and densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations (as defined in Table 3.8), the proposed 21 units on a 0.81ha site resulting in 26uph would be below the lower density range in this category.
- 7.2.16. However, notwithstanding this, I note the content of the Guidelines with regard to SPPRs, and separately, the content of Policy and Objective 3.1. The Guidelines state (at Section 2.1.2) that when making a decision in relation to an application that includes a residential element or other elements covered by these Guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs). The density ranges in the Guidelines are not SPPRs. Accordingly, I consider that a density range less than minimum 35uph may be considered at the subject site.

7.2.17. Separately, Policy and Objective 3.1 states that it is a policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate. The application of Policy and Objective 3.1 to the current case is discussed further below.

7.2.18. Section 3.4 (Refining Density) sets out under Table 3.8 definitions for terms used to define accessibility. The entrance to The Cedars at 1.5km from Glounthaune rail station is not within a 1km distance to a 'high capacity public transport node or interchange', and at approx. 560m from the junction with the former N25 is not an 'accessible' location within 500m of existing or planned high frequency urban bus services. The Cedars estate entrance is within 1km of bus stops at the village. Cork Metropolitan Area Transport Strategy 2040 (CMATS) does not include (in Chapter 03: Existing Transport Context) Glounthaune as a location currently served by a high frequency bus service. While Glounthaune is shown on a Bus Connects Route Map, this is an 'Indicative Bus Network' (Chapter 08: Bus Connects). Based on the information on file and in CMATS 2040, I consider that it has not been demonstrated that Glounthaune is served by an existing high frequency bus service, nor that it is planned to be served by such a service.

7.2.19. Accordingly, I do not consider that the subject site is an 'intermediate location' as set out in the Guidelines, and the subject site can therefore be considered to be 'peripheral' in the context of accessibility to public transport. Peripheral lands are those that do not meet the stated proximity or accessibility criteria, and includes all lands in Small and Medium Sized Towns.

7.2.20. With regard to Section 3.4.2 of the Guidelines relating to Considerations of Character, Amenity and the Natural Environment, I note the immediate context of the subject site. While Anne Mount House is indicated as a protected structure (RPS Ref. 00499) to the south, this dwelling is not evident from the private access roads within the former Annmount grounds. An observation received (Annmount Residents) on the appeal states that this dwelling burned down in 1960, that the remaining structures are decorative steps and the walled orchard, and that the

proposed development will wrap around the orchard. A separate observation (Daniel Fitzpatrick and Rachel Barrett) states that the Annmount Orchard Wall acts as the boundary between the land in question and their property. House No.s 54 and 55 are the nearest properties to the existing eastern site boundary. Having regard to the approximately 10m separation distance of these proposed houses to this boundary, I do not consider that the proposed development, in terms of the 26uph density proposed, would adversely impact on the character of this boundary or the built heritage of the area. Matters relating to the condition of this stone wall and proposed boundary treatments along this and other site boundaries are discussed elsewhere in this report.

7.2.21. In brief, I consider that the proposed residential density would not be in conflict with matters referenced in Section 3.4.2 relating to Environmental Impact Assessment, Appropriate Assessment, impacts on existing residential amenities, water supply and wastewater networks. These matters are discussed elsewhere in this report.

7.2.22. I note that there is no genuine useable public open space in the current proposal, as further discussed under Section 7.3 of this report. Having regard to this and to the relationship of the proposed 21 no. houses to The Cedars development, such that the current proposal reads as an extension to this existing housing estate, I consider that the quantum of development proposed would result in efficient use of zoned land. Furthermore, while the density of 26uph is below the lower density range of 35-50uph, I consider that the proposed development is acceptable in this instance, that the recommended residential ranges set out in Section 3.3. are refined further at a local level using the criteria set out in Section 3.4, that the criteria set out under Section 3.4.2 have been adequately addressed as appropriate, and that adequate regard has been had to Policy and Objective 3.1 of the Guidelines in this assessment.

Comparison with Planning History - P.A. Ref. 19/5659 and ABP Ref. 305398-19

7.2.23. As outlined under Planning History, permission was refused for 55 no. dwelling houses on the adjoining site under P.A. Ref. 19/5659 and ABP Ref. 305398-19. The site area including adjoining public road is 3.93ha, and excluding the public road is approx. 3.5ha. Refusal Reason 2 stated that the proposed development would not

be of a sufficiently high density to provide for an acceptable efficiency in serviceable land usage, that the low density proposed would be contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency, and would be contrary to the National Planning Framework (2018) which aims to achieve compact growth through effective density and consolidation.

7.2.24. The site area of P.A. Ref. 19/5659 and ABP Ref. 305398-19 was the same as that of the 'parent' permission (P.A. Ref. 17/5699 and ABP Ref. 300128-17) for The Cedars.

7.2.25. In terms of differences to the site context since the decision to refuse was made in 2020, The Cedars estate comprising 40 houses has been substantially built out pursuant to the 'parent' permission (P.A. Ref. 17/5699 and ABP Ref. 300128-17) and subsequent modifying planning permissions. The extent of The Cedars estate has been slightly increased by approx. 0.24ha on foot of the 2 houses built pursuant to P.A. Ref. 21/6082.

7.2.26. Having regard to the site context, the more limited 0.81ha area of the current appeal site, and noting also the absence of any genuine useable public open space within this site, I consider that the proposed density of 26uph on the appeal site, which is substantially above that of the existing estate, would be acceptable in this instance.

7.2.27. Accordingly, while I note in full Reason 2 of the Board decision on ABP Ref. 305398-19 (P.A. Ref. 19/5659), having regard however to the recent changes to the built environment in the immediate vicinity of the appeal site, namely that The Cedars housing estate has been substantially built out, I consider that the proposed development would be of a sufficiently high density at 26uph to provide for an acceptable efficiency in serviceable land usage. The proposed development would, if permitted, increase the number of residential units from 40 to 61 on the overall, combined sites, which would be a 52.5% increase in unit numbers at this location.

7.2.28. While the proposed density is less than 30uph, I consider that the provision of a 26uph density residential scheme on a 0.81ha site at this location would substantially

address Refusal Reason 2 of ABP Ref. 305398-19 (P.A. Ref. 19/5659), albeit on a separate site, having regard to both the increased density, and the changed context of the appeal site's immediate environs in recent years, and that the proposed development would be acceptable in terms of density in this particular instance.

Conclusion

7.2.29. Having regard to the matters set out in the assessment above in respect of density, I consider that having regard to the recent changes to the site's immediate context, the provisions of the current Development Plan, and the provisions of Sustainable and Compact Settlements Guidelines for Planning Authorities (2024) including Policy and Objective 3.1, and notwithstanding the recent planning history on the adjoining site, specifically Refusal Reason 2 on ABP Ref. 305398-19 (P.A. Ref. 19/5659), I consider that, on balance, the proposed 26uph density is acceptable in the particular circumstances of this case.

7.3. Public Open Space

7.3.1. Based on the plans and particulars on file, I consider that there is no discernible, usable public open space within the appeal site. I note that the two areas comprising

- a narrow lawn area incorporating 2 no. visitor car parking spaces along the northern site boundary, bounding the rear gardens of House No.s 12-17, and
- a very small area of ornamental shrub and groundcover planting north of House No. 41,

would function as incidental landscaped areas, rather than comprising genuine, useable open space that provides for active and passive recreation.

7.3.2. The Development Plan states (at Section 14.5.11) that generally at least 12% to 18% of a site excluding areas unsuitable for house construction should be allocated to public open space, and also that the need to achieve higher qualitative standards in terms of design and layout is particularly important.

7.3.3. The applicant's FI response states that 6% (0.041ha) of the site's area comprises open space. It refers to 0.81ha site area, and a developable area comprising 0.74ha. No corresponding drawing delineating these areas has been provided.

- 7.3.4. While I do not consider the incidental, very small landscaped areas within the appeal site to constitute genuine public open space, I note also that the applicant's case that 6% of the appeal site comprises open space would be substantially below the 12% lower range minimum stated in the Development Plan. This would not in any event therefore comply with Section 14.5.11 of the Development Plan in this regard.
- 7.3.5. However, as the proposed development would read largely as an extension to the existing The Cedars estate, I consider it reasonable to also assess the proposed development with reference to open space provided within the existing scheme. The applicant's FI response calculates 0.659ha of open space comprises 22% of the existing development. This is based on a developable area of 2.98ha. These various areas are not delineated on drawing. Open space as a percentage of the combined 'parent' application (P.A. Ref. 17/5699 and ABP Ref. 300128-17) and the current appeal site is stated as 19%.
- 7.3.6. For clarity, similar to the approach taken relating to the density assessment, I consider it appropriate to base the open space calculations on a 4.55ha site area, combining 3.5ha ('parent' application site, excluding adjoining public road), 0.24ha (P.A. Ref. 21/6082 approx. site), and 0.81ha (current appeal site). This would result in the stated 0.659ha area of open space comprising 14.4% of the combined sites.
- 7.3.7. Policy and Objective 5.1 – Public Open Space of the Sustainable and Compact Settlement Guidelines states that the development plan requirement shall be for public open space provision not less than minimum 10% of net site area and not more than minimum 15% net site area save in exceptional circumstances, and also that a planning authority might decide to set aside (in part or in whole) the public open space requirements, and examples of such cases. I note the content of Policy and Objective 5.1 in full, and consider that based on the plans and particulars on file, that the proposed development, combined with The Cedars housing estate, would, based on the information on file meet the quantitative public open space requirements.
- 7.3.8. Having regard to the topography of the site, and to the established site layout, I note that various areas of open space in The Cedars are sloping or steeply sloping in

nature. Considerable areas of open space would serve primarily as landscaped areas rather than for active recreation, and the single play area provided on site is of limited size and does not contain play facilities/structures. However, those open spaces which are usable, although relatively limited, would be easily accessible from the current appeal site. Having regard to the location of the site within Glounthaune development boundary, and its connectivity to The Cedars, I consider that the proposed development, albeit in the absence of genuine useable open space within the appeal site outlined in red, would be adequately served by public open space in The Cedars, and would be acceptable in the particular circumstances of this case.

7.4. Traffic and Transportation

Access and Transportation

- 7.4.1. I note the matters raised in the grounds of appeal relating to traffic volumes, road safety, lack of connectivity to the village and car dependent nature of the proposed development. I note also Refusal Reason 1 on the proposal for 55 no. houses at the site of The Cedars (P.A. Ref. 19/5659 and ABP Ref. 305398-19), which states that having regard to the infrastructural improvements required to provide safe connectivity for pedestrians, cyclists and motorists to the village centre and to the railway station, that the proposed development would be premature pending the determination by the planning authority of a road improvement works scheme for the area. These matters and details of the existing surrounding environment are outlined further in the following sections.
- 7.4.2. The proposed development would be accessed via a recently constructed 40-unit housing estate. As outlined previously in this report, the 'parent' permission at The Cedars (P.A. Ref. 17/5699 and ABP Ref. 300128-17) includes for the upgrade of the Knockraha road (L2968) and access to the development to be via a signalised junction with Cois Chuain. As noted on site inspection, the signalised junction is not in place. A footpath has been provided for a very limited distance either side of the existing vehicular entrance to The Cedars on the Knockraha road (L2968). The footpath extends a few metres only to the south of this entrance. In contrast, the footpaths shown on Overall Development Site Layout Plan (Drawing No. 21172-MMS-ZZ-ST-DR-C-10500; Rev. P03; date-stamped 09 September 2022) extend

approx. 25m to the north and 37m to the south of the vehicular entrance, as measured from plan.

- 7.4.3. Opposite the entrance to The Cedars, on the western side of the Knockraha road (L2968), there is an existing footpath extending along much of the roadside frontage of the Cois Chuain estate. This footpath extends north to a crossroad junction with another local road, and continues west a short distance along the northern roadside frontage of Cois Chuain, where there is a further vehicular entrance to that estate.
- 7.4.4. Further to the south of the site, there is a footpath along various stretches of L2968, on the western side of the road only, to the junction with the former N25, i.e., there are stretches of varying length whereby there is no footpath in place on either side of this route to the village centre.
- 7.4.5. The first Area Planner's report refers to proposal being developed to improve existing footpath south of Dry Bridge. I noted on site inspection that an improved footpath is in place along the southern stretch of L2968, on the western side only. However, no information has been provided on file relating to a road improvement works scheme for the area.
- 7.4.6. I note that the planning authority's Condition No. 48 on the current appeal requires the payment of €52,500 as a special contribution in accordance with Section 48(2)(c) of the Planning and Development Act, 2000, as amended, in respect of works proposed to be carried out for the provision of traffic calming north and south of the development accessed on the L2968, including improved footpath connectivity. This special contribution is based on €2,500 per unit.
- 7.4.7. I note the existing situation with regard to lack of a continual footpath connection from the entrance to The Cedars to the village. However, I consider that the attachment of a condition requiring the payment of a special contribution towards traffic calming measures, including improved footpath connectivity, would assist in addressing the matter of lack of connectivity from the site to the village, and would substantially address this aspect of Refusal Reason 1 of P.A. Ref. 19/5659 and ABP Ref. 305398-19).

- 7.4.8. With regard to the matter cited in Refusal Reason 1 of the above decision regarding infrastructural improvements required for safe connectivity for pedestrians and cyclists to the rail station, the Development Plan states (at Section 2.10.21; Vol. 4) that permission was secured in 2020 for a 7.7km pedestrian and cycle route from Bury's Bridge, Kilcoolcashil to Carrigtwohill via Glounthaune and that this is now underway. I noted on site inspection that this is in place and in use between Glounthaune village and the rail station. The delivery of the pedestrian/cycle route at this location is an improvement to transportation and movement infrastructure since the Board's decision in 2020 on P.A. Ref. 19/5659 and ABP Ref. 305398-19.
- 7.4.9. While traffic calming measures including improved footpath connectivity from The Cedars entrance to the village centre remains to be achieved, I consider that the attachment of a special contribution towards traffic calming measures as discussed above, combined with the recent delivery of the pedestrian/cycle route from the village to the rail station, would substantially address Refusal Reason 1 of P.A. Ref. 19/5659 and ABP Ref. 305398-19). I consider that the proposed development comprising 21 no. houses, accessed via an existing 40-unit housing estate, would, subject to the attachment of a condition requiring the payment of the stated special contribution, be acceptable in terms of traffic and movement infrastructure.
- 7.4.10. In terms of detail, as outlined under Section 7.6 (Residential and Visual Amenity Impacts) of this report, it is recommended that the pair of semi-detached houses No.s 41 and 42 are omitted, and substituted with 1 no. detached house. The recommended special contribution of €50,000 is therefore based on €2,500 x 20 units.

Car and Cycle Parking

- 7.4.11. The proposed development would be served by 2 no. car parking spaces per dwelling, and a further 2 no. visitor spaces are also proposed pursuant to the FI request. The Development Plan sets out (at Table 12.6) a standard of 2 no. car parking spaces per dwelling house.
- 7.4.12. **SPPR 3 – Car Parking** of the Sustainable and Compact Settlements Guidelines states that in intermediate and peripheral locations, the maximum rate of car parking

provision for residential development shall be 2 no. spaces per dwelling. The maximum car parking standards do not include bays assigned for use by a car club, designated short stay on-street EV charging stations or accessible parking spaces, but do include provision for visitor parking.

7.4.13. As SPPR 3 expressly states that the maximum car parking standards include visitor parking, I consider it appropriate that in the event that the Board was minded to grant planning permission, that the 2 no. visitor parking spaces could instead be re-assigned for a combination of spaces for use by a car club, a short stay EV charging station or accessible parking space, in order to comply with SPPR 3. It is considered that this matter could be addressed by way of condition.

7.4.14. **SPPR 4 – Cycle Parking and Storage** states all new housing schemes including mixed-use schemes that include housing are required to include safe and secure cycle storage facilities to meet needs of residents and visitors. The Guidelines refer to ‘housing schemes’ in SPPR 4 and do not expressly differentiate between houses and apartments/duplexes. While the matters set out in Section 5.2.5 Bicycle Parking and Storage including SPPR 4 would appear to relate to apartment typologies, the assessment of cycle parking in this housing scheme is outlined below.

7.4.15. As the proposed development comprises of houses which have ground level open space, it is not considered necessary that the general minimum standard of 1 cycle storage space per bedroom be applied. SPPR 4(i) states that visitor cycle parking should be provided, and also that any deviation from these standards shall be at the discretion of the planning authority. I consider that in the event that the Board was minded to grant permission, that the attachment of a condition requiring the provision of visitor cycle parking would be appropriate.

7.4.16. In this regard I note the Development Plan states (at Table 12.8) a minimum requirement for 1 short stay (visitor) space per 5 houses (as distinct from apartments), which in this case would equate to approximately 4 cycle spaces. I consider that the attachment of a condition requiring the provision of 4 no. covered visitor cycle spaces, to comply with the requirements of the planning authority would be appropriate in this case.

7.4.17. Having regard to the matters outlined above, and subject to the attachment of conditions requiring revised use of 2 no. visitor car parking spaces, and provision of 4 no. visitor cycle spaces, that the proposed development would comply with SPPRs 3 and 4 of the Guidelines, and would be acceptable.

7.5. Trees and Site Boundaries

7.5.1. Concerns are raised in a number of third party appeals regarding the removal of trees, and discrepancies in drawings regarding proposed tree removal.

7.5.2. There is no tree survey on file, i.e., no drawing showing trees on site in the existing site context. The submitted Tree Survey document (submitted as CFI on 09 September 2022) shows details of various trees in the context of the proposed development, including:

- No Category A (high quality) trees are shown to exist on site.
- Category B (moderate quality) trees are indicated
 - To comprise a cypress hedge along the north western site boundary (T1441) and is proposed to be retained;
 - A sycamore tree in the rear garden of proposed House No. 54 (T1479) is to be removed.
- Category C (low quality) trees are located along much of the length of the southern site boundary. With regard to the 2 no. trees referenced to be retained in the planning authority's Condition No. 43:
 - T1475: A sycamore tree with ash tree growing at base is proposed to be reduced, but not removed. It is stated to be owned by neighbour.
 - T1476: A common ash is proposed to be reduced but not removed.

However, while the Tree Survey indicates that these 2no. trees are to be protected with protective barriers and signage during construction, no RPA (Root Protection Area) is shown on the drawing. In addition, the separate proposed landscape drawing (Drawing No. 22182-1-100 REV A, date-stamped 09 September 2022) indicates 2 no. trees at this location to be

removed. In the event that the Board was minded to grant permission for the proposed development, it is considered that the submission by way of condition of a revised landscape drawing showing RPAs for these 2no. (and other) trees would adequately address this matter.

- Category U (trees unsuitable for retention) are proposed to be removed.

Trees at Eastern Area of the Site and Eastern Site Boundary

- 7.5.3. Trees T1477 to T1483 inclusive (6 of which are Category C, and T1479 is Category B) in the eastern part of the site are stated in the Tree Survey to be removed.
- 7.5.4. However, there would appear to be an inconsistency with the associated drawing, given that RPAs are indicated for these trees shown in the context of the proposed development, for example, in the rear gardens of new houses. I would agree with the matters raised in the grounds of appeal that there is a lack of clarity on the documentation on file regarding tree removal proposals.
- 7.5.5. I note also that the separate landscape drawing (Drawing No. 22182-1-100 REV A, date-stamped 09 September 2022) indicates these trees are to be removed. I consider that the removal of these 7 no. trees (T1477 to T1483 inclusive) to facilitate the provision of new dwellings at this location would be acceptable.
- 7.5.6. However, in the event that the Board was minded to grant permission for the proposed development, I consider it reasonable, that in addition to a revised tree survey, that a revised proposed landscape plan be submitted, in the interests of clarity.
- 7.5.7. With regard to boundaries, the grounds of appeal include concerns relating to the stone wall which formed part of the Annmount Demesne, including that it has not been maintained on the applicant's side, and concerns regarding lack of clarity as to proposed boundary treatment at this location. The eastern site boundary extends to approx. 52m. It comprises a stone wall, which is significantly overgrown, in a poor state of repair in places and a small gap was noted.

- 7.5.8. The drawing titled Landscape Master Plan, Sections, Planting Schedule (Drawing No. 22182-1-100 REV A; date-stamped 09 September 2022) indicates that a 2m high concrete post and panel fence is proposed along the length of the eastern boundary. This drawing does not show the existing stone wall, nor does it show where the proposed concrete post and panel fence would be positioned relating to the existing wall.
- 7.5.9. In addition, this proposed boundary treatment is not however shown on Section E-E. This section shows 'existing stone wall' only, i.e., no proposed boundary treatment at this location. Based on the plans and particulars on file, I would agree with concerns raised by third parties regarding the lack of clarity for proposed boundary treatment at this location.
- 7.5.10. However, in the event that the Board was minded to grant permission for the proposed development, I consider that the matter of eastern site boundary treatment could be adequately addressed by way of condition, whereby comprehensive details are provided for the written agreement of the planning authority indicating the existing stone boundary wall on plan, elevation and section, any proposed alterations to same and any other proposed boundary treatment at this location.

Trees and Boundary Treatment along Southern and South Western Site Boundaries

- 7.5.11. With regard to the southern site boundary, this bounds the rear gardens of dwellings to the south. The matter raised in the third party appeal (Louise Barrett) that the proposed development (at approx. House No. 54) is located on her property is discussed separately under Section 7.10 Legal and Procedural Issues.
- 7.5.12. Many of the existing trees along the southern site boundary are proposed to be reduced, but not removed, as indicated in the Tree Survey. There would appear to be a discrepancy on Drawing No. 22182-1-100 REV A, whereby Section A-A indicates a proposed 2m high concrete post and panel fence south of the site boundary shown in red, i.e., not within the red line boundary of the subject site. The landscape plan indicates that a 2m high concrete post and panel fence is proposed to the inside of the existing hedge bank and retained trees.

- 7.5.13. I would agree with concerns raised in the third party appeal (Michael and Imelda Pierce) that there is a lack of clarity and some inconsistencies regarding detailing of root protection areas and proposed boundary treatment to the southern site boundary on the various plans and particulars on file.
- 7.5.14. However, having regard to the information on file, and having inspected the site, I consider that in the event that the Board was minded to grant permission, that the matter of proposed boundary treatment to the southern site boundary could be adequately addressed by condition, whereby proposed boundary treatment shall be clearly indicated on revised plans and particulars, to include sections, to be submitted for the agreement of the planning authority.
- 7.5.15. Elsewhere along the south western site boundary, there is a substantial difference in ground levels between the site and the separate garden to the south, due to the significant increase in ground levels proposed in order to achieve FFL +76.30 at House No. 43, as shown on Section B-B (on Drawing No. 22182-1-100 REV A). No existing trees are indicated on the Tree Survey along the south western site boundary. A 1.8m high retaining wall is proposed along this boundary, with 2m high concrete post and panel fence positioned approx. 300mm inside same, backplanted on proposed embankment, as shown on Section B-B. The concrete post and panel fence proposed on section is not shown on plan.
- 7.5.16. Separate to the landscape drawings, the Section L-L (Drawing No. 21172-MMS-ZZ-ST-DR-C-10533; Rev. P01) and associated Overall Development Site Layout Plan (Drawing No. 21172-MMS-ZZ-ST-DR-C-10500; Rev. P03), both submitted as CFI on 9 September 2022, show House No. 41 relative to the existing dwelling at a much lower level on the opposite side of the private road. House No. 41 is indicated to be at FFL+76.30, and the Robin Hill dwelling at FFL+ 62.415. The significant alteration to the south western site boundary would be highly visible on the approach to the Robin Hill dwelling. However, given that the Robin Hill dwelling is approx. 20m south west of the appeal site, although at a substantially lower level, and having regard to the distance of that existing dwelling and its orientation relative to the subject site, I consider that the substantial increase in ground level at the subject site would not adversely impact on the residential amenities of Robin Hill.

7.5.17. However, I would have concerns regarding some detailing of the proposed south western boundary treatment. Section L-L shows that a 3m high retaining wall with separate concrete post and panel fence is proposed to the rear of House No. 41. The proposed boundary treatment at No. 41 contrasts with the detail shown (on separate landscape drawing) for House No. 43, where the retaining wall is 1.8m high, also with 2m high concrete post and panel fence. While the existing ground profile is shown on Section L-L in the context of the proposed development, no elevation drawings of the existing or proposed south western site boundary have been provided. Having regard to the very significant proposed changes to increase ground levels on the subject site, and to the nature of the proposed embankment, indicated on Section L-L to slope at maximum 1:1, and on Section B-B to slope at 1:1.2, I consider that the information on file relating to the existing and proposed south western site boundary, in the context of retaining walls in particular, is very limited. As outlined previously, having regard to the south western site boundary's orientation to the shared private access road and distance to the Robin Hill dwelling, I consider that in terms of increased heights indicated, that the proposed development would be acceptable. However, having regard to the absence of comprehensive drawings detailing the proposed south western site boundary, I consider that in the event that the Board is minded to grant permission for the proposed development, that a condition would be appropriate in this particular case, requiring revised drawings including elevations showing detailed boundary treatment, including materials, to be submitted for the planning authority's agreement.

7.5.18. I note that Condition 12(a), (b) and (c)(i)-(iv) of P.A. Ref. 17/5699 and ABP Ref. 300128-17 (the 'parent' permission) required precise details to be submitted and agreed with the planning authority relating to retaining structures. I note the context and proximity of the retaining structures site to adjoining residential properties and to the private access road. I consider that in the event that the Board was minded to grant permission, that such a condition would be appropriate in this case.

Trees and North Western Site Boundary

7.5.19. The Tree Survey indicates a cypress hedge along the north western site boundary (T1441) is to be retained. Section C-C indicates a new 1.8m high blockwork wall

capped and plastered on neighbouring side (max. 1.2 retaining) is proposed within the garden of House No. 41. A separate 2m high concrete post and panel fence is also proposed. Section C-C shows part of House No. 41 at FFL+76.80, and the garden of the existing dwelling to the north west at FFL +70.78. This existing adjoining dwelling is not however shown on this section.

- 7.5.20. The pair of semi-detached Houses No. 41 and 42 face north east, in contrast to the existing 2-storey dwelling north west of the site, whose front building line faces south west. This existing dwelling house, accessed from a private road, is shown to be 17.4m from the front building line of House No. 41. The existing dwelling is estimated to be approx. 10m from its south eastern site boundary. Having regard to the proposed site configuration, the north western (side) elevation of House No. 41 would be in the range of approx. 7.4m to 10m from its side boundary.
- 7.5.21. No elevation drawings showing the existing or proposed north western site boundary have been provided. The proposed embankment slope is steep, shown on Section C-C as 1:1.2. The proposed changes to ground levels within the appeal site, provision of new boundary walls and planting on the new embankment area would significantly alter the relationship between the existing overgrown south western part of the site with its slope falling towards the access road, and the site's relationship to the existing house to the north west.
- 7.5.22. Having regard to the location of the site within the development boundary of Glounthaune, and the approx. 10m separation distance between the existing dwelling at this location and proposed embankment area, I consider that the changes in ground levels as proposed while visually prominent, would not adversely impact on the visual or residential amenities of the area. The assessment of proposed House No. 41 on visual and residential amenities is set in the following section.
- 7.5.23. However, while the increased ground levels and embankment are considered to be generally acceptable, and noting that the property to the north west is a residential property, I consider that the lack of elevation drawings along the north western site would be required to be addressed. In the event that the Board was minded to grant

permission, it is considered that the matter of revised drawings relating to the north western site boundary be addressed by way of condition.

- 7.5.24. Having regard to the retaining wall nature of the proposed north west boundary treatment, I consider that the recommended condition, in the event that the Board was minded to grant permission, relating to retaining structures discussed under Para. 7.5.18 would also be relevant to this site boundary.

7.6. Residential and Visual Amenity Impacts

- 7.6.1. Condition 5 of the planning authority's decision requires the submission of sections through dwellings 41 and 54, their private amenity spaces and private amenity spaces and dwellings adjoining their boundaries, and to detail all boundary treatment and planting.
- 7.6.2. Proposed House No. 41 would result in some overlooking of the side and rear garden of the house to the north west. This overlooking would be partly oblique views, and given that the existing dwelling has a relatively long rear garden depth of 22m, I consider that this level of overlooking would not be undue overlooking.
- 7.6.3. Ground levels in the range of 69.77m OD to 75m OD are indicated within the adjoining house site to the north west. Having regard to the FFL+ 76.30 at proposed House No. 41, the 9.9m high ridge height of this House Type F, the relative proximity of the side (north west) elevation of No. 41 at maximum 10m separation distance from the north western boundary, and the position of this dwelling forward of the front building line of the dwelling to the north west, I consider that this proposed dwelling would be seriously visually overbearing on the existing dwelling. In the event that the Board was minded to grant permission, I consider that the pair of semi-detached Houses No.s 41 and 42 be omitted and substituted with a detached dwelling, House Type D1. This detached house would allow for an increased separation distance from the north western site boundary. House Type D1 is 9.54m wide, in contrast to the combined 12.59m width of No.s 41 and 42 (House Type F).

- 7.6.4. I consider also, that in the event the Board was minded to grant permission, that it would appropriate in this particular case to include a condition de-exempting the construction of extensions, sheds, etc.
- 7.6.5. With regard to overlooking, I note that the rear garden depths are minimum 10m (at No.s 54 and 55), and in all other cases exceed this. The first floor level rear windows of House No. 53 are estimated to be approx. 13m from its rear site boundary, and approx. 31m from the rear elevation of the existing detached dwelling house to the south, as measured from plan (Overall Development Site Layout Plan; Drawing No. 21172-MMS-ZZ-ST-DR-C-10500; Rev. P03).
- 7.6.6. The grounds of appeal (from Michael Pierce and Imelda Pierce) include that the position of their dwelling shown on Drawing No. 22182-1-100 REV A does not match the aerial image. However, I estimate that the third party's dwelling at Pheasant Lawn is, in any event, in excess of 15m from its northern site boundary as measured from OS 1:2500 map lodged with the application (date-stamped 20 October 2021). Accordingly, having regard to the approx. 13m distance from the first floor windows of No. 53 to the rear (south) site boundary, and to the minimum 15m separation distance within the Pheasant Lawn site, I consider that the proposed development would not result in undue overlooking of this adjoining property to the south.
- 7.6.7. Having regard to the site configuration and the extant development on the adjoining site, the proposed dwelling houses primarily back onto adjoining large rear or front gardens, and also onto the access road to the south west of the site, i.e., windows serving habitable rooms at first floor level on the rear elevations of the proposed houses are not directly opposed by other dwellings, save for No. 53 which is discussed above. I consider that the proposed development would not result in undue overlooking and would be acceptable.
- 7.6.8. Furthermore, I note that SPPR 1 of Sustainable and Compact Settlements Guidelines states *inter alia* that a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses above ground floor shall be maintained, and that a separation distance of less than 16m

may be considered acceptable in certain circumstances. The proposed development would comply with SPPR 1.

7.6.9. Concerns are raised by a third party and in an observation that the 6no. houses facing (east) into The Orchard would have a very negative impact on any future development at The Orchard, and that there would be loss of privacy. The third party's dwelling house is second next to eastern site boundary, and the observer's dwelling directly adjoins the subject site to the east. As outlined above, I do not consider that House No.s 54 to 59 would result in undue overlooking of residential properties to the east given the minimum rear garden depths of these proposed dwellings, and their context to the front gardens of 2 no. dwellings in The Orchard. Any future planning application on an adjoining or nearby site would be assessed on its merits at that time, and I do not consider that the provision of 6 no. houses at this location would, if permitted, be prejudicial to potential future development on site(s) to the east.

7.6.10. Having regard to the matters outlined above, I consider that the proposed development would be acceptable in terms of impacts on visual and residential amenities on existing residential properties, subject to condition recommended regarding amendments to address the matter of visual overbearance.

7.6.11. For completeness, I note that SPPR 2 of the Guidelines which sets out minimum private open space standards for houses is complied with in the proposal.

7.7. Water and Wastewater

Surface Water

7.7.1. With regard to concerns raised that existing storm drains are at capacity, I note that the Civil Engineering report lodged with the application states (at Section 2.3) that it is proposed to connect into the storm water system permitted by ('parent' permission) P.A. Ref. 17/5699 and ABP Ref. 300128-17, whereby the new system will comprise a pipe network ranging in size from 150mm-250mm and will join the existing network at the manhole outside House No. 11. It is stated that an increase in the permitted attenuation tank from 420m³ to 630m³ is indicated on drawing DR-C-

10001. However, Drawing No. 21172-MMS-ZZ-ST-DR-C-10001 (titled Proposed Combined Site Services A) does not appear to show an attenuation tank.

- 7.7.2. The Area Engineer's report (12 November 2021) states that the Council have storm water drains in the area, and has no objection subject to conditions. Condition 16 of the planning authority's decision requires storm water attenuation proposals to be submitted for written agreement.
- 7.7.3. Having regard to the plans and particulars on file, the existing attenuation tank proposed to be increased in size does not appear to be shown within the red line boundary of the appeal site. While The Cedars housing estate is outlined in blue, the lack of detailed drawings relating to works proposed on the occupied housing estate is also noted. Having regard to the information on file, I consider that in the event the Board was minded to grant permission, that a condition requiring the attenuation and disposal of surface water to comply with the requirements of the planning authority would be required, and that in this particular case the condition should also require the submission of revised plans and particulars indicating the location of the attenuation tank proposed to be increased.

Wastewater

- 7.7.4. With regard to concerns raised that existing sewage drains are at capacity, I note that the Irish Water/Uisce Éireann letter dated 9 December 2021 states *inter alia* that the developer has liaised with IW and that a confirmation of feasibility has issued, and also that where it is proposed to connect to a public water supply/wastewater network operated by IW, it will be necessary to enter into a connection agreement prior to commencement of development.
- 7.7.5. Separately, there is a Water Services report on file which states that there are no objections with regard to waste water operations, subject to 2 no. standard conditions. I note also that the Development Plan states (at Section 2.10.24; Vol. 4) that Glounthaune has capacity in wastewater treatment to accommodate growth, and that while there are some compliance issues with Carrigrennan WWTP, Irish Water is currently working to resolve these.
- 7.7.6. Having regard to both the Irish Water/Uisce Éireann letter and the Water Services report on file, and noting also the content of the current Development Plan regarding

available capacity in wastewater treatment, I consider that the proposed development would be acceptable in terms of wastewater infrastructure.

Water Supply

- 7.7.7. Concerns are raised in an observation on the appeal relating to this development impacting negatively on existing water supply. As outlined previously in this report, the Irish Water/Uisce Éireann letter dated 9 December 2021 states *inter alia* that a confirmation of feasibility has issued. In addition, the Development Plan states (at Section 2.10.23; Vol. 4) that water supply is available to serve the scale of growth identified for Glounthaune in this plan.
- 7.7.8. Having regard to the content of the Irish Water/Uisce Éireann letter on file, and to the Development Plan content relating to water supply in Glounthaune, I consider that the proposed development would be acceptable in terms of water infrastructure.

7.8. Ecology

- 7.8.1. I note that a Bat Survey Report was submitted as CFI on 9 September 2022. Findings relating to the derelict dwelling include that one Brown Long-eared Bat was present within the attic, and DNA analysis confirmed that bat droppings present are attributable to Brown Long-eared Bat and Common Pipistrelle. No evidence of bat roosting were found in the 2 no. former farm buildings (described as derelict hatcheries), although it is noted in the report that the survey was non-destructive and therefore evidence of bat roosting may be concealed. No roosting bats were encountered during the tree survey, and no 'high' or 'moderate' potential tree roosts were identified. The site was used for foraging and commuting by bats, but there was no evidence of any defined commuting route reliant on features present on site, for example, trees. The Report states that the site is considered to be of Local Importance (Higher Value) for bats.
- 7.8.2. Unsolicited FI was submitted to the planning authority on 19 September 2022 comprising a copy of a NPWS derogation licence dated 13 Sept. 2022 authorising (a) roost disturbance and (b) actions authorised within the licence, subject to terms and conditions. Term/Condition 2 states that no work can begin before 1 March 2023

and must be completed by 31 October 2023, and that Term/Condition 2 requires the mitigation measures outlined in the Bat Survey Report to be carried out. While the timeframe for this derogation licence has expired, it is indicative of the nature of works which the NPWS considered acceptable to authorise on this site.

- 7.8.3. Condition 42 of the planning authority's decision requires the recommendations of the bat survey to be complied with in full. In the event that the Board was minded to grant permission, I consider it appropriate that a similar condition is attached, and also that during the construction phase, that the developer adheres to measures set out in Bat Mitigation Guidelines for Ireland v2 (NPWS, 2022).

7.9. Legal and Procedural Issues

- 7.9.1. The planning application form indicates that the applicant, Citidwell Developments Limited, is the owner of the site. Email correspondence dated 2 November 2022 states that the applicant became beneficial owners of the site on 18 June 2021. The FI response to requested date of acquisition (for the purposes of Part V) consists of a Memorandum of Understanding dated 15 June 2021 between the vendor (Whitakers' Hatcheries Limited) and purchaser (Citidwell Developments Limited) stating *inter alia* that the purchaser shall purchase the premises subject to receiving a satisfactory grant of permission for residential development. While there is a difference between the stated date of ownership of the site and the detail contained in the Memorandum of Understanding, having regard to the information on file, it is considered based on the FI response that the applicant has provided sufficient evidence of their legal interest in the site.
- 7.9.2. The ownership of the south eastern part of the subject site is contested by a third party to the appeal, Louise Barrett, who asserts that an area at the south eastern part of the site, approximately at the location of proposed House No. 54, is within her ownership and is the location of sheds on her property. This is, however, a civil matter to be resolved between the parties, having regard to the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended).

7.9.3. I note the matters raised in relation to asbestos. Asbestos is, however, a notifiable substance and is therefore the subject of a separate legal code.

7.10. Other Issues

Part V

7.10.1. With regard to Part V of the Planning and Development Act 2000, as amended, I note that FI was requested, seeking the applicant to submit verification date of acquisition by providing a signed and completed Deed of Transfer to the site, in order to confirm that the site was acquired during the exemption period. A Memorandum of Understanding (dated 15 June 2021) only was submitted. The second Housing report states that having viewed the information submitted, there is no objection to permission being granted. No conditions are attached to that report. Condition 45 of the planning authority's decision requires an agreement in writing relating to Part V to be entered into, unless an exemption certificate shall have been applied for and granted.

7.10.2. Based on the information on file, I do not consider that an actual date of site acquisition by the applicant has been demonstrated. In addition, I note that the Overall Development Site Layout Plan (submitted as CFI on 9 September 2022) shows 2 no. houses proposed to be allocated for Part V. Accordingly, in the event that the Board was minded to grant permission, it is recommended that a condition is attached requiring an agreement to be entered into in relation to Part V, unless an exemption certificate shall have been applied for and granted.

8.0 Appropriate Assessment

8.1. The nearest parts of the Cork Harbour SPA (Site Code: 004030) and Great Island Channel SAC (Site Code: 001058) to the subject site are approx. 0.5km to the south, both of which cover extensive areas, and partially overlap with each other.

- 8.2. In determining the Natura 2000 sites to be considered, I note the nature and scale of the proposed development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of Natura 2000 sites. The impact area of the construction phase is shown to extend a short distance north east of the site, on lands adjoining the eastern boundary of the existing The Cedars development, and accessed via a separate road to the north, as shown on the Construction, Environmental and Waste Management Plan submitted as FI on 16 May 2022.
- 8.3. The site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I consider that Cork Harbour SPA and Great Island Channel SAC are the sites most relevant to the subject site.
- 8.4. The following are the conservation objectives and qualifying interests of the two sites.

Cork Harbour SPA (Site Code: 004030)

Conservation Objective: To maintain the favourable conservation condition of the qualifying interests in Cork Harbour SPA.

NPWS Site Synopsis outlines that Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank.

Qualifying Interests:

A004 Little Grebe *Tachybaptus ruficollis*

A005 Great Crested Grebe *Podiceps cristatus*

A017 Cormorant *Phalacrocorax carbo*

A028 Grey Heron *Ardea cinerea*

A048 Shelduck *Tadorna tadorna*

A050 Wigeon *Anas penelope*

A052 Teal *Anas crecca*

A054 Pintail *Anas acuta*

A056 Shoveler *Anas clypeata*

A069 Red-breasted Merganser *Mergus serrator*

A130 Oystercatcher *Haematopus ostralegus*

A140 Golden Plover *Pluvialis apricaria*

A141 Grey Plover *Pluvialis squatarola*

A142 Lapwing *Vanellus vanellus*

A149 Dunlin *Calidris alpina alpina*

A156 Black-tailed Godwit *Limosa limosa*

A157 Bar-tailed Godwit *Limosa lapponica*

A160 Curlew *Numenius arquata*

A162 Redshank *Tringa totanus*

A179 Black-headed Gull *Chroicocephalus ridibundus*

A182 Common Gull *Larus canus*

A183 Lesser Black-backed Gull *Larus fuscus*

A193 Common Tern *Sterna hirundo*

A999 Wetlands

Great Island Channel SAC (Site Code: 001058)

Conservation Objective:

- To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC.
- To restore the favourable conservation condition of Atlantic salt meadows (*Glauco Puccinellietalia maritima*) in Great Island Channel SAC.

NPWS Site Synopsis outlines that Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. The main habitats of conservation interest in Great Island Channel SAC are the sheltered tidal sand and mudflats and the Atlantic salt meadows. The site is extremely important for wintering waterfowl.

Qualifying Interests:

1140 Mudflats and sandflats not covered by seawater at low tide

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)

- 8.5. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/operational processes. I note the qualifying interests of the European sites outlined above, and having regard to the nature and scale of the proposed development, the proposed surface water and foul drainage infrastructure, the nature of the receiving environment and noting also the distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans and projects on a European site.

9.0 Recommendation

9.1. I recommend planning permission be granted for the proposed development.

10.0 Reasons and Considerations

Having regard to the location of the site within the Glounthaune development boundary, and Objective GN-GO-01 which is to plan for development to enable Glounthaune reach its target population of 2,432 persons during the plan period, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16 May 2022 and 9 September 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Prior to commencement of development, revised plans and particulars shall be submitted, whereby:</p> <p>(a) The pair of semi-detached Houses No.s 41 and 42 shall be omitted;</p> <p>(b) A single detached dwelling comprising House Type D1 shall be provided in lieu of House No.s 41 and 42.</p> <p>Revised drawings to be submitted shall show an increased separation distance between new House Type D1 from the north western site boundary. Drawings to be submitted shall include sections between the subject site and the neighbouring dwelling to the north west.</p> <p>Reason: In the interests of protecting the residential amenities of adjoining properties, having regard to the significant height differences involved.</p>
3.	<p>Details of materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>Revised drawings shall be submitted for the written agreement of the planning authority which shall show the following:</p> <p>(a) The proposed 2 no. visitor parking spaces shall be substituted with 2 no. car parking spaces assigned to a combination of (i) a car club</p>

	<p>space, (ii) a designated short stay EV charging station, or (iii) an accessible parking space.</p> <p>(b) The provision of four no. covered cycle parking spaces.</p> <p>Reason: In the interest of sustainable transportation.</p>
6.	<p>(a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>(b) Prior to commencement of development, revised plans and particulars relating to surface water management detailing the proposed attenuation and disposal of surface water, shall be submitted to the planning authority. Details to be submitted shall include the dimensioned drawings showing the location of the existing attenuation tank proposed to be enlarged.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure with the proposed development.</p>

	Reason: In the interests of public safety and residential amenity.
10.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
11.	<p>(a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.</p> <p>(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.</p>

12.	<p>Prior to commencement of development, the following shall be submitted to and agreed in writing with the planning authority:</p> <ul style="list-style-type: none"> (a) A proposed landscape scheme, which shall include exact details of the number and type of tree species to be planted, and associated planted/maturation heights. (b) Revised drawings showing proposed boundary treatment for all site boundaries, in plan, elevation and section, with principal dimensions to be stated thereon, and shall include materials. The proposed boundary treatments shall take account of the findings of the tree survey and tree protection measures required by Condition 11 of this permission, where relevant. <p>Reason: In the interest of residential and visual amenities.</p>
13.	<p>Precise details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <ul style="list-style-type: none"> (a) Drawings that show clearly the extent of all proposed retaining structures. The structures that are to be included in, or that would impact on, any area to be taken in charge by the planning authority (or at the authority's discretion) shall be separately identified on the drawings. Retaining structures that are classified as private boundaries by the planning authority shall not be taken in charge. (b) For each retaining structure, a construction layout plan/drawing showing the extent of the entire retaining structure proposed and any ancillary structures, along with a cross section detail, and the site investigation details and geotechnical assumptions on which the

	<p>design has been based. The descriptions, lengths and retained dimensions of each structure shall also be clearly shown.</p> <p>(c) A certificate from a suitably qualified structural engineer with professional indemnity insurance confirming, to the satisfaction of the planning authority that:</p> <ul style="list-style-type: none"> (i) the retaining structures have been designed in accordance with the relevant and most current design standards, (ii) the structures have a 120 year design life, (iii) the design surcharge and live loadings (kN/m²), (iv) the designs have been correctly transferred to the contract/construction drawings. <p>Reason: In the interest of orderly development.</p>
14.	<p>Mitigation measures contained in the Bat Survey Report submitted as Clarification of Further Information on 9 September 2022 shall be implemented in full, and during the construction phase, the developer shall adhere to measures set out in Bat Mitigation Guidelines for Ireland v2 (National Parks and Wildlife Service, 2022).</p> <p>Reason: In the interest of wildlife protection.</p>
15.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives</p>

	<p>acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
18.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed</p>

	<p>in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) 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; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) 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 development works; (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (j) 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; (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; (l) 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 Management Plan shall be kept for inspection by the planning authority.</p>
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	Reason: In the interest of amenities, public health and safety.
19.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
20.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
21.	<p>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, as amended, that</p>

	<p>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.</p> <p>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.</p>
22.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
23.	<p>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</p>

	<p>planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
24.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Cobh/Midleton – Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
25.	<p>The developer shall pay a financial contribution of €50,000.00 (fifty thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works proposed to be carried out, for the provision of traffic calming north and south of the development access, including improved footpath connectivity, which benefits the proposed development. The</p>

	<p>contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Cáit Ryan
Senior Planning Inspector

19 February 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314947-22		
Proposed Development Summary	Demolition of 2 farm buildings and derelict dwelling and construction of 21 no. two-storey dwellings.		
Development Address	The Cedars estate, Lackenroe, Glounthaune, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i): Construction of more than 500 residential units. Proposed development is for 21no. residential units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Cáit Ryan_____

Date: 19 February 2024_____