



An
Bord
Pleanála

Inspector's Report

ABP-315209-22

Development	Construction of 73 no. residential units and all associated works
Location	Dromin, Cloghroe, Tower, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2140620
Applicants	Kevin McDonnell and Paul Coburn
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Kevin McDonnell and Paul Coburn
Observers	1. Tim O'Keefe 2. John O'Keefe 3. Rosalind and William Crowley
Date of Site Inspection	4 th March 2024
Inspector	Margaret Commene

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1.0 Site Location and Description

- 1.1. The appeal site is located in the village of Cloghroe on the south-western outskirts of Tower, which is located c. 11km north-west of Cork City. More specifically, the appeal site is a 6.48ha irregular shaped site located on the northern side of the R579 (Ballincollig to Kanturk road), c. 120 metres north-west of the junction of the R579 and the R617 (Cloghroe to Blarney road). It comprises of three fields, the boundaries of which are generally delineated by tree lined hedgerows/vegetated mounds; a stretch of the regional road and adjoining lands either side of the site entrance. The site is accessed via an existing access off the R579 located centrally on the southern boundary. A stream flows along the site's eastern boundary. In terms of gradient, the site is at its lowest where it immediately abuts the R579, from there the southernmost of the 3 no. fields gently rises in a north-westerly direction. The northernmost field is subject to gentle/moderate gradients, rising c. 11 metres in a westerly direction. The westernmost field is subject to moderate gradients, rising c. 11 metres in a northerly/north-westerly direction. The Dromin Stream flows along the eastern site boundary. This stream is culverted under the R579 and discharges into the Owennagearagh River to the south of this regional road. Other drainage channels feature along the northern and north-west site boundaries.
- 1.2. The immediately surrounding area is primarily characterised by a mix of residential and agricultural land uses. In terms of residential abutments, to the east of the southernmost of the 3 no. fields is the Senandale Housing Estate, which comprises of double storey detached and semi-detached dwellings, and to the south-west of the southernmost and westernmost of the 3 no. fields are a no. of detached single and double storey detached dwellings fronting the R579. The field to the east of the northernmost of the 3 no. fields was recently granted permission for a Strategic Housing Development, comprising of 196 no. residential units and a creche, on foot of ABP Ref. ABP-312613-22. The subject site's northern, north-eastern and north-western boundaries are flanked by agricultural fields.
- 1.3. More broadly, the site is located on the western side of the village of Cloghroe. The village centre is adjacent to the aforementioned junction, and it comprises a row of shops/commercial units, a Church, and a School.

2.0 Proposed Development

- 2.1. Planning permission was sought for: - construction of 73 no. residential units, comprising 5 no. detached 5-bed dwellings, 15 no. detached 4-bed dwellings, 50 no. semi-detached 3-bed dwellings and 3 no. terraced 3-bed dwellings; upgrade of existing access from the R579; flood mitigation works, which include works to the R579; culverting of existing streams; and all associated site works.
- 2.2. The proposed dwellings would be sited in the northernmost and westernmost of the fields previously described. The access road leading to the proposed dwellings would traverse the southernmost field, with the proposed entrance to this access road sited just to the west of the existing agricultural access on to the R579.

3.0 Planning Authority Decision

3.1. Decision

On 1st November 2022, the Planning Authority refused permission for the following reason:

1. *With reference to "The Planning System and Flood Risk Management - Guidelines for Planning Authorities (November 2009)" issued by the Department of the Environment, Heritage & Local Government, the Planning Authority is not satisfied on the basis of the information lodged with the planning application, and subsequent further information, that the proposed development has met the criteria required to pass the OPW Justification Test for development management; specifically in relation to the issues of responsibility for future maintenance of the proposed flood defence measures, and the potential for increased onsite and offsite flood levels. The proposed development would, therefore, be contrary to public safety and to the above - mentioned Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Initial Planning Report (6th January 2022)

- This is the third application on this site for a housing scheme. The previous two applications were refused on third party appeal, the refusal reasons for both applications related to flooding. The layout of the scheme is broadly similar to the most recent application on the site, with some changes to the site boundary along the R597 and amendments to works proposed to address flooding.
- The site is within the development boundary of Tower and as it is a key village in the settlement hierarchy. The site itself is not specifically zoned¹. The specific development boundary objective for Tower is to “*encourage the development of up to 182 additional dwelling units within the development boundary during the plan period*”.
- The Local Area Plan outlines an additional dwelling unit figure of 182 for Tower. The proposed development together with the number of units permitted since 2017 would exceed this 182 figure, however it is noted that this figure is not a target or an absolute maximum limit but rather an indication of the number of dwellings that could reasonably be accommodated within a settlement over the life time of the LAP subject to subject to other considerations of proper planning and sustainable development. This application together with the permitted and pending units totals 322 units.
- Having regard to the existing scale and character of Tower together with the range of services in the settlement, this proposed scheme is considered to have regard to the scale and character of the existing settlement and would not have a detrimental on the character of the settlement. Having regard to the development proposed, and the views of the local authority and An Bord Pleanála on this previously refused applications, the principle of this land use has already been considered appropriate subject to meeting all other material planning considerations.

¹ It is worth noting that the proposed development was assessed against the Cork County Development 2014-2020 and the Blarney Macroom Municipal District Local Area Plan 2017 initially. By the time a decision came to be made, the Cork City Development Plan 2022-2028 had been adopted.

- The matters of density and housing mix were assessed previously and were considered to be acceptable.
- Drainage / Surface Water / Flood Risk is a substantive issue with the proposed development given the refusal reasons on the previous applications. The southernmost portion of the site, including the proposed access from the R579, lies within Flood Zones A and B. Fluvial flooding from the Owennagearagh River has previously resulted in flood events at the junction of the R579 and the R617 to the east of the said access. Any development on lands to the south-west of the village require the preparation of a comprehensive flood risk assessment of those lands and their environs showing clearly that any development will not give rise to flood risk to adjoining properties and include proposals to address existing flooding issues in the area. A revised flood risk assessment has been prepared and the application includes flood mitigation works. A significant number of issues have been highlighted in the report from the Planning Authority's Drainage Section and a request for further information is recommended.
- There are some issues with the Traffic and Transportation Assessment. Further information is required to address some issues with the proposed footpath on the R579. This would improve pedestrian infrastructure to achieve quality facilities and improve links to other areas of the settlement.

The report recommends a request for further information in respect of the following:

- Item 1: In response to concerns raised by the Drainage Section, the applicant is requested to address: (a) concerns in relation to regrading of R579; (b) impacts on dwellings to west of site entrance; (c) impacts on Senandale properties backing onto R579; (d) impacts on upstream properties (adjacent to the Owennagearagh River); (e) ability to carry out proposed flood mitigation works on third party lands; (f) maintenance burden associated with proposed flood mitigation measures; (g) assessment of cumulative impacts of culvert blockage and road raising; (h) submit details of the proposed channel formalisation works to the Dromin Stream; (i) show Dromin Stream on landscaping section b-b; (j) clarification in relation to stream channel protection embankment(s); (k) Dromin Stream formalisation works to be agreed with Inland Fisheries Ireland; (l) proposed 600mm connection to Dromin Stream from lands to the north of

Senandale; (m) existing land drains into Dromin Stream from existing lands to the east; and (n) proposal to construct new R579 culvert at skew angle. The Planning Authority/Drainage Section are not satisfied that the requirements of Criterion 2 of the OPW Justification Test have been met for items (a) to (d) inclusive.

- Item 2: The applicant is requested to identify and map the septic tank featuring on the development site and, if required, specify appropriate decommissioning works.
- Item 3: In response to concerns raised by the Traffic: Regulation & Safety Section, the applicant is requested to submit a revised Traffic and Transport Assessment addressing the same.
- Item 4: The applicant is requested to submit an Outline Construction Traffic Management Plan.
- Item 5: The applicant is requested to submit revised public lighting reports and drawings which address the concerns of the Public Lighting Department.
- Item 6: The applicant is requested to consider a reduction in the no. of visitor parking spaces proposed.
- Item 7: In response to concerns raised by the Urban Roads and Street Design Section, the applicant is requested to: - (a) review the cross - section width of the pedestrian infrastructure proposed for the R579 to incorporate verges to segregate the different users and uses; (b) to reduce the development access corner radii to max. 4.5m; and (c) submit details of meaningful design measures to encourage slower driver speeds on the R579.
- Item 8: In response to concerns raised by the Urban Roads and Street Design Section regarding internal estate road, the applicant is requested to make the following amendments: - (a) internal estate roads should be a maximum of 5.5m wide; (b) junction corner radii at development access road should be maximum of 4.5m and internal junction corner radii should be between 3-4.5m; (c) an uncontrolled pedestrian crossing at the mouth of this junction should be in line as opposed to in-set, with appropriate designed dropped kerbs and tactile paving; (d) review the site layout and designate uncontrolled pedestrian crossing points at key desire lines; (e) review the road layout to reduce the length of straight

sections within the internal road network to reduce or eliminate the requirement for additional traffic calming measures; and (f) submit details of materials, finishes of the shared surfacing and shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS).

- Item 9: In response to comments from the Area Engineer, the applicant is requested to ensure unobstructed sightlines are achieved at the proposed entrance, the applicant is required to set back all vegetation outside the sightline triangle and any structure above 1m in height and to submit written permission from landowners for alterations to boundaries not in the ownership of the applicant.
- Item 10: The applicant is asked to address concerns raised by the Area Engineer regarding the impact that right turning vehicles at the proposed entrance will have on the local network both on grounds of safety and traffic congestion.
- Item 11: In response to comments from the Area Engineer, the applicant is requested to submit a proposal for boundary treatment along the 2m footpath proposed to blend into existing footpaths east and west of the proposed entrance.
- Item 12: The applicant shall liaise with Cork City Council in agreeing a design to upgrade the existing footpath from this proposed tie into the existing pedestrian crossing on the R617.
- Item 13: The applicant shall submit a letter from the current landowner stating when the lands in question were purchased. A revised Part V proposal will need to be submitted if purchased post 31st July 2021.
- Item 14: The applicant is requested to submit a revised site layout plan including house numbers (in addition to house types).

3.2.2. Planning Report (7th June 2022)

- In the context of FI Items 4, 5, 9 and 11: - a Construction Traffic Management Plan, revised lighting proposals, information regarding sightlines and upgrades to the footpath along the R579 were submitted, respectively, and were considered appropriate.
- In the context of FI Item 1: - The report from the Drainage Section includes a review of the Items 1(a) to (n) inclusive. Clarification is required in the context of

some of the items raised in the FI Request. In the context of Justification Test submitted, until clarification is received, criterion 2(i) and 2(ii) for the entire project cannot be considered to have been met and for criterion 2(iii) and 2(iv), these will be assessed in totality pending completion of the “with climate change” modelling as well as the assessment of the impacts of a total culvert blockage.

- In the context of FI Item 2: - the Drainage Section have no further comments to make. A condition for the decommissioning of the septic tank will be required in the event of planning being granted.
- In the context of FI Item 3: - the Traffic: Regulation & Safety Section provided comments on the Traffic and Transportation Assessment submitted and raised a no. of concerns about the information contained therein. The traffic generated by the development is considered acceptable. Some road issues remain, and additional road calming measures are required. A condition is recommended requiring details be agreed with Traffic and Area Engineer prior to the commencement of development and works carried out at the applicant's expense.
- In the context of FI Item 6: - the issue of visitor parking is not resolved. A condition is recommended requiring provision be reduced to 18 (a 6-space reduction) and the area be landscaped.
- In the context of FI Item 7: - the Urban Roads and Street Design Section provided comments on the material submitted and raised a no. of concerns. The response to Items 7(b) and 7(c) were not considered satisfactory. It was recommended that clarification of further information be sought.
- In the context of FI Item 8: - the Urban Roads and Street Design Section provided comments on the material submitted and raised a no. of concerns regarding design layout of the internal estate road. It was recommended that clarification of further information be sought.
- In the context of FI Item 10: - the Area Engineer provided comments on the material submitted and recommended that conditions be attached to address some outstanding road safety issues.

- In the context of FI Item 12: - the Area Engineer provided comments on the material submitted. The applicant will be required to liaise with Cork City Council on the design and the proposed tie-in with the existing pedestrian crossing.
- In the context of FI Item 13: - the Housing Section provided comments on the material submitted. The no. and unit type are acceptable, the location of 7 consecutive units in the easter part is unacceptable and revised proposals are required.
- In the context of FI Item 14: - the drawings do not include the requested house numbers.
- The report recommends a request for clarification of further information (4 no. condensed items) in respect of the above-mentioned unsatisfactory items.

3.2.3. *Planning Report (1st November 2022)*

- In the context of CFI Item 1: - the Drainage Section have assessed the response submitted and highlights issues regarding the Justification Tests in the OPW Flood Risk Management Guidelines' and specifically criteria 2(i) and 2(ii). They are not satisfied that these have not been passed. Concerns have also been expressed regarding the increasing levels in the river channel to accommodate standalone developments and the long term maintenance responsibility for the flood protection measures.
- In the context of CFI Item 2: - The Urban Roads and Street Design Section is satisfied with the revised material submitted.
- In the context of CFI Item 3: The Housing Section is satisfied with the revised proposal put forward.
- In the context of CFI Item 4: a satisfactory site layout plan, including house numbers (in addition to house types), has been submitted.
- Since the previous assessments, the Cork City Development Plan 2022-2028 has been adopted. With regard to the local planning policy for the site, there is no objection in principle to the proposed development as the site is zoned residential. There is an objective in the new plan regarding Cloghroe National School and that all future planning applications for multiple housing units in

Tower, including the phasing and numbers permitted, will be examined in the context of Cloghroe National School. The new plan has other standard and criteria in terms of density, mix etc. In the event of a new application on the site, these would need to be considered.

- It is recommended that permission is refused as per the recommendation from the Drainage Section.

3.2.4. ***Other Technical Reports***

Environment Waste Management & Control (1/12/2021): No objection, subject to conditions.

Urban Roads and Street Design (1st Report, 20/12/2021): Recommended that further information be requested, including alterations to the pedestrian infrastructure proposed for the R579, revisions to the access corner radii, details of meaningful design measures to encourage slower driver speeds on the R579, reductions to the width of internal estate roads, reconsideration of external junction corner radii and internal junction corner radii, revisions to the proposed pedestrian crossing, review the internal road layout in order to reduce/eliminate the need for traffic calming measures and details of the materials/finishes of the shared surfacing proposed.

Traffic: Regulation & Safety (1st Report, 21/12/2021): Recommended that further information be requested, including a revised Traffic & Transport Assessment (clarifying/addressing the traffic count utilised, the am/pm times utilised for the same, trip distribution for Junction 2, missing figures, traffic modelling and potential committed developments), a Construction Traffic Management Plan, revised public lighting proposals and a reduction in visitor car parking spaces provided.

Area Engineer (1st Report, 30/12/2021): Recommended that further information be requested, including alterations to/written permissions regarding the site entrance, revisions addressing concerns regarding right turning traffic at the entrance, boundary treatment proposals adjacent to proposed footpath east/west of the entrance and the design of proposed upgrades to existing footpath/tie ins with the existing pedestrian crossing on the R617.

Drainage (1st Report, 05/01/2022): Recommended that the proposed development be amended/further information be provided to address concerns outlined regarding

the following: - regrading of the R579; increased flood risk to existing dwelling to the west of the proposed entrance; impacts on Senandale properties backing onto R579 to the east of the south; risk of increased flooding at the R579/R617 junction; impacts on upstream properties (adjacent to the Owennagearagh River); ability to carry out proposed flood mitigation measures on 3rd party lands; maintenance burden associated with proposed flood mitigation measures; and construction of new R579 culvert at skew angle. It was also requested that additional information be submitted including the following: – assessment of cumulative impacts of culvert blockage and road raising; details of proposed channel formalisation works to the Dromin Stream; inclusion of the Dromin Stream on Landscaping Section B-B on Drawing No. 18330-2-202; clarification in relation to stream channel protection embankments; agreement on Dromin Stream formalisation works with Inland Fisheries Ireland; the proposed 600mm connection to Dromin Stream from lands to the north of Senandale; existing land drains into Dromin Stream from existing lands to the east; third party landowner consents; OPW Section 50 Approval; and details of/decommissioning proposals (where required) for septic tank identified within the confines of the development site. Stormwater and SuDS proposals were considered satisfactory.

Housing (1st Report, 25/05/2022): Recommended that amendments to the Part V proposals be requested by way of further information.

Parks (17/10/2022): No objection to planning permission being granted.

Area Engineer (2nd Report following FI lodgement, 19/05/2022): No objection to planning permission being granted subject to conditions.

Traffic: Regulation & Safety (2nd Report following FI lodgement, 26/05/2022): No objection to planning permission being granted subject to conditions.

Urban Roads and Street Design (2nd Report following FI lodgement, 27/05/2022): Recommended that additional further information be requested in relation to drainage/sloping of the footpath adjacent to the proposed regraded road, how the development frontage along the R579 will tie in with the existing roads/junctions adjacent and the design of the internal road layout (needs to be in accordance with the 'Making Places a Design Guide for Residential Estates' and DMURS).

Archaeologist (30/05/2022): No objection, subject to conditions.

Drainage (2nd Report following FI lodgement, 07/06/2022): Recommended that additional further information be requested, including: - pre- and post-scheme hydraulic modelling which takes account of climate change; impacts on existing properties to the west and east arising from a 1%AEP MRFS flood event; clarification regarding the interception of overland flows from the west arising from and exceedance or climate change event by the Dromin Stream/the proposed embankment between the development site and Senandale; inclusion of the culverts beneath the raised section of the R579 in hydraulic modelling; details regarding how culverts beneath the raised section of the R579 will be protected from damage; specification regarding gully inlets being resistant to blockage; a level comparison table for properties to the west in the context of hydraulic modelling; full blockage modelling of the proposed culvert under the R579 for various flood events; clarification regarding who will retain liability for the proposed flood mitigation works in the event of a failure or exceedance occurring/if the proposed flood mitigation measures require insurances, and if so, by whom and for whom; copies of assessment for each culvert in line with CIRIA C786; design details of/maintenance strategy for the embankment parallel to the Dromin Stream and improved Dromin Channel; details regarding contact with existing landowners on the northern side of the R579 across whose driveways the proposed ACO drains will feature; and confirmation from the Roads Operation Section of Cork City Council as to the feasibility of the proposed crown level monitoring to the raised section of the R579.

Urban Roads and Street Design (3rd Report following CFI lodgement, 13/10/2022): No objection to planning permission being granted subject to conditions.

Housing (2nd Report, 17/10/2022): No objection, subject to conditions.

Area Engineer (3rd Report following CFI lodgement, 28/10/2022): Recommended refusal given concerns remain regarding drainage, but conditions outlined should permission be granted.

Drainage (3rd Report following CFI lodgement, 28/10/2022): Recommended that permission be refused for the following reason:

With reference to "The Planning System and Flood Risk Management - Guidelines for Planning Authorities (November 2009)" issued by the Department of the Environment, Heritage & Local Government, the Planning Authority is not satisfied

on the basis of the information lodged with the planning application, and subsequent further information, that the proposed development has met the criteria required to pass the OPW Justification Test for development management; specifically in relation to the issues of responsibility for future maintenance of the proposed flood defence measures, and the potential for increased onsite and offsite flood levels. The proposed development would, therefore, be contrary to public safety and to the above - mentioned Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.3. Prescribed Bodies

Inland Fisheries Ireland (22/11/2021): No objection, subject to conditions and confirmation from Irish Water re capacity.

Irish Water (2/12/2021): No objection, subject to constraints outlined in the COF and conditions.

Transport Infrastructure Ireland (3/12/2021): No observation to make.

An Taisce (8/12/2021): Grounds of refusal in the previous application need to be addressed.

Transport Infrastructure Ireland (19/05/2022): Upon review of the further information submitted, they continue have no to observation to make.

Inland Fisheries Ireland (23/05/2022): In the absence of detailed information on how the Dromin Stream is to be realigned, the realignment of this stream cannot be supported and is therefore objected to.

Inland Fisheries Ireland (03/06/2022): Given the submission of more detailed information on the Dromin Stream realignment, they have no objection, subject to conditions.

3.4. Third Party Observations

12 no. third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Unsuitability of site entrance proposed. More suitable entrance would be from R617 as it has suitable footpaths, road width and bus connections; would contribute to future development of adjoining lands; remove requirement for flood defences and road raising; and reduce flood risk/traffic impact.
- Traffic increases.
- Resultant noise and air pollution. Contrary to requirement to reduce carbon emissions.
- Cycle paths and walkways in the area require upgrades before such development can be accommodated. Areas schools, services and infrastructure doesn't have sufficient capacity to accommodate the proposed development.
- History of flooding in the area and concerns regarding impacts on flooding arising from this development. Planning history of refusals on flooding grounds.
- The FRA does not consider existing flooding impacts and it is not clear if the impact of raising the public road has been appropriately considered. Potential impact of culverting GWF01 on groundwater flooding has not been properly considered. Flood mitigation measures appear piecemeal and dependent on capacity of rivers.
- Unclear what the impact of further alterations, berms, culverts and drainage ditches and embankments will have on landscape character.
- The developer's entitlement to carry out works to public road/lands adjacent to Owennageragh River is queried.
- Consultation with/approval of flood strategy needed from OPW.
- Large bond should be charged to ensure culverts are appropriately designed/installed.
- Amenity impacts.
- Development can't be considered in isolation. SHD application must also be considered.

- Upgrades to Blarney Wastewater Treatment Plant to cater for population would be required as a result. Existing water supply would also need improving.
- Application form is incomplete.
- Unsuitable tree planting proposed/impacts on trees upstream. Negative impacts on bats arising from hedgerow and broadleaf woodland removal.

4.0 Planning History

4.1. Subject Site

4.1.1. The following previous applications pertaining to the subject site are of relevance:

PA Reg. Ref. 195413 (ABP Ref. ABP-307785-20)

This application related to a proposal for: - construction of 73 no. dwellings.

A notification of decision to grant permission was issued by Cork City Council in July 2020 subject to 60 conditions. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by a third party (ABP Ref. ABP-307785–20). The Board refused permission for this application in December 2020 for the following reason:

Having regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November, 2009, the Board is not satisfied on the basis of the information submitted with the planning application and in response to the appeal that the applicant has provided sufficient information on the proposed measures to address flood risk on site and in the vicinity of the site, thus giving rise to a level of uncertainty both as to the adequacy of the proposed measures and the responsibility for future maintenance of the proposed flood defence scheme on public and other lands. The proposed development would, therefore, be contrary to public safety and to the above mentioned Guidelines and would seriously injure the amenities of future residents and of existing property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Reg. Ref. 184947 (ABP Ref. ABP-302594-18)

This application related to a proposal for: - construction of 74 no. dwellings.

A notification of decision to grant permission was issued by Cork City Council in August 2018. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by a third party (ABP Ref. ABP-302594-18). The Board refused permission for this application in February 2019 for the following reason:

The southern portion of the proposed development is located in an area which is at risk of flooding. Having regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November, 2009, it is considered that the proposed development would be premature pending the carrying out of works to mitigate flooding along the R579. The proposed development would, therefore, be contrary to public safety and to the abovementioned Guidelines and would seriously injure the amenities of future residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. Adjacent Sites

4.2.1. The following recent application on the adjacent site to the east is pertinent to the current proposal.

Coolflugh, Cloghroe, Tower, Co. Cork

ABP Ref. ABP-312613-22

This application related to a proposal for a Strategic Housing Development comprising of: - demolition of 2 no. existing agricultural structures and the construction of a mixed-use development featuring 198 no. residential units (117 no. houses and 81 no. apartment / duplex units), a creche, café and single storey retail food store.

The Board issued a split decision in October 2022 which granted permission for demolition of 2 no. existing agricultural structures and the construction of 196 no. residential units and a creche, subject to 27 no. conditions, and refused permission for the proposed café (which features 2 no. residential units above) and retail food store for the following reasons:

1. *The settlement of Tower is not identified within the retail hierarchy as set out in Section 7.86 of the Cork City Development Plan 2022-2028. The retail hierarchy identifies Ballincollig as a Large Urban Town Centre (Level 2) and Blarney as a Small Urban Town Centre (Level 3). Having regard to the proximity of the subject site to both Ballincollig and Blarney and their status within the retail hierarchy, to Objective 7.30 to direct additional retail development to Blarney and to the scale of the proposed retail element, it is considered that the proposed development would be contrary to Strategic Retail Objective 7.27(a) to implement the Retail Hierarchy and would also be contrary to Section 10.293 of the current development plan which states that Tower does not require additional retail floor space during the plan period.*

Furthermore, the order of priority is to locate retail in the city centre and the designated District Centres and Ballincollig Town Centre and to allow retail development in edge of centre or out of center locations only where all options have been exhausted. The Retail Impact Assessment as submitted with the application fails to fully consider the availability of alternative sites within established centres in the catchment area including Ballincollig and Blarney. In this regard it is considered that the proposed retail development would be contrary to the provisions of the cork city development plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the omission of the proposed retail development and associated servicing areas, car parking and access as confirmed under this refusal of permission, it is considered that the proposed 2 story cafe building with cafe on ground floor and two number apartments at first floor level, whilst considered acceptable as a use in principle at this location, would constitute a discordant and isolated design element at this part of the overall site in the absence of a confirmed spatial layout for the immediately surrounding area. The proposed cafe building would, therefore, constitute a poor design element at this location and would lead to a poor standard of amenity for users and occupants of the building and would, therefore, be contrary to the proper planning and sustainable development of the area.*

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

5.1.1. *Land Use Zoning*

The site is zoned 'ZO 02 - New Residential Neighbourhoods' in the Cork City Development Plan 2022-2028 with a stated objective to '*provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.*'

Section 12.24 of the Development Plan sets out overarching objectives for development in all zones, with regard to ZO 2 New Residential Neighbourhoods it states that lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy. It further states that this zone covers primarily greenfield, undeveloped lands for new sustainable residential areas. Development in this zone, while primarily residential, must provide an appropriate mix of housing types and tenures along with the amenity, social, community and physical infrastructure required to promote compact growth, balanced communities and sustainable, liveable communities. Uses set out under ZO 1 'Sustainable Residential Neighbourhoods' are appropriate under this zone, subject to such uses supporting the creation of sustainable communities and not conflicting with the primary objective of this zoning.

5.1.2. *Other Relevant Sections/ Policies*

The following policies are considered relevant to the consideration of the subject proposal:

Chapter 2, Section 2.1 Strategic Objectives for Growth

The following Strategic Objectives for Growth are outlined:

- *SO 1: Compact Liveable Growth - Deliver compact growth that achieves a sustainable 15-minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to existing city.*

- *SO 2: Delivering Homes and Communities - Provide densities that create liveable, integrated communities by using a mix of house types, tenures and sizes linked to active and public transport. Provide amenities, services and community and cultural uses to enable inclusive, diverse and culturally rich neighbourhoods.*
- *SO 9: Placemaking and Managing Development - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places. Focus on enhancing walkable neighbourhoods that promote healthy living, wellbeing and active lifestyles, where placemaking is at the heart. Follow a design-led approach with innovative architecture, landscape and urban design that respects the character of the city and neighbourhood.*

Chapter 2, Core Strategy

The Core Strategy classifies Tower as an Urban Town. Urban Towns are identified as having the following role: - *'phased delivery of strategic sites by targeting growth proportionate to the existing population. All development shall focus on prioritising walking, cycling and public transport use. Apply a mixed-use approach to regenerating key underutilised locations. Use a range of designs and densities that reflect and enhance the individual character of each town'.*

Table 2.2 states that Tower has a baseline (2016) population of 3,274 (equating to 1.6% of the total population of Cork City) and envisions that the population of Tower will increase to 4,437 (1,163 persons) by 2028. Table 2.3 states that Tower has 21.1ha of underutilised land with a total potential yield of 467 units.

Chapter 10, Key Growth Areas & Neighbourhood Development Sites

Tower designated as a key growth area. Section 10.289 (Population and Housing) outlines the following in regard to its development potential: - *'development is somewhat constrained by the topography of the area and associated flood plain to the east. Large areas to the south and west have also experienced significant flood risk. The potential for additional development in Tower needs to be examined in the context of these constraints and the need to balance development with the service providers' ability to cater for large population increases, notably for education and transport. There may be limited potential for additional housing on infill sites within the development boundary.'*

Section 10.297 (Flooding) notes the following in relation to flooding: - ‘Tower has experienced a number of recorded flood events. Flooding has occurred in Riverview Estate, Tower Bridge and at the junction of the R579 and R617 at Cloghroe which has recurred on a regular basis. Other areas of the settlement have been identified as being at risk of flooding. These are identified in the Strategic Flood Risk Assessment document, Appendix II maps. Development proposals in the south west of the town and in all areas identified as being at risk of flooding must be accompanied by both area-based and site-specific flood risk assessments.’

The following 3 no. objectives are set out for Tower.

- Objective 10.72: Prepare a Public Realm Strategy for Tower to address issues such as pedestrian and cycle permeability, signage, car parking, traffic management and enhancements to the town core including the area around Tower Shopping Centre and Cloghroe Neighbourhood Centre. In addition, the potential for connections to Ballincollig and Kerry Pike will also be examined during the lifetime of this Plan.
- Objective 10.73: All future planning applications for multiple housing units in Tower including the phasing and numbers permitted will be examined in the context of the current and future capacity of Cloghroe National School.
- Objective 10.74: Consolidate future development within the development boundary of Tower and maintain the City Hinterland between Tower and Blarney and Kerry Pike respectively.

Chapter 11, Sections 11.71 & 11.72 Residential Density

Developing Cork City as a compact city will require housing to be built at higher densities utilising different models of development. Most of the new development in Cork City and the Urban Towns will be built at a “gentle density” of 40-70dph and a scale of 2-4 storeys.

Density targets and prevailing character will be the key measures in determining site-specific density.

Table 11.2 (Cork City Density and Building Height Standards) outlines a lower target of 40 dwellings per hectare and a higher target of 60 dwellings per hectare for outer suburbs.

Chapter 11, Objective 11.2 - Dwelling Size Mix

All planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances.

Table 11.9 (Urban Towns and Hinterland Villages Dwelling Size Mix for Housing Developments) outlines the following requirements regarding dwelling size mix:

	Min	Max	Target
Studios/PBSA (at LRT Stops/Urban Centres Only)	0%	5%	0%
1 Bedroom	15%	25%	21%
2 Bedroom	30%	40%	34%
3 Bedroom	25%	35%	30%
4 Bedroom/Larger	10%	20%	15%

Chapter 11, Section 11.112 Public Open Space in Housing Developments

Public open space for residential developments will normally be required as per Table 11.11, apart from in exceptional circumstances.

Table 11.11 (Residential Public Open Space Provision) outlines a requirement of 15% for Greenfield Sites / Areas for which a local area plan is appropriate.

Chapter 11, Sections 11.220 & 11.221 Development Adjoining Watercourse Corridors

Development proposals should incorporate an appropriately-sized buffer zone to maintain natural fluvial processes and to protect the water environment.

Development proposals should protect watercourses in accordance with Inland Fisheries Ireland's "Planning for Watercourses in the Urban Area" including the protection of riparian sections of rivers and streams, where possible, as set out below.

- 1. Protection of the streamside zone, (within 15m of riverbanks);*
- 2. Utilisation of outer riparian buffer zone (>8m) for treatment and reduction of stormflow runoff;*

3. *Minimal disturbance of the corridor 15-30m from the river;*
4. *Explore opportunities for river corridors for access and use as local amenity; and*
5. *Encourage riparian buffer strips on agricultural land.*

Chapter 11, Section 11.263 Flood Risk Assessment and Land Use Zoning

Land use zoning objectives provided by this Plan are subject to the following conditions:

1. *Undeveloped land in Flood Zone A that is the subject of any zoning objective are only zoned for and shall only be developed for water compatible uses as identified in the Guidelines.*
2. *Undeveloped land in Flood Zone B that is the subject of any zoning objective are only zoned for and shall only be developed for water compatible or less vulnerable uses as identified in the Guidelines.*
3. *With respect to lands that have already been developed in Flood Zone A or B the potential conflict (between zoning and highly or less vulnerable development in Flood Zone A and between zoning and highly vulnerable development in Flood Zone B) will be avoided by applying the following zoning approach, subject to the exception areas set out in (iii).*

Chapter 11, Car Parking

A car parking rate of 1.25 spaces per 1 and 2 bedroom residential unit and 2.25 spaces per 3-3+ residential unit is specified for sites located within Parking Zone 3.

Section 12.22, Land Uses and Flooding

Proposals shall only be considered favourably where it is demonstrated to the satisfaction of Cork City Council that they would not have adverse impacts or impede access to a watercourse, flood-plain or flood protection and management facilities, or increase the risk of flooding to other locations and be in accordance with the proper planning and sustainable development of the area.

The nature and design of structural and non-structural flood risk management measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased. Measures

proposed will follow best practice in the management of health and safety for users and residents of the development.

Strategic Flood Risk Assessment for the Cork City Development Plan 2022-2028

The Strategic Flood Risk Assessment for the Cork City Development Plan 2022-2028 places the subject site (more specially the southernmost part and the area adjacent to the eastern boundary) within Flood Zone A.

5.2. Regional Policy

5.2.1. Regional Spatial and Economic Strategy for the Southern Region, 2020

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (Cork, Clare, Kerry, Limerick, Tipperary, Waterford Carlow, Kilkenny and Wexford) including the Cork City area, and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas.

One of the Guiding Principles outlined in the Cork MASP is to *‘promote consolidation of Cork City and suburbs, refocus on the development of brownfield and infill lands to achieve a target of a minimum 50% of all new homes within the existing built up footprint in Cork and 30% in other metropolitan settlements’*.

5.3. National Policy

5.3.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO11 - In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and

activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 - To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

NPO 57 - Enhance water quality and resource management by...ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

5.3.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

5.3.3. Section 28 - Ministerial Guidelines

The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.

- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The current application is the applicant's third attempt to develop the site, previous applications for 73 no. and 74 no. dwellings having been lodged to Cork County Council under Reg. Ref. 19/5413 and Reg. Ref. 18/4947, respectively. The current proposal has sought to address the concerns raised by An Bord Pleanala in relation to the most recent of these applications. The design team have engaged proactively with the City Council's Engineering Dept. to agree a solution to the flood risk strategy for the site.
- In preparing, and during the consideration of this application by Cork City Council, the applicants have responded to the concerns raised by the Board on both previous applications and provided the information requested by Cork City Council within a request for further information and a further clarification of information request. The application is also fully aligned with the Development Plan and OPW Guidelines.
- Since the submission of the current proposal, the new Cork City Development Plan 2022-2028 has been adopted. The subject site is zoned ZO 02, New Residential Neighbourhoods and is zoned as Tier 2 Lands, which are sites which are zoned and considered serviceable by physical infrastructure within the lifetime of the current Development Plan. In terms of density targets the site has a target density of 35 to 60. The policy context of the site has not changed significantly from the inception of the development of the site in 2018, this is evidenced by the support of the previous schemes in principle and indeed we note the current proposal is also supported in principle. The flood strategy is the key to delivery of the site for housing. This indicates that Cork City Council are

aware that a serviceable flood strategy can be achieved to deliver the site, it is in this context we respond to the reason for refusal given by Cork City Council.

- In terms of recent relevant planning decisions, the neighbouring site to the north has recently obtained planning consent for residential development via the strategic housing development process. This site is key in terms of the context of the current proposal and the direction taken by An Bord Pleanála in the determination of the SHD, not least in terms of flood strategy. We note the commentary regarding the flood strategy at the SHD site and the approach taken is in line with that taken within the proposed scheme.
- Due to the reason for refusal being based on flood risk management, the rebuttal of the reason for refusal has been prepared by ARUP who prepared the initial flood risk strategy for the proposal in consultation with the Council's Drainage Engineer. Their technical response, attached at Appendix A, includes a response to both the Drainage Report and the Area Engineers Report.
- In summary, there are two key issues raised by the Drainage Report, the first being, the interpretation of and what is meant by "flood risk" and "flood levels." In the context of flood risk, ARUP contends that Cork City Council's Drainage Report did not correctly interpret or apply the requirements of Question 2(i) and 2(ii) of the OPW Justification Test for Development Management. It is therefore requested that the Bord reassess the compliance of the development proposals with the Justification Test accordingly.
- Secondly, the issue of maintaining the proposed flood mitigation measures was raised. Section 5.22 of the OPW guidelines details how maintenance of flood mitigation measures can be dealt with through planning conditions. It was never envisaged by the applicants that the embankment would be taken in charge by Cork City Council nor were they seeking to limit their responsibility for ongoing maintenance. Further informal discussions were held with the Cork City Council Drainage Department following the issue of the reason for refusal. The applicants are willing to commit to establishing a management company for the development, part of whose responsibility will be to maintain the relevant flood mitigation measures in accordance with the proposals in the Flood Risk Assessment, without any future requirement for taking in charge by Cork City

Council. Cork City Council indicated in discussions that such an approach would alleviate concerns in this regard. ARUP's technical response includes a summary of the discussions which took place with the City Council and the items agreed by the Councils Engineer.

- ARUP's technical response also includes a response to the Council's Area Engineer's report. A response to this report, prepared by DOSA Consulting Engineers, also accompanies this appeal submission at Appendix B.
- During the consideration of the planning application, 14 no. third-party observations were received, including from An Taisce, Inland Fisheries Ireland and Transport Infrastructure Ireland. This appeal submission includes a response to these observations where relevant.
- The appeal submission is accompanied (at Appendix C) by a revised proposal, prepared by Meitheal Architects, which achieves a higher density scheme (comprising 113 no. dwellings) at the site in line with the target density for the site outlined within the latest Cork City Development Plan. The density of the scheme as originally lodged (16upha) was in line with the requirements of the previous Cork County Development Plan. A higher density target (a target of 35uPh) is designated for the site within the new City Development Plan. The revised proposal increases the density to as close to this figure as possible (26upha), taking in to account the maximum developable area of the site, the topography of the site and the market feasibility of unit types in the site area. As noted within the new City Development Plan, the prevailing density within Blarney is 0-25upha with a target between 25 and 50 upha. The character and form of Tower, and specifically Cloghroe is much less dense than nearby Tower, therefore the proposed 26upha is considered optimum in this area, rather than the 35-60 upha prescribed to Outer Suburbs within the new City Development Plan.

6.2. Planning Authority Response

- None.

6.3. Observations

Observations on the first-party appeal were lodged by John O'Keefe, Tim O'Keefe and Rosalind and William Crowley.

The main points raised by John O'Keefe can be summarised as follows:

- It is asked that the appeal be dismissed. The first party appeal serves to undermine the refusal reasons informing the Planning Authority decision and asks the Board to consider an even larger development. The first party appeal has submitted a completely different design/development and density from that advertised. It is submitted that these changes have not been advertised as required and third parties have not had a chance to make submissions on the same.
- The appeal brings up many irrelevant matters, including discussions held during the course of the planning process which were not put to the Planning Authority themselves. Further to this, the applicant has had discussions with the Planning Authority following the issuance of the Notification of Decision to Refuse Permission. This is insufficiently transparent and does not afford third parties an opportunity to make submissions.
- It is asked that regard be had to the concerns raised in observations lodged in the context of planning application. These include concerns regarding negative impact of flood defences and existing culverts, which are silted and partially blocked, as detailed in the Flood Risk Assessment accompanying the application.
- The additional information on flooding submitted to the Board in an effort to rectify/clarify the drainage/flooding deficiencies, reinforce the concerns of neighbouring residents. The material submitted to the Board with the appeal accepts the assertions previously made by observers in relation to redundant modelling not including the culvert perforations. 'Equalisation' of water levels has been accepted, with no comment on the increased flood risk in the context neighbouring properties. This is not acceptable.
- The reliance on a private management company to maintain flood defences is nonsense as it is unenforceable and unregulatable.

- The 98.9ha contributing catchment identified is suspiciously close to the 100ha threshold for a full EIAR.

The main points raised by Tim O'Keefe can be summarised as follows:

- It is asked that the appeal be dismissed. The first party appeal serves to undermine the refusal reasons informing the Planning Authority decision and asks the Board to consider an even larger development. The first party appeal has submitted a completely different design/development and density from that advertised. It is submitted that these changes have not been advertised as required and third parties have not had a chance to make submissions on the same.
- The appeal brings up many irrelevant matters, including discussions held during the course of the planning process which were not put to the Planning Authority themselves. Further to this, the applicant has had discussions with the Planning Authority following the issuance of the Notification of Decision to Refuse Permission. This is insufficiently transparent and does not afford third parties an opportunity to make submissions.
- It is asked that regard be had to the concerns raised in observations lodged in the context of planning application as well as the two previous refusals issued by the Board.
- The appeal documentation contains unsubstantiated new information on which ABP are required to undertake a statutory assessment on matters relating to Environmental Assessment. The applicant's appeal submission, at page 9, includes a response to concerns raised in our observation on the CFI submitted. It is contended that the applicant, in the application material, RFI material, CFI material or material submitted with the appeal, has not provided an appropriate assessment in terms of EIA. It is argued that the EIAR threshold is most probably exceeded based on the area sense check which is based on the adjacent townland areas which is cross-referenced with the Applicant's flood defence drawings for the Owennagearagh River and local watercourses. The claim made by the applicant re the 98.9Ha area is not substantiated by a suitable map illustrating the applicable watercourses, flood defences and the sub catchment between the upper and lower bounds of the Owennaghearagh River flood

defences and the relevant watersheds. The 98.9ha contributing catchment identified is suspiciously close to the 100ha threshold for a full EIAR.

- The appellant's submission to ABP frames aspects of the Engineers Report and Decision to Refuse in a certain way and dangerously narrows down what may or may not have been considered by the Engineers in recommending refusal. ARUP's report misleadingly interprets the phrase '*applicant's clarification is noted*' as some sort of validation or positive acceptance of the response submitted.
- The increased flood risk to our client's property/adjacent properties is now accepted by the applicant. 'Equalisation' of flood water levels either side of the 'defences' has been accepted, with no comment on the increased flood risk this creates on our property/adjacent properties which is unacceptable.
- Concerns regarding flood impacts have been raised since the earliest opportunity. Attention was drawn to the ludicrous dichotomy of a flood defence barrier perforated with open culverts. As culverts are easily blocked, this arrangement would increase flood risk to our property/adjacent properties. The request by the applicant for an acceptable flood level to be applied within our property makes no reference to the underfloor/underground features, such as septic tanks, which could be impacted upon or potential impacts on our property's existing surface water drainage arrangements.
- The reliance on a private management company to maintain flood defences is inappropriate. Ignoring the sequential approach of the guidelines, which recommend avoiding development in areas of flood risk, and ignoring the justification test, which Cork City Council have correctly deemed the proposal to have failed, this potential for a condition is seemingly the final refuge of the unfortunate developer with unresolved flood risk issues.
- Attention is drawn to Section 5.24 of the guidelines, which reads as follows: -
"permission should be refused where flood issues have not been, or cannot be, addressed successfully and where the presence of unacceptable residual flood risks remains for the development, its occupants and adjoining property. Only developments which are consistent with the overall policy and technical approaches of these guidelines should be permitted."

- The appeal documentation submitted is extremely selective in focus and should be read in conjunction with the documentation submitted at every juncture by the applicant and the third parties which informed the decision to refuse.
- We disagree with the assertions made by the applicant which fundamentally undermined the competency of Cork City Council's Drainage Engineer and the department more broadly. The applicants attempt to degenerate the competency and understanding of the Cork City Council professionals is regrettable and should be interrogated by An Bord Pleanála in making their determination.
- The contention by the applicant that ABP should grant permission that increases flood levels and flood risk to adjoining residences, on the basis that the adjacent SHD application was granted permission by ABP even though they admitted to raising flood levels on a small portion of existing floodplain on the applicants undeveloped land is inappropriate and irrelevant.

The main points raised by Rosalind and William Crowley can be summarised as follows:

- The Planning Authority's decision failed to have regard to concerns raised regarding the proposed development's impact on local infrastructure, amenity and safety of local residents.
- The proposed entrance is unsuitable having regard to its being located on a flood plain, being close to a busy junction, being at a distance from the village centre and in the absence of suitable footpaths/road widths. Traffic impacts arising from the subject proposal are exacerbated due to the approved development adjacent (ABP Ref. ABP-312613-22).
- The developers have not appropriately considered the proposed development's impact on the environment.
- There have been 2 no. previously refused applications on the subject site.

6.4. Further Responses

- None.

7.0 Assessment

As part of the grounds of appeal, the appellant submitted a revised proposal (comprising 113 no. dwellings and achieving an increased density of 26upha), prepared by Meitheal Architects, in response to the density target (a target of 35uha) outlined for sites such as this within the new Cork City Development Plan 2022-2028. The amended proposal involves an increase in the scale of the proposed development. I consider that a revised proposal such as this would give rise to material considerations for third parties, and parties that were active in the planning application have not been afforded adequate opportunity to comment on the amended proposal. Accordingly, I will consider the proposed development as originally lodged and the revised proposal accompanying the appeal will not form part of my below assessment.

I have examined the application and appeal documentation on the case file, including the Planning Authority reports and submissions received from third parties/prescribed bodies, inspected the site, and had regard to the relevant policy provisions. In my view, the key issues raised by the appeal are as follows:

- Flood Risk
- Principle of Development
- Density and Mix
- Design and Layout / Visual Impact
- Residential Amenity
- Access, Traffic and Parking
- Open Space and Landscaping

7.1. Flood Risk

7.1.1. This constitutes the 3rd application and subsequent appeal for a residential development on the subject lands. As previously outlined in Section 4.1, the Board saw fit twice previously to refuse permission for reasons pertaining to flooding. Before considering the subject proposal's potential impact in terms of flood risk, I think it beneficial to outline the site's locational and planning policy context in terms of

flooding. The subject site (southernmost field) is located c. 20 metres to the north of the Owennagearagh River which features on the opposite (southern) side of the R579. The Dromin Stream flows along the site's eastern boundary before being culverted under the R579 and discharging into the Owennagearagh River. Other drainage channels feature along the northern and north-west boundaries of the site. The subject site is at risk of fluvial flooding from both the Owennagearagh River and Dromin Stream. In terms of gradient, the site is at its lowest where it immediately abuts the R579, from there the southernmost of the 3 no. fields gently rises in a north-westerly direction, the other 2 no. fields rise more moderately in a north-westerly direction.

7.1.2. In terms of planning policy, the Strategic Flood Risk Assessment for the Cork City Development Plan 2022-2028 places the southernmost part of the subject site within Flood Zones A and B (the majority comprising Flood Zone A) and the section of the R579 running along the front of the subject site/past the junction of the R579 and the R617 within Flood Zone A. Section 10.297 of the Cork City Development Plan 2022-2028 notes that recurring flooding has occurred on a regular basis at the junction of the R579 and R617 to the east of the subject site. Section 12.22 of the Development Plan goes on to state that *'proposals shall only be considered favourably where it is demonstrated to the satisfaction of Cork City Council that they would not have adverse impacts or impede access to a watercourse, flood-plain or flood protection and management facilities, or increase the risk of flooding to other locations'* and that *'the nature and design of structural and non-structural flood risk management measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased'*. In terms of National planning policy, I would note that the Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009) aim to ensure that flood risk is neither created nor increased by inappropriate development. These Guidelines require that development is avoided in areas at risk of flooding, unless the development can be justified on wider sustainability grounds and the risk can be reduced or managed to an acceptable level. A sequential test for assessing flood impact is set out therein.

7.1.3. The 73 no. dwellings proposed are located in the northernmost and westernmost of the three fields, outside the part of the site falling within Flood Zones A and B, entirely within Flood Zone C. In light of this, as well as their elevated positioning, I am satisfied

that the dwellings proposed as part of the subject development are not at risk of flooding. However, the access road proposed to serve these dwellings traverses the southernmost of the three fields and so passes through Flood Zones A and B before joining the R579 which also falls within Flood Zone A. In terms of flood mitigation, the proposed development includes the following measures:

- Locating the proposed dwellings in Flood Zone C and raised above the 1 in 100-year flood level + 20% climate change + 300mm freeboard.
- Raising/regrading of a c. 300 metre section of the R579 to provide safe access and egress.
- Formalisation of the Dromin Stream channel running along the eastern boundary and its flow diverted through the subject site rather than via the culverts featuring to the rear of Senandale properties (the applicant has engaged with Inland Fisheries Ireland in the context of this aspect of the proposed development).
- Introduction of a raised embankment along the eastern boundary of the site, between the Senandale Housing Estate and the revised Dromin Stream as well as a culvert with flap valve.
- Replacement of existing culverts under the R579 and introduction of additional culverts under the R579.
- Installation of a culvert with flap valve underneath the proposed estate road.
- Replacement of the culvert along the drainage ditch under the private access road to Currabea House to improve flood conveyance and reduce blockage. Debris and light vegetation clearance of the drainage ditch near the culvert will also be undertaken.

7.1.4. The principal objection of the Planning Authority to the proposed development is that the proposed development would be contrary to the Planning System and Flood Risk Management - Guidelines for Planning Authorities (November 2009), issued by the Policy Department of the Environment, Heritage & Local Government, and impact upon public safety. More specifically, the Planning Authority's refusal reason states that the Planning Authority is not satisfied on the basis of the information provided that the proposed development has met the criteria required to pass the OPW Justification Test for development management; specifically in relation to the issues of responsibility for future maintenance of the proposed flood defence measures, and the

potential for increased onsite and offsite flood levels. The observations received from Tim O'Keefe and John O'Keefe both raise concerns about increased flood risk resulting in the context of adjacent properties and deem the reliance on a private management company to maintain flood defences to be inappropriate. In the context of the Drainage Depts. contention that the proposed development does not meet the requirements of Criteria 2(i) or 2(ii) of the OPW Justification Test, ARUP on behalf of the applicants argue that Cork City Council's Drainage Dept. did not correctly interpret or apply these requirements and ask that the Board reassesses compliance. The Flood Risk Assessment/additional information submitted assessed the consequences of off-site impacts in detail for a range of extreme scenarios and found that, save for some localised increases in off-site flood levels in extreme scenarios, flood risk will not materially increase at any vulnerable receptors. They contend that where the consequences of a small increase in flood level adjacent to potentially vulnerable risk receptors are not material, overall flood risk is not increased. In the context of the concerns raised regarding maintenance of the proposed flood defence measures, they outline the applicant's willingness to address this by way of management company.

7.1.5. As detailed in the material submitted by ARUP at application, further information response and clarification of further information response stages, the following scenarios have been modelled to assess existing and potential resultant flood risk:

- 1% AEP (1 in 100-year flood event) - without and with the proposed development including flood mitigation works.
- 0.1% AEP (1 in 1000-year flood event) without and with the proposed development including flood mitigation works.
- 1% AEP with a 20% increase in flow to account for climate change without and with the proposed development including flood mitigation works.

The latter of these scenarios was also run to assess instances of culverts being subject to a 33%, 66% and 100% blockage.

7.1.6. The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009), at Table 3.1, classify dwelling houses and emergency access/egress points as 'highly vulnerable development'. Table 3.2 goes on to stipulate that, in instances where such development is proposed within Flood Zone A, the criteria of the Justification Test must be satisfied. The applicable Justification Test

in this instance is the Development Management Justification Test, which is set out in Box 5.1 included in Section 5.15 of the Guidelines. The subject proposal is assessed against each of the relevant criteria in turn below/overleaf:

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

7.1.7. The subject site is Zoned ZO 2 New Residential Neighbourhoods under the Cork City Development Plan 2022-2028, with the associated land use objective to ‘provide for new residential development in tandem with the provision of the necessary social and physical infrastructure’. The proposed residential use is permissible under this zoning objective. The current Development Plan was the subject of a Strategic Flood Risk Assessment. The proposed application is considered to satisfy criteria 1.

2. The proposal has been subject to an appropriate flood risk assessment that demonstrates:

(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;

7.1.8. The southernmost of the three fields is at risk of fluvial flooding from the Owennageragh River and Dromin Stream. As discussed previously, the proposed development includes a series of measures intended to mitigate inundation of the proposed access road/the adjoining R579 and mitigate off-site flood risk associated with the Dromin Stream. The scheme also incorporates surface water management proposals, including attenuation tanks, which achieve out flow at greenfield rates.

7.1.9. The subject application was accompanied by a comprehensive Flood Risk Assessment, prepared by ARUP, which was supplemented by additional information in response to the further information and clarification of further information requests issued by Cork City Council. This assessment/additional information assessed the risk of fluvial flooding arising from the Owennageragh River and Dromin Stream, extensive hydraulic modelling having been carried out for a variety of scenarios for the site/area without and with the proposed development, as outlined above. Upon review of the material submitted, I am satisfied that suitable access/egress is achieved in the context of the 73 no. houses proposed as part of this development.

7.1.10. Turning my attention to the flood risk arising elsewhere. A no. of detached single and double storey detached dwellings fronting the R579 feature to the west of the subject site's entrance. Observers have raised concerns regarding the potential negative impact increased flood risk would have on their/adjacent properties. The 1 in 100-year MRFS flood event model, prepared by ARUP, indicates that the proposed scheme would result in a maximum increase in flood levels of between 50mm and 90mm at the road entrances to the two properties to the immediate west of the subject site. In such a scenario, a freeboard of between 750mm and 640mm is maintained at these properties. It is my view that the proposed impact from the proposed development on flood levels in the area to the west is minimal and the resultant impact on flood risk is negligible.

7.1.11. The Senandale Housing Estate is located to the immediate east of the subject site. The worst-case post-development scenario modelled for the Senandale Housing Estate, by ARUP as part of their clarification of further information request response (Table 5), was the 1 in 100-year MRFS flood levels with a 100% proposed culvert blockage. The resultant flood levels in such a scenario were less than the baseline flood levels for the same. Similarly, modelling for all scenarios indicates that the proposed scheme would reduce the risk of flooding to properties within Senandale Housing Estate which is welcomed in the context of the proposed development.

7.1.12. Although generally satisfied with the information provided in the context of resultant flood risk, there has been a recent change in circumstances that has implications for flood risk in the context of the subject proposal and which requires consideration. In the intervening time since the Planning Authority issued its decision on the subject application, the Strategic Housing Development to the immediate east of the subject site (ABP Ref. ABP-312613-22) has been granted permission by the Board (it is worth noting that the SHD application was lodged with the Board post the Planning Authority's issuance of a further information request pertaining to the subject application). The permitted SHD has a no. of implications for the subject site/application in terms of flood risk consideration. Firstly, as illustrated in the Engineering Plans (prepared by M.H.L & Associates Ltd. Consulting Engineers) which accompany the SHD application, this neighbouring development adopts alternative proposals in the context of its treatment of the Dromin Stream i.e. the stream continues to flow through the neighbouring site/the subject site, as per the existing situation,

before entering the existing culvert featuring at the north-western corner of the Senandale Housing Estate. Secondly, as detailed in the following excerpt from the applicable Inspectors Report, the development approved under ABP Ref. ABP-312613-22 would potentially cause an increase in flood waters on a small area of the subject site:

As a consequence of the proposed works the modelling indicates that the proposed scheme would result in less than 20mm of increased flood waters on a small area to the west of the subject site. The landowner has raised concerns regarding the potential negative impact this would have on the development potential for the adjacent site. The adjacent site is subject to a current planning application (Reg. Ref. 21/40620) for 73 no. residential units. The proposed layout for the adjacent site includes an area of significant area of open space along its boundary with the Dromin Stream. This area is located within Flood Zone A. It is my view that the proposed impact on this area from the proposed development would be negligible. It is also noted that the scheme proposed to the west of the subject site includes flood risk management proposals.

7.1.13. In the absence of a consistent approach across the two sites regarding the treatment of the Dromin Stream, I would have concerns about ARUP's findings regarding potential flood levels/risk in the context of the subject proposal. I do not consider that the matter of the treatment of the Dromin Stream can be addressed by way of condition (requiring that the developer liaise with the developer of the SHD application to come up with a coordinated solution for dealing with the Dromin Stream channel) given treatment of the stream is intrinsic to the hydraulic modelling exercise and in turn flood risk assessment. Further to this, due to the timing of the SHD application's lodgement/decision, the hydraulic models prepared by ARUP in the context of the subject proposal have not accounted for the increase in flood waters on the subject site arising from the neighbouring SHD.

7.1.14. I note that Section 132 of the Planning and Development Act, 2000 (as amended), affords the Board the opportunity to request that a party, or on any person who has made submissions or observations to the Board in relation to the appeal, submit documents, particulars or other information where the Board is of opinion that such material is necessary for the purpose of enabling it to determine an appeal. Given the unfortunate timing of the further information request/decision associated with the

subject application in the context of the lodgement/decision of the neighbouring SHD application, the Board may see fit to request additional information regarding treatment of the Dromin Stream/updated hydraulic modelling in the context of this application.

7.1.15. However, in the absence of this additional information, I do not consider there to be sufficient information to allow the Board to adequately assess potential flood risk arising from the subject proposal, at the time of writing this report. On this basis, I submit that the precautionary approach, as advocated in the guidelines, is appropriate in this instance. In the absence of a coordinated approach regarding the treatment of the Dromin Stream and modelling data accounting for such an approach/the increase in flooding arising on the subject site as a result of the development approved under ABP Ref. ABP-312613-22, the subject application is not considered to be in accordance with criteria 2(i) and refusal is recommended in this instance.

(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;

The proposed vulnerable uses (residential) proposed as part of the subject application are located within Flood Zone C. The access road serving the proposed dwellings is within Flood Zones A/B. As outlined previously, the proposed development adopts a series of measures intended to mitigate flood risk both on- and off-site. These include the raising/regrading of the R579, formalisation/diversion of the Dromin Stream channel, replacement of existing/provision of additional culverts under the R579, installation of a culvert underneath the proposed estate road, and replacement of the culvert along the drainage ditch under the private access road to Currabeha House. In my opinion, as per the requirements of criteria 2(ii), the proposed scheme has been designed to minimise the flood risk to people, property, the economy, and the environment, as far as reasonably possible. However, the adequacy of the proposed flood mitigation measures cannot be adequately assessed in the absence of the additional information outlined in the previous section.

(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood

protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and

7.1.16. In relation to emergency access, the single vehicular access road/entrance to the development, as well as the R579, are within Flood Zones A/B and are at risk of flooding. The proposed scheme is reliant on the proposed flood protection measures. Based on the current situation on site/on adjacent sites, the hydraulic models prepared by ARUP indicate that the incorporation of the proposed flood protection measures ensures safe access and egress to the proposed dwellings/neighbouring properties can be provided/maintained, as per the requirements of Criteria 2(iii). However, as previously discussed, the adequacy of the proposed flood mitigation measures in terms of safe access and egress in a scenario where the neighbouring SHD is developed cannot be adequately assessed in the absence of the additional information outlined in the previous section.

7.1.17. The matter of the maintenance of the proposed flood mitigation measures proposed on site/along the R579 has been raised extensively in the context of the subject application. The Planning Authority's refusal reason makes specific reference to the issue of responsibility for future maintenance of the proposed flood defence measures. The Drainage Division report included the following discussion in this regard: - *'the Planning Authority does not intend to take the flood embankment along the eastern boundary of the site in charge. Therefore, its long - term maintenance, and hence, the integrity of its crest level cannot be guaranteed. In addition, the scheme as proposed increases the importance of carrying regular maintenance to the Dromin Stream channel, in order to maintain the level of flood defence required to facilitate the proposed scheme. Lastly, the new road alignment requires the new kerb line along the southern edge to be maintained, in order for it to act in unison with the other flood defence works proposed....as clarified above, there is an implied flood risk, and hence liability associated with failure to carry out this maintenance, which currently does not exist.'*

7.1.18. In light of the above, the applicants in their appeal submission have expressed a willingness to establish a management company for the development, part of whose responsibility will be to maintain the relevant flood mitigation measures in accordance

with the proposals in the Flood Risk Assessment, without any future requirement for taking in charge by Cork City Council. The observations received from Tim O'Keefe and John O'Keefe both raise concerns about this aspect of the applicant's submission, deeming the reliance on a private management company to maintain flood defences to be inappropriate. Similarly, I consider the maintenance burden falling to a management company to be inappropriate. Given Cork City Council saw fit to zone the subject lands for development, I think it unreasonable for the Local Authority to forego the responsibility of maintaining the required flood mitigation measures.

(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

7.1.19. As will be discussed in broader detail in the subsequent sections of this report, the proposed development is located on zoned and serviced land and will sit comfortably in the context of existing/recently approved residential developments in the immediately surrounding area. Consistent with the requirements of criteria 2(iv), the proposed development contributes to the wider objective of consolidating the urban environment and incorporates high quality design.

7.1.20. Having regard to the high probability of flooding at this location (Flood Zone A and B), based on the information provided, the proposed development has failed to meet the criteria of the Development Management Justification Test. In the absence of certainty regarding the treatment of the Dromin Stream and hydraulic models which take account of the increase in flood waters on the subject site arising from the neighbouring SHD, I cannot be satisfied that the development would not be at risk of flooding and that the development would not give rise to an increased risk of flooding of property in the vicinity. On the basis of the foregoing, it is considered that the proposed development should be refused permission.

7.2. Principle of Development

7.2.1. The proposed development comprises, among other things, the construction of 73 no. residential units on a greenfield site in the village of Cloghroe, to the south-west of Tower. The subject site is Zoned ZO 2 New Residential Neighbourhoods in the Cork City Development Plan 2022-2028 with the associated land use objective to provide

for new residential development in tandem with the provision of the necessary social and physical infrastructure. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.2.2. Section 12.24 of the development plan sets out overarching objectives for development in all zones, with regard to ZO 2 New Residential Neighbourhoods it states that any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy. The subject site forms part of a larger land parcel which is identified as Tier 2 lands, on the Figure 2.21 Growth Strategy Map included in Chapter 2 of the Cork City Development Plan. This larger land parcel is one of two such parcels identified within Tower, the other parcel being located to the north of the intersection of Kerry Road and Woodborough. Table 2.3 envisions that Tier 2 lands in Tower have a potential yield of 278 no. units.

7.2.3. Before considering the proposed development's consistency with the Core Strategy, I think it is worth noting that the application was prepared (lodged in November 2021) and initially considered having regard to the Cork County Development 2014-2020 and the Blarney Macroom Municipal District Local Area Plan 2017. The Cork City Development Plan 2022-2028 was adopted (in August 2022) in the intervening period since this application was lodged and subsequently determined in November 2022.

7.2.4. As previously discussed, the permission was recently granted by the Board, under ABP Ref. ABP-312613-22, for 196 no. residential units and a creche to be constructed on the site to the immediate east/north-east of the northernmost of the three fields (the remaining area of Tier 2 lands the subject site forms part of). Upon review of the Cork City Council planning register, planning permission was granted in April 2021 for 36 no. houses, under Reg. Ref. 20/39202, on the other Tier 2 land parcel at the intersection of Kerry Road and Woodborough. Based on Google earth imagery available at the time of writing this report, it would appear that construction is well advanced in the context of this permitted housing estate. In light of these 2 no. permissions, 232 no. of the potential yield of 278 no. units identified for Tier 2 lands in Tower has been realised, however, I note construction has not yet commenced in the

context of the development approved under ABP Ref. ABP-312613-22. The proposed development comprises 73 no. units. If granted permission, this would equate to a potential yield of 305 no. units on the overall Tier 2 lands, 27 no. units in excess of the 278 no. potential yield outlined. Such an exceedance is considered to be minimal. As suggested by the inclusion of the wording, the potential yield outlined is not a target or an absolute maximum limit but rather an indication of the potential no. of dwellings that could reasonably be accommodated within a settlement. I am satisfied that the proposed development, in combination with the adjacent site, is generally compliant the growth strategy for Tower as set out in the Core Strategy.

7.3. Density and Mix

7.3.1. Turning our attention to the issue of density firstly. Based on a developable area of 5.81Ha (excluding the public roads/paths), the proposed development would equate to a density of 12.6 units per ha. The Cork City Development Plan 2022-2028, at Section 11.71, states that *'developing Cork City as a compact city will require housing to be built at a higher densities utilising different models of development'* and Table 11.2 goes on to set a recommended lower density target of 40 units per ha and an upper density target of 60 units per ha for outer suburbs. Section 11.72 of the plan states that density targets and prevailing character will be the key measures in determining site-specific density. The proposed density is considerably lower than the lower target of 40 units per ha specified. However, given the topography of the site, the extent of the site falling within Flood Zones A and B, the area taken up by flood mitigation measures/the redirected Dromin Stream and the prevailing low density character of the surrounding residential estates, it is my view that the proposed density is appropriate in this instance. It is also noted that the Planning Authority raised no objection to the proposed density.

7.3.2. Turning our attention to housing mix. The proposed development comprises 73 no. dwellings, more specifically 5 no. 5-bed dwellings, 15 no. 4-bed dwellings and 53 no. 3-bed dwellings. This equates to the following unit mix: - 72.6% 3-bed units and 27.4% 4+ bed units which differs from that specified for Urban Towns and Hinterland Villages in the Cork City Development Plan 2022-2028 at Table 11.9, the no. of 3-bed units proposed exceeding the target specified by 42.6% and the no. of 4+ bed units by 12.4%. Therefore, the housing mix specified is contrary to Objective 11.2 included in

the Cork City Development Plan 2022-2028. Objective 11.2 allows for deviation from the housing mix in 'exceptional circumstances'. In the context of the subject application, no evidence of such circumstances has been provided. I appreciate this is likely due to the timing of the application lodgement relative to the adoption of the Cork City Development Plan 2022-2028. The Cork City Development Plan 2022-2028 has been adopted in the intervening period since this application was lodged/the Planning Authority's issuance of a further information request and the planning application being determined by the Planning Authority.

7.3.3. The Cork County Development 2014-2020 and the Blarney Macroom Municipal District Local Area Plan 2017 would have been in place when the application was being prepared/at the time of lodgement. Both of these documents encouraged that new developments provide a mix of house types/sizes, however, neither outlined a numerical requirement regarding housing mix. The policy/requirement pertaining to housing mix featuring in the current development plan is informed by an evidence based, targeted Housing Need and Demand Assessment (HNDA) prepared as part of the development plan process. The HNDA forecasts that 73% of new homes will need to serve households of between 1 and 3 people to meet the needs of the market.

7.3.4. Upon review of the housing mix proposed, I consider that the proposed development would fall considerably short of meeting the identified housing needs of the area. In the absence of evidence of 'exceptional circumstances', I do not consider there to be a robust enough argument to justify a deviation from the housing mix requirements outlined in Objective 11.2. It is therefore recommended that permission be refused in this instance. I note that the issue of housing mix did not form part of the Planning Authority's refusal reason and the Planning Authority did raise concerns in this regard, so this matter comprises a new issue.

7.4. Design and Layout / Visual Impact

7.4.1. The site is located within the village of Cloghroe on the south-western outskirts of Tower, c. 120 metres north-west of the junction of the R579 and the R617. The surrounding area is generally characterised by low density suburban housing and agricultural fields and associated structures. The site currently comprises 3 no. separate fields which are delineated by tree lined hedgerows/vegetated mounds. The

site is irregular in shape and generally falls from north-west to south-east, with a c. 20m level difference between the highest point in the northern-western part of the site and the lowest point in the southern part of the site. While the southernmost of the 3 fields is relatively flat, the topography of the northernmost and westernmost of the 3 fields is far steeper. To provide for appropriate levels it is proposed to cut and fill sections of the site, as illustrated in the sections accompanying the application.

7.4.2. The proposed development comprises the construction of 73 no. residential units, accessible via an entrance off the R579 to the south. The proposed dwellings occupy the northernmost and westernmost of the 3 fields, the southernmost of the 3 fields accommodating the vehicular entrance. A large linear open space features adjacent to the site's eastern boundary, with 4 no. additional public open space areas scattered throughout the development. The scheme has been designed in such a way that open space areas proposed are overlooked by a no. of dwellings with direct frontage to the same or dual aspect corner units, which is welcomed.

7.4.3. The scheme features a variety of residential units with 6 no. different typologies proposed, of which 2 would be detached and 4 would be semi-detached (the appropriateness of the proposed houses in terms of residential amenity is considered subsequently in Section 7.5). All house typologies are contemporary in design with similar elevational treatments/ front gabled forms featuring. The finished floor levels and ridge heights are varied throughout the development in response to the natural topography of the site, which has informed the layout. The proposed houses are 2-storeys in height. Section 11.71 of the Cork City Development Plan 2022-2028 states that in order to develop Cork City as a compact city, new development will need to be at a scale of 2-4 storeys. The proposed scheme is in accordance with this provision of the Development Plan. Having regard to the foregoing, the proposed development will sit comfortably in the context of the existing and permitted residential estates/properties featuring to the east and south-west of the subject site. Given the high-quality design and layout of the scheme and the landscaping proposals for the subject site, it is my view that the proposed development represents a reasonable response to its context and the topography of the site and would support the consolidation of the urban area.

7.4.4. Due to the positioning of the proposed dwellings in the northernmost and westernmost of the 3 fields and the retention of existing hedgerows/vegetation, there would be limited views of the proposed dwellings from the R579 to the south of the site. With regards to the visibility of the proposed dwellings from the Senandale Housing Estate and the recently permitted SHD to the east (ABP Ref. ABP-312613-22), the linear park featuring along the eastern boundary provides a degree of separation between these neighbouring sites. Further to this, the retention of hedgerows/vegetation along the site's eastern boundary, as well as throughout the development (where possible), would screen the proposed dwellings to a degree. Having regard to separation distances provided, the limited height of the proposed dwellings and the hedgerow/vegetation retention proposed, it is my view that the proposed development would not have a significant impact on the visual amenity of the existing/proposed dwellings to the east/south-east. With regard to dwellings featuring to the south-west, a level difference of between 6 and 12 metres exists in the context of these properties, the subject site sitting higher. Given the level difference that exists, as well as the separation distance between the proposed and neighbouring houses from/hedgerows and vegetation featuring along the common boundary, I do not consider that the proposed development will have an unreasonable impact on the visual amenity of these properties. I would be of the view that the overall visual impact of the proposed development can be adequately absorbed at this location and would be acceptable in the context of the visual amenities of the area.

7.5. Residential Amenity

Neighbouring Properties

Properties to the South & South-West

7.5.1. Part of the southern boundary of the northernmost of the three fields and the southern boundary/part of the western boundary of the westernmost of the three fields are proximate to 4 no. dwellings fronting the/accessible via the R579. Before considering the proposed development's potential impacts in terms of overlooking, overbearing and overshadowing, I think it beneficial to discuss the subject site in the context of its interface with these neighbouring properties, in particular the level difference that exists between them and the subject site. As is clearly visible when on site and

illustrated in the plans/sections, submitted with the planning application, the subject site (more specifically the northernmost and westernmost of the three fields) sits higher (between 6 and 12 metres) than its southern and south-western abutments.

7.5.2. The part of the subject site adjacent to these neighbouring properties will feature proposed Dwellings No. 54-60, more specifically the rear gardens associated with these new dwellings. Upon review of the plans submitted with that application, I am satisfied that these proposed dwellings would not result in unreasonable negative impacts on the residential amenity of these neighbouring properties by way of overlooking or overbearing. This is given the existing vegetation being retained along the common boundary, proposed boundary treatments featuring along the common boundary, the difference in levels that exists and the separation distances (a minimum of 27 metres in the context of proposed Dwelling No. 59) that exist between the proposed dwellings and the neighbouring dwellings. I note the separation distances resulting between opposing rear elevations is well in excess of the 16 metre minimum required pursuant to Specific Planning Policy Requirement 1 of the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

7.5.3. Given the orientation of the proposed development, to the north/west of these neighbouring properties, as well as the separation distances provided, the proposed development will also not cause unreasonable overshadowing of adjacent private amenity spaces to the south and south-west.

Properties to the South-East

7.5.4. The eastern boundary of the southernmost of the three fields abuts the Senandale Housing Estate, more specifically the rear gardens associated with Nos. 5-12 (inclusive) Senandale. The part of the site adjacent to these neighbouring properties will feature an area of open space which runs the length of the subject site's eastern boundary and vehicular/pedestrian paths serving the development, with no dwellings proposed for the southernmost field. Given the separation distance that exists between the proposed dwellings and the boundary shared with Senandale, I am satisfied that the proposed development will not negatively impact upon their residential amenity.

7.5.5. Permission was recently granted by the Board, under ABP Ref. ABP-312613-22, for 196 no. residential units and a creche to be constructed on the site to the immediate east/north-east of the northernmost of the three fields. Upon review of the plans submitted with that application, I am satisfied that the proposed dwellings would not result in unreasonable negative impacts on the residential amenity of these previously permitted residential units by way of overlooking/overbearing/overshadowing. This is given the proposed linear open space area features immediately adjacent to the common boundary, the existing vegetation being retained along the common boundary, the scale of the proposed dwellings, and the separation distances (a minimum of 25.6 metres, proximate to proposed Dwelling No. 27) that exist between the proposed dwellings and the dwellings permitted under ABP Ref. ABP-312613-22.

Proposed Houses

7.5.6. The proposed 3-bed double storey dwellings have a total floor area of between 100sqm and 119sqm, the proposed 4-bed double storey dwellings have a total floor area of 156sqm and the proposed 5-bed double storey dwellings have a total floor area of 215sqm, all of which comply with the requirements set out in the Quality Housing for Sustainable Communities, 2007. The proposed dwellings were also found to be compliant with the same in the context of the main living room area, aggregate living area, aggregate bedroom area and storage. Having reviewed the proposed floor plans, I am satisfied that the houses are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents, including in regard to daylight/sunlight access.

7.5.7. The Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), at Specific Planning Policy Requirement 2, requires that 3-bed houses are provided with a minimum of 40sqm of private open space and 4-bed + houses with 50sqm. Upon review of the plans submitted with the application, the proposed dwellings will be served by private open space areas well in excess of these requirements. Specific Planning Policy Requirement 1 of the same guidelines requires a minimum separation distance exceeding 16 metres between opposing windows serving habitable rooms at the rear or side of houses above ground floor level. Upon

review of the plans submitted with the application, the proposed development also complies with this requirement.

7.6. Access, Traffic and Parking

Access/Traffic

7.6.1. The proposed development entails the construction of 73 no. dwellings. Access to these dwellings is provided via a road traversing the southernmost of the 3 fields which is connected to with 4 cul-de-sacs that would be laid out as home zones. The proposed entrance to this access road is sited to the west of the existing agricultural access on to the R579. The application proposes to raise/regrade a c. 300 metre section of the R579 to provide safe access and egress in terms of flooding. It is also proposed to upgrade the existing public footpath featuring on the northern side of the R579 between the proposed entrance and the junction between the R579 and the R617, as well as to the west of the proposed entrance. The observation received from Rosalind and William Crowley raised concerns about the proposed entrance. They consider in to be unsuitable given its proximity to the busy junction of the R579 and the R617, its distance from the village centre and in the absence of suitable footpaths/road widths. They contended that traffic impacts arising from the subject proposal will be exacerbated due to the nearby approved SHD (ABP Ref. ABP-312613-22). I note that the Urban Roads and Street Design and Traffic: Regulation & Safety Sections of Cork City Council initially raised concerns about the proposed works to the R579 and alterations to the pedestrian infrastructure featuring on the northern side of this road, as well as the proposed development's internal road layout.

7.6.2. The application was accompanied by a Traffic & Transport Assessment and a Stage 1 Road Safety Audit, both prepared by MHL & Associated Ltd., which were supplemented by additional information in response to the further information and clarification of further information requests issued by Cork City Council. The Traffic & Transport Assessment, and supplementary information provided in this regard, assesses the projected capacity of the proposed access for the base and opening years and 15 years thereafter, i.e. 2024, 2029, and 2039. An analysis of the nearby R579/R617 junction was also carried out. I note that the revised Traffic & Transport Assessment, submitted with the further information request, included an assessment of the additional traffic generated by the neighbouring SHD (ABP Ref. ABP-312613-

22). The Stage 1 Road Safety Audit identified five potential problems and corresponding solutions, all of which were responded to in the applicant material.

7.6.3. Having regard to the speed control measures (which include additional signage and alternative road surface texture/colour) proposed along the R579, the improvements to pedestrian movement adopted in the context of subject proposal (which include improvements to public lighting and an increase in the width of the pedestrian path provided along the northern side of the R579) and the treatment of the interface between the proposed development entrance and the R579 (the entrance design incorporating alternative surfacing, signage and a pedestrian crossing), I consider the proposed development access to be appropriate. The appropriateness of the proposed works to the R579 in terms of flooding was previously considered in Section 7.1.

7.6.4. Upon review of the information submitted with the application, as supplemented by the further information/clarification of further information materials, I am satisfied that the traffic that would be likely to be generated by the proposal would be capable of being accommodated on the R579 and would not have an unreasonable impact on the junction of the R579/R617. I am also satisfied that the applicant has had appropriate regard to the additional traffic generated by the neighbouring SHD in assessing the subject proposal.

Car Parking

7.6.5. In terms of car parking provision, the proposed development will be served by 146 no. resident car parking spaces and 24 no. visitor car parking spaces, totalling 170 no. spaces. Chapter 11 of the Cork City Development Plan 2022-2028 specifies a car parking rate of 2.25 spaces per 3-3+ residential unit for sites located within Parking Zone 3. In the intervening period since the adoption of the Development Plan, the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) have been introduced. The Specific Planning Policy Requirement outlined in this document take precedence over conflicting Development Plan objectives. Specific Planning Policy Requirement 3 contained within these guidelines requires that in intermediate and peripheral locations, the maximum rate of car parking provision for residential development shall be 2 no. spaces per dwelling. The residential car parking spaces provided complies with this numerical requirement.

7.6.6. With regards to visitor car parking provision, the Traffic: Regulation & Safety Section of Cork City Council raised concerns about the no. of visitor car parking spaces proposed. They deemed 24 no. to be too high and recommended that in the event of a grant of permission, a condition be attached requiring provision be reduced to 18 no. I would share their view. The matter of overprovision of visitor car parking spaces could be easily addressed by way of condition in the event that the Board are inclined to grant permission.

7.7. Open Space and Landscaping

Public Open Space

7.7.1. Table 11.11 included in Section 11.112 of the Cork City Development Plan 2022-2028 requires that, in the context of greenfield sites, 15% of the site area shall be reserved for public open space provision. 16.5% of the net site area (5.81Ha) is proposed as public open space across five open space areas, including a large linear open space featuring adjacent to the site's eastern boundary. This is compliant with the development plan requirements pertaining to quantum.

7.7.2. Upon review of the plans accompanying the application, I am satisfied that the proposed public open space areas provided are also suitably located within the development, scattered throughout the development and in close proximity to/overlooked by the proposed dwellings. 2 no. of the 5 no. open space areas provided feature a children's play space. Both of these spaces would be passively surveilled by a no. of proposed dwellings. I am satisfied that sufficient/suitably designed open space has been provided to serve the proposed residential development. If the Board is inclined to grant permission in this instance, it is recommended that a condition be included on their order requiring that the details/specifications of these play spaces are agreed with the Planning Authority.

Hedgerows and Tree Retention

7.7.3. In light of the agricultural use of the 3 fields in question, hedgerows/trees are generally limited to the site boundaries. All existing hedgerows and trees along the sites northern, western and eastern boundaries, as well as the majority of hedgerows between the southernmost and northernmost fields, are to be retained and

incorporated into the landscaping strategy. In terms of landscaping, biodiversity and screening, the significant retention of hedgerows/trees is welcomed.

Riparian Buffer Zone

7.7.4. Section 11.220 of the Cork City Development Plan 2022-2028 states that development proposals should incorporate an appropriately-sized buffer zone to maintain natural fluvial processes and to protect the water environment. Section 11.221 goes on to state that's development proposals should protect watercourses in accordance with Inland Fisheries Ireland's "Planning for Watercourses in the Urban Area" including the protection of riparian sections of rivers and streams, where possible. As noted above, the scheme incorporates a linear public open space area, c. 25-40 metres wide along the site's entire eastern boundary, which is c. 400 metres long. This linear public open space area is adjacent to/encapsulates the Dromin Stream. Currently, within the northernmost of the 3 fields the channel is undefined. As it moves southwards, the channel becomes more well-defined and flows along the rear of the Senandale Housing Estate, in some instances the applicable area having been culverted, before being culverted below the R579 and flowing into the Owennagearagh River. The subject proposal looks to formalise the Dromin Stream channel running along the eastern boundary and divert its flow through the subject site rather than via the culverts featuring to the rear of Senandale properties. It also looks to introduce a raised embankment along the eastern boundary of the site, between the Senandale Housing Estate and the revised Dromin Stream, and a new culvert under the R579 which lines up with the rerouted Dromin Stream.

7.7.5. It is my opinion that an appropriate buffer zone has been provided to retain the ecological integrity of the Dromin Stream, as well as provide amenity to future residents of the proposed development (the treatment of the Dromin Stream in the context of flooding was previously considered in Section 7.1). The applicant has engaged with Inland Fisheries Ireland in the context of this aspect of the proposed development. In Inland Fisheries Irelands' most recent submission on the proposed scheme, they indicated that upon receipt of more detailed information on the Dromin Stream realignment, they have no objection, subject to conditions.

8.0 Appropriate Assessment Screening

- 8.1. The application included an AA Screening Report, prepared by McCutcheon Halley Chartered Planning Consultants, and an Ecological Impact Assessment, prepared by Greenleaf Ecology. I have had regard to the contents of said reports in carrying out this screening exercise.
- 8.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning and Development Act, 2000 (as amended) are considered fully in this section. The areas addressed are as follows:
- Compliance with Article 6(3) of the EU Habitats Directive.
 - Screening the need for appropriate assessment.
 - Appropriate assessment of implications of the proposed development on the integrity of each European site.
- 8.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 8.4. The subject site is described in Section 1.0 of this report. The proposed development comprises the development of 73 no. houses; upgrade of existing access from the R579; flood mitigation works, which include works to the R579; and culverting of existing streams. Please refer to Section 2.0 of this report for further details regarding the proposed development.
- 8.5. The Planner's Report includes an AA Screening which concludes as follows: - *'having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly, it is considered that*

a Natura Impact Statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.'

- 8.6. The proposed development is not directly connected to or necessary to the management of any European site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA), and therefore is subject to the provisions of Article 6(3) of the Habitats Directive. The following 2 no. European Sites have been identified as located within a zone of influence, having regard to the sites hydrological connections:
1. Cork Harbour SPA (Site Code 004030) c. 13.5 km to the east. Its qualifying interests include 23 wetland bird species.
 2. Great Island Channel SAC (Site Code 001058) c. 19km to the east. Its qualifying interests include two aquatic habitats.
- 8.7. Storm water from the site would discharge to the Owennagearagh River, which flows into the River Lee and on into Cork Harbour and the Great Island Channel. Accordingly, there is a source/pathway/receptor route between the site and these 2 no. sites.
- 8.8. During the construction phase, including the installation of the flood defence measures, best practice construction methods would be used to prevent contaminated surface water run-off from the site. During the operational phase, the proposed storm water drainage system would be fitted with attenuation tanks, flow control manholes, and hydrocarbon Class 1 bypass interceptors, all of which would be standard construction methods integral to the design of the project. Accordingly, the rate of flow would be controlled, and pollutants would be intercepted. Thus, the amount and quality of water in the Owennagearagh River would be safeguarded.
- 8.9. The seabirds which are identified as the qualifying interests for the aforementioned Cork Harbour SPA are unlikely to use the site for roosting and foraging, due to its distance from Cork Harbour and the surrounding hilly terrain. Thus, the loss of agricultural land entailed in the proposal would not have a significant effect on these interests.
- 8.10. Taking into consideration the Qualifying Interests of the applicable SPA/SAC, the subject sites' distance from the same and the lack of meaningful ecological

connections to those sites, I conclude that all identified sites can be screened out. Measures intended to avoid or reduce potentially harmful effects of the project on any European Site have not been considered in the screening process. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site. In light of the above conclusion, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not considered necessary in this instance.

9.0 Environmental Impact Assessment Screening

- 9.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 9.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended), provides that mandatory EIA is required for the following classes of development:
- *Construction of more than 500 dwelling units; and*
 - *Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).*
- 9.3. The site to which this appeal pertains is a greenfield site comprising primarily fields. It is proposed to construct 73 no. residential units on this 6.48Ha site located on the edge of Cloghroe Village. Therefore, it is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations, 2001 (as amended), in that it is less than 500 units and is below the 20 hectares.
- 9.4. Where an application is made for subthreshold development and Schedule 7A information is submitted, the Board must carry out a screening determination in line with the requirements of Article 109(2B)(a)(b) of the Planning and Development

Regulations, therefore, it cannot screen out the need for EIA at preliminary examination. The application addresses the issue of EIA within an EIA Screening Statement, prepared by McCutcheon Halley Chartered Planning Consultants, that contains information provided in line with Schedule 7A of the Planning Regulations. The information provided in this document identifies and describes adequately the effects of the proposed development on the environment. It concludes that: - *‘having regard to the nature, extent, and the characteristics of the likely impacts identified for the construction and operational phases, it is considered that the proposed development at Dromin, Cloghroe, Co. Cork, will not give rise to a likely significant environmental effect and accordingly a sub-threshold EIA is not required’*.

- 9.5. I have had regard to the contents of this report in preparing this screening assessment. I have also had regard to the reports submitted with the application, in particular those which addressed a variety of environmental issues and the environmental impacts of the proposed development.
- 9.6. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The uses proposed are urban in nature and while the site and some of the lands in the immediate vicinity are in agricultural use there are similar uses in the wider area, in particular to the east and south-west. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. It is noted that the site is not designated for the protection of the landscape and the proposed development is not likely to have a significant effect on any European Site (as previously concluded in Section 8.0 of this report). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing developments in the area. It would not give rise to a risk of major accidents or risks to human health.
- 9.7. I have completed an EIA screening assessment, as set out in Appendix 2 of this report. Having regard to: -
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);

- The location of the site within a suburban urban area, which is served by public infrastructure, the site's limited ecological value and the existing/emerging pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended);

I have concluded that, by reason of the nature and scale of the proposed development and its location in a serviced urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. I recommend that a screening determination be issued to reflect this conclusion.

10.0 Recommendation

10.1. Having regard to the foregoing, it is recommended that permission be refused for the proposed development for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. Having regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November, 2009, the Board is not satisfied on the basis of the information submitted with the planning application, and subsequent further information/clarification of further information, that the applicant has provided sufficient information on the proposed measures to address flood risk on site and

in the vicinity of the site, thus giving rise to a level of uncertainty regarding the potential for increased onsite and offsite flood levels. The proposed development would, therefore, be contrary to public safety and to the above-mentioned Guidelines and would seriously injure the amenities of future residents and of existing property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Cork City Development Plan 2022-2028, at Objective 11.2, requires that residential developments of more than 50 dwellings comply with the target dwelling size mix specified in Tables 11.3-11.9. This target dwelling size mix is informed by the Housing Strategy and Housing Need and Demand Assessment (HNDA) prepared in the context of Cork City and County. Table 11.9 outlines a target of 21% 1-bedroom dwellings, 34% 2-bedroom dwellings, 30% 3-bedroom dwellings and 15% 4+-bedroom dwellings for developments of the nature proposed. The proposed development comprises entirely of three, four and five bedroom dwellings and is devoid of 1 and 2-bedroom units, which would be contrary to Development Plan policy in terms of target dwelling size mix and would, therefore, fail to adequately address the evidence-based housing needs of the local area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Margaret Commane
Planning Inspector

5th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-315209-22		
Proposed Development Summary	Construction of 73 no. residential units		
Development Address	Dromin, Cloghroe, Tower, 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	✓
		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	✓		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	
Yes	✓	10(b)(i)(iv) - Infrastructure Projects. Thresholds:	Sub-threshold
			Conclusion
			No EIAR or Preliminary Examination required
			Proceed to Q.4

		> 500 homes > 10 hectares		
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	✓	Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-315209-22	
Development Summary	Construction of 73 no. residential units	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The PA was satisfied that the proposed development is not likely to have significant effects on the environment and it considered that EIA and the preparation of an EIAR was not required for this project.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Assessment was submitted with the application which includes information regarding proximate European sites.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>The following were submitted with the application:</p> <ul style="list-style-type: none"> • An Ecological Impact Assessment. • A Site-Specific Flood Risk Assessment. • A Construction & Environmental Management Plan. <p>SEA and AA was undertaken by the planning authority in respect of the Cork City Development Plan 2022-2028.</p>

B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The development comprises the construction a residential development on zoned/serviced lands. From an environmental perspective, the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed development will change land currently in agricultural use to a residential development.</p> <p>The land use would change from agricultural fields to residential with cut and fill proposed to provide appropriate levels throughout the development. Topographic changes would be negligible.</p> <p>The Dromin Stream runs along the eastern boundary of the subject site. It is proposed to formalise this channel and divert its flow through the subject site rather than via the culverts featuring to the rear of Senandale properties. The applicant has engaged with Inland Fisheries Ireland in the context of this aspect of the proposed development and they have deemed the proposal acceptable subject to conditions.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p>No</p>

energy, especially resources which are non-renewable or in short supply?		
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No significant risks are identified. Operation of standard measures outlined in a CEMP and a CDWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a CDWMP.	No

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is at risk of flooding as discussed in Section 7.1. The associated risk is localised and is not anticipated to affect human health or the environment more broadly.	No
1.10 Will the project affect the social environment (population, employment)	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	This is a greenfield development located in an established urban area. The proposed development is in accordance with the Cork City Development Plan 2022-2028, which was subject to Strategic Environmental Assessment (SEA).	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the	Sensitive ecological sites are not located on site. The nearest European sites are listed in Section 8.0 of this report. The proposed development would not result in significant impacts on these sites. Annex II habitats or habitat suitable for protected species, including plants, were not found on site during ecological surveys.	No

preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	Existing habitats have been surveyed in the submitted Ecological Impact Assessment. The submitted Ecological Impact Assessment did not raise any issues of concern. Mitigation measures are outlined therein in Section 5 to be adopted during construction. Biodiversity measures in the form of additional planting is anticipated to be of benefit to nesting and foraging birds.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such features arise in this area.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project, particularly in terms of their volume and flood risk?	The development will implement SUDS measures to control surface water run-off. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated. The site is at risk of flooding as discussed in Section 7.1. The associated risk is localised and is not anticipated to affect rivers, lakes/ponds, coastal or groundwater more broadly.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No risks are identified in this regard.	No
2.7 Are there any key transport routes (eg National	The site is served by an existing urban road network. There are sustainable	No

primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	transport options available to future residents. No significant contribution to traffic congestion is anticipated.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There are no such sensitive land uses adjacent to the subject site.	No

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	An SHD (ABP Ref. ABP-312613-22), involving 196 no. residential units and a creche, has been approved to the east of the subject site. Given the combined scale of development proposed across this and the subject site, it is not envisaged that significant cumulative environmental effects would occur. Cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan. Cumulative traffic impacts that may arise during operation of both developments have been considered and the impacts of the same found to be approp	No
3.2 Transboundary Effects Is the project likely to lead to transboundary effects?	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- **The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);**
- **The location of the site within the existing built-up urban area, which is served by public infrastructure, the site's limited ecological value and the existing pattern of development in the vicinity;**
- **The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);**
- **The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003); and**
- **The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended);**

It is considered that the proposed development would not have the potential to have likely significant effects on the environment and that an environmental impact assessment report would not, therefore, be required.

Inspector: _____

Date: _____