



An
Bord
Pleanála

Inspector's Report

ABP-315241-22

Development	Construction of 33 houses, and all associated site works
Location	Garrán Ferney (Ferney Grove), Kilnaglery, Carrigaline, Co Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	225205
Applicant	Dwellings Development Carrigaline Limited.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party and first party against condition.
Appellants	1. Keith Buckley c/o Laburnum Avenue Residents. 2. Dwellings Development Carrigaline Limited.
Observers	None

Date of Site Inspection

6/3/2024

Inspector

Siobhan Carroll

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 1.076 hectares and is located at Garrán Ferney (Ferney Grove), Kilnaglery, Carrigaline, Co Cork. It is situated on the southern side of the town of Carrigaline. The site is roughly rectangular in shape.
- 1.2. The northern boundary of the site adjoins Ferney Road. This boundary extends for circa 82m. The boundary is formed by trees and hedgerow. This section of the Ferney Road does not contain a footpath. However, there is footpath along the southern side of the road to the front of the Laburnum Avenue Housing Estate.
- 1.3. Immediately to the west of the site there is a detached dormer dwelling with vehicular access onto Ferney Road. The eastern boundary of the site adjoins the boundaries of four dwellings no's 1, 2, 14 and 15, located in the Laburnum Avenue Housing Estate. The southern boundary of the site adjoins the boundaries of five dwellings no's 20, 21, 22, 23 and 24 located in the Laburnum Avenue Housing Estate. The western boundary of the site adjoins the rear boundaries of nine dwellings no's 14-22 in Garran Ferney Housing Estate.
- 1.4. Garran Ferney Housing Estate is under construction it contains 49 no. dwellings with a mix of semi-detached and terraced two-storey properties. To the south-eastern corner of the site the section of road to the front of dwellings 23-25 is proposed to provide vehicular access to the adjoining appeal site.

2.0 Proposed Development

- 2.1. Permission is sought for the development of 33 no. dwelling houses (8 no. house type A, 4 bed semi-detached units; 2 no. house type A1, 4 bed detached units; 9 no. house type B, 3 bed terrace units; 4 no. house type C, 3 bed terrace units and 10 no. house type D, 3 bed semi-detached units) landscaping, boundary treatments, lighting, services, pedestrian access onto Ferney Road and vehicular access via the entrance of Garran Ferney permitted and constructed under PL. Reg. No 18/5993 and all associated development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted subject to 52 no. conditions.
- 3.1.2. Condition no. 2 – states that planning permission shall be permitted for construction of 30 number residential units and associated works. Reason: To clarify the nature of the development permitted.
- 3.1.3. Condition no. 3 – requires that the layout be amended with the omission of dwelling units 17 and 18.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority sought further information in relation to the following;

1. The Planning Authority considers the neighbouring third party occupiers that are most likely to be impacted by the proposed development are those residing in the dwellings to the immediate south and east of the site within the Forest Hill development, particularly those adjoining the site along Laburnum Avenue.

The relationship between the proposed houses and existing houses is problematic due to the proximity of the proposed dwellings to the site boundary and proposals to build up ground levels in the vicinity.

It is considered that the proposed houses should be pulled back from this boundary to provide a clear 22m separation distance between first floor windows. This may necessitate revisions to the internal layout of the proposed development.

The need to raise ground levels along this boundary should be reconsidered and revised proposals submitted that retain, as much as practicable, the existing levels in order to minimise the impact on neighbouring dwellings.

To enable the Planning Authority to assess any revised proposal please submit further cross and longitudinal sections of the site taken at appropriate

regular intervals which clearly indicate existing and proposed ground levels and any cut/fill proposed as part of construction works.

2. The Planning Authority has concerns about the quality, quantity and usability of proposed open space. The bulk of open space appears to be incidental, peripheral and adjoins a busy public road in this regard, you are asked to investigate the provision of a more central open space area that would be suitable for informal recreation for the use of children within the part of the estate. The site layout plan shall be revised to clearly identify each individual parcel of proposed public open space and the area in square metres of each parcel show the contour levels of each parcel of open space in relation to the proposed dwellings around same.
3. Refers to the requirement for details of pedestrian access to Ferney Road.
4. Refers to the requirement for additional drawings and details in terms of the existing boundary trees and vegetation to be retained along the northern site boundary.
5. Refers to the requirement for a childcare facility to serve the two phases of development or submit a Childcare Provision Assessment for the overall development.
6. Refers to detailed requirements concerning public lighting.
7. Refers to the requirement to submit a Bat Survey.
8. Refers to the requirement to submit revised boundary treatment proposals including the retention of the mature hedgerows.
 - Following the submission of a response to the request for further information the report of the Planning Officer concluded that the applicant had addressed the items of further information to the satisfaction of the Planning Authority subject to some revisions by conditions.

3.2.2. Other Technical Reports

3.2.3. Area Engineer – No objection.

3.2.4. Estates Engineer – No objection.

3.2.5. Part V Officer – can be validated.

3.2.6. Housing Officer – No objection.

3.3. **Prescribed Bodies**

3.3.1. Inland Fisheries Ireland – It is noted that connection to the public sewer is proposed. They request that Irish Water indicate that there is sufficient capacity available.

3.4. **Third Party Observations**

3.4.1. The Planning Authority received 9 no. submissions/observations in relation to the planning application. The main issues raised are similar to those set out in the third party appeal.

4.0 **Planning History**

4.1.1. None on site

Adjacent site

4.1.2. Reg. Ref. 18/5993 – Permission was granted for the construction of 58 no. dwelling units comprising of 8 semi detached units, 32 terraced/end of terrace units and 18 duplex units. Demolition of the existing farming related structures/sheds. Provision of car parking spaces, vehicular access and all associated landscaping, play areas, bicycle parking, drainage and associated site works.

4.1.3. Reg. 20/5233 – Permission was granted for a 2 storey, 3 bedroom end of terrace house (house type C, end of terrace unit 118sq.m) and all associated development. This proposed development is an amendment to the permitted scheme Reg. Ref: 18/5993.

4.1.4. Reg. 21/6308 – Permission was granted for construction of 10 no. dwelling houses (6 no. house type A and 4 no. A1 – change of house type, layout and reduction in density to part of development permitted under Pl. Reg. No 18/5993).

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- 5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- 5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
 - 'Design Manual for Urban Roads and Streets' (DMURS) (2019)
 - 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)

5.3. Cork County Development Plan 2022-2028

- 5.3.1. Volume Four refers to South Cork and Section 1.3 refers to Carrigaline.
- 5.3.2. Under the provisions of the Plan as indicated on Figure 4.1.7 Map of Carrigaline the appeal site is zoned Existing Residential/Mixed Residential and Other Uses.
- 5.3.3. Chapter 4 – Housing
- 5.3.4. Section 4.9.9 – The delivery of quality architectural responses will be fundamental to the Council’s commitment to the management of land within the network of towns and the delivery of increased densities. The design approach should also be guided by the site’s location relative to the town centre and its access to good quality public transport links as set out in the Guidelines, as well as the requirements of other policies in relation to building heights etc., and normal proper planning and sustainable development criteria. In limited situations, a reduction in the 22m separation between units may be considered where high-quality architectural responses can be delivered without undue impacts on the established residential amenities. Intensification of uses in some areas and promoting more mixed use development will also be encouraged.
- 5.3.5. Chapter 14 – Green Infrastructure and Recreation
- 5.3.6. Section 14.5.10 – Open Space provision cannot be judged solely by reference to the amount of space provided, the quality of the space and range of uses it can accommodate are also critically important. At a settlement level this Plan has sought to be proactive in identifying key existing and future public open space/green infrastructure at settlement level and zoned accordingly. It supports the multifunctional usage of such infrastructure both now and into the future. It has sought to identify opportunities to connect existing and future assets via corridors, identify particular deficits and setting out a more strategic approach than heretofore to the provision of green infrastructure/open space at the settlement level. This approach can in time be further informed by any updated countywide recreation and amenity policy or other area focused green infrastructure/recreational strategies identifying the provision for future needs.
- 5.3.7. Section 14.5.11 – The Guidelines emphasise qualitative standards to be considered in assessing the quality of provision (design, accessibility, variety, shared use,

biodiversity, SUDs, allotments, etc). Normally all new housing developments need to provide some public open space. Generally, at least 12% to 18% of a site for development excluding areas unsuitable for house construction should be allocated to the provision of public open space. However, the need to achieve higher qualitative standards in terms of design and layout is particularly important as it is this which helps to achieve a high-quality residential environment which fulfils the expectations of the users. In exceptional circumstances where there is a high standard of private open space and where public open space is designed to a very high-quality standard a reduced minimum value of 10% may be applied.

- 5.3.8. Section 14.5.12 – The requirements for individual developments will be assessed at planning application stage. Where residential developments are close to the facilities of town centres or in proximity to public parks or coastal and other natural amenities, a relaxation of standards may be considered. In small scale low density developments or in developments where providing such an amount is not possible such as infill developments, public open space may not be required to be provided on-site.

5.4. Natural Heritage Designations

- 5.4.1. Cork Harbour SPA (site code 004030), lies circa 402m to the north of the site.

5.5. EIA Screening

- 5.5.1. The proposed development comprises 33 no. residential units on a 1.076 hectare site. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.
- 5.5.2. The number of dwelling units proposed at 33 is well below the threshold of 500 dwelling units noted above. Whilst within the settlement of Carrigaline it is not in a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.

5.5.3. The proposal for 33 residential units is located within the development boundary of Carrigaline on lands zoned Existing Residential/Mixed Residential and Other Uses Cork County Development Plan 2022-2028. The site comprises a greenfield site. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The site is not within a European site. The issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by an Architectural Design Statement Assessment, civil engineering report and bat roost presence/absence survey. These address the issues arising in terms of the sensitivities in the area.

5.5.4. Having regard to;

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands within the development boundary of Carrigaline on lands zoned under the provisions of the Cork County Development Plan 2022-2028 and the results of the strategic environmental assessment of the Cork County Development Plan 2022-2028, undertaken in accordance with the SEA Directive (2001/42/EC).
- the location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the area.
- 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),

- 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, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and the need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 2 attached to this Report for the preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was submitted by Keith Buckley c/o Laburnum Avenue Residents.

- The appeal refers to the site notice. They stated that they notified Cork County Council that the application stated that the site notice was erected on the 23rd of May 2022. The appellants state that the site notice was not observed by several people who use that road as pedestrians until the 2nd of June. The appellants state that they informed Cork County Council that the delay in viewing the site notice had compromised their right to reasonable notice and they requested that the application be invalidated and resubmitted. The Council did not carry out the appellant's request.
- The appeal refers to the Design Guide for Residential Estate Development, Planning Guidance and Standards Series no. 2, first edition, May 2011. The appellants submit that the application was contrary to these guidelines.
- Concern is expressed in the appeal in relation to the separation distance provided between dwellings proposed in the scheme and the existing dwellings to the south at Laburnum Avenue. It is highlighted that there are significant site level differentials between the properties on Laburnum Avenue.
- The appellants consider that either the proposed site level should be lowered to the same level of the properties at Laburnum Avenue or the properties in the proposed development should be situated significantly further back.

- The appellants submit that development as permitted would result in an invasion of their privacy.
- As part of the further information dated 15/7/2022 the Council sought that the proposed houses be pulled back from the boundary to south with the dwellings on Laburnum Avenue to provide a clear 22m separation distance between first floor windows. Also, the need to raise ground levels along this boundary should be reconsidered and revised proposals submitted that retain as much as practicable, the existing levels in order to minimise the impact on neighbouring dwelling.
- The appellants state that the applicant did not revise the scheme in accordance with this request from the Planning Authority. The appellants submit that the Council should not have granted permission for the development due to the inadequate separation distances provided between the rear of the proposed dwellings and the neighbouring properties to the south at Laburnum Avenue.
- The appellants refer to the “Design Guide for Residential Estate Development, Planning Guidance and Standards Series no. 2, first edition, May 2011”. They highlight that the guidelines state “With rear facing habitable rooms, the rear faces of opposite houses approximately parallel and an intervening wall, fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 22m between the backs of houses will be acceptable.
- Therefore, the measurement must be taken from the rear most point of the proposed houses to the rear of the houses on Laburnum Avenue.
- The report of the Planning Officer stated that the proposed development should significantly exceed the minimum separation distance of 22m because of the height differential between the houses on Laburnum Avenue and the proposed site.
- The appellants refer to the “Design Guide for Residential Estate Development, Planning Guidance and Standards Series no. 2, first edition, May 2011”. They highlight that the guidelines state, “where new development

backs on to the rear of existing housing and the rear faces of the new houses are approximately parallel to the existing, the rear of the new houses may not encroach any closer than 11m to an existing rear boundary.”

- It is submitted that the measurements used by the applicant and accepted by Cork County Council in granting permission are not correct regarding the distances between the houses on Laburnum Avenue and the proposed dwellings as the measurements are not taken from the rear of the proposed properties, but the first floor and this omits 2-4m of the proposed dwellings.
- The measurements regarding distances between the houses on Laburnum Avenue and the proposed dwellings are calculated to the first floor of the existing houses on Laburnum Avenue and this omits 4m from the measurement.
- It is submitted that the rear of the proposed house numbers 1,2,5,5,7,8,9,10 & 11 breach the guidance contained in the “Design Guide for Residential Estate Development, Planning Guidance and Standards Series no. 2, first edition, May 2011”. No’s 1-8 are between 15.5m and 16.4m from the rear of the properties on Laburnum Avenue.
- It can be seen from the revised drawings that the ground levels have been raised higher than they were in the initial application, which is contrary to what the Council sought in the further information request which states, “Furthermore, the need to raise ground levels along this boundary should be reconsidered and revised proposals submitted that retain, as much as practicable, the existing levels in order to minimise the impact on neighbouring dwelling.”
- It is stated that 45% of the proposed new houses directly to the rear of Laburnum Avenue have had their finished floor levels raised.
- It is noted that the finished floor level of proposed houses 1 & 2 are 2.14m above the floor level of existing house no. 23 on Laburnum Avenue (directly opposite). The appellants submit that the height differentials are unacceptable.

- In conclusion, it is submitted that the originally proposed scheme and the revised proposals are contrary to the guidance contained in the “Design Guide for Residential Estate Development, Planning Guidance and Standards Series no. 2, first edition, May 2011.
- It is submitted that the proposed development would negatively impact upon the privacy of the appellants properties and they respectfully request that the Board refuse permission for the proposed development.

6.1.2. A first party appeal was submitted by Dwellings Development Carrigaline Limited.

- The appeal is made against condition no. 3 attached to Reg. Ref. 22/5205.
- Condition no. 3 states; The site layout plan shall be amended in the following respects: dwelling units 17 and 18 including all associated gardens/parking areas etc. shall be omitted entirely. The area released as a result of the omission of these units shall be designed, constructed and reserved in perpetuity as public open space. No development shall be permitted on same and, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, revised drawings making provision for the above requirements shall be submitted to and agreed. Reason: In the interests of proper planning and sustainable development and to ensure an adequate standard of amenity.
- The applicant, Dwellings Development Carrigaline Limited state that they purchased Phase 1 with planning permission. This development is currently nearing completion under Reg. Ref. 18/5993 as modified by Reg. Ref. 20/5233 and Reg. Ref. 21/6308. This provides 49 houses with 14.5% of public open space.
- The development proposed under Reg. Ref. 22/5202 which is located immediately to the east of phase 1 originally consisted of 33 units, it was reduced to 32 units at further information stage.
- The omission of units 17 and 18 will increase the area of public open space at this western pocket from 290sq m to 600sq m. This is an increase of 310sq m.

- It is highlighted that condition no. 4 of the permission requires that unit no. 19 be redesigned to an A1 type unit. They highlight to the Board that a Type A1 Unit is not a suitable House Type for plot 19 given that it is 13.5m in length and therefore does not meet the 22m separation distance with units 17/18 of Phase 1.
- In response to item 1 and 3 of the further information request, the applicant redesigned the scheme by omitting one unit to enable the repositioning of units 1-11 on the southern boundary and to create a more balanced distribution of open spaces. The omission of this unit provided additional public open space at unit 17, increasing this area to 290sq m.
- This area of public open space located opposite units 1-4 provides (a) landscaped edge upon entry to Phase 1 (b) a south facing area, for all age groups, both passive and active (c) a kick about area which is overlooked (d) Incorporated natural play area and equipment.
- The combined open spaces of Garran Ferney is calculated at 13% of the land in the applicant's ownership. A connectivity and hierarchy of open spaces is provided within Phase 1 and Phase 2.
- It is submitted that the connectivity map clearly illustrates that all units within scheme of 81 units (Phase 1 and Phase 2) have immediate access to the different forms of public open space.
- The provided diverse public spaces range from formal and informal play areas to smaller private spaces with good passive supervision suitable for younger children's play. The large central play space within the Phase 1 is an amenity for the Garran Ferney neighbourhood as a whole and is located no greater distance than 125m from all houses within Phase 2.
- It is stated in the Planners report that "The Cork County Council Interim Recreation and Amenity Policy states that open space should generally be at least 12-18% of a site". The first party content that had one application for 81 units been submitted with a public open space provision of 13% then this would have fallen with the range of the 12-18% and deemed acceptable.

- The first party state that they propose to reinstate the required 22m of opposing first floor windows between units 1-11 and those to the south along Laburnum Avenue. This will further increase the public open space in the pocket north of units 1 to 4.
- It is stated in the Planners report that “more akin to incidental space and is a poor quality amenity space given its proximity to the busy Ferney Road.” In response to this the first party state that this area of public open space (840sq m) at the front of the site is designed as Grassland Meadow, planted with native hedgerow, birch woodland and areas of grass lawn. The space while gently sloped is usable and provides an informal grass lawn area to throw down a picnic blanket and provide a meeting area. The wooded area is a natural “hide and seek play” area. This area of public open space is enclosed by a proposed native hedgerow providing an ecological buffer to Ferney Road and bounded by a limestone wall with top railing and matching piers. These match the self-closing pedestrian gate onto the proposed footpath along Ferney Road to ensure safety for those using the space. The area is passively supervised and the first party do not consider that it is incidental open space or poor quality. Therefore, they submit that it does form usable open space which can be applied to the 10.5% calculation.
- It is stated in the Planners report that, “The County Development Plan under section 14.5.11-14.5.14 also outlines the required standards for public open space. There can be a relaxation made in exceptional circumstances where there is a higher standard of private open space or where the site is very close to town centre facilities or near to existing playgrounds or other amenity facilities. It is therefore considered that additional public open space should be provided. In response to this the first party state that they contend that the large central play space within Phase 1 is located within 125m of all Phase 2 units, therefore allowing for the public open space to be combined across the two phases. They also submit that the Carrigaline GAA grounds are 1.3km from the site which is a 14-minute walk and the Carrigaline Tennis Club is a 8 minute walk from the site.

- The first party submit to the Board that by omitting units 17 and 18 it would increase the pocket of open space from 290sq m to circa 600sq m, increasing the public open space in phase 2 to 13.3% (1,440sq m) or a 1.1% increase in the combined open space (14.1%). The first party contend that the percentage/quantitative increase does not provide any further qualitative use as they are of the opinion that the hierarchy and connectivity of spaces currently provides adequate usable public open space for the future residents across the Garran Ferney development as a whole. If units 1 to 11 were set back in line with the original proposal then the public open space could be further increased.
- In conclusion, it is submitted that the loss of two houses on a fully serviced site is unnecessary. A clear hierarchy of linked open spaces is provided throughout the development allowing for both active and passive recreation, biodiversity and amenity.

6.2. Applicant Response

- The applicant did not submit a response to the third party appeal.

6.3. Planning Authority Response

6.3.1. Planning Authority response to first party appeal.

- The first party appeal refers to condition no. 3.
- The Planning Authority considers that the omission of units 17 & 18 were necessary to achieve a sufficient level of public open space on the site which was both in close proximity to the proposed housing and which was functional and usable.
- The Planning Authority respectfully requests that these comments are considered in conjunction with the original planning reports on file.

6.3.2. Planning Authority response to third party appeal.

- The issues raised in the third party appeal are noted.

- While it was considered that the layout as permitted represented an improvement on the original proposal and would integrate reasonably with existing properties. The Planning Authority has no objection to the omission and/or revision of the design of the units to address concerns relating to the separation distances proposed.
- The Planning Authority considers that the proposed development complies with the proper planning and development of the area and respectfully requests their comments be considered in conjunction with original reports on file.

7.0 Assessment

I consider that the issues arising from the appeals can be addressed under the following headings:

- Impact on residential amenity
- First party appeal
- Appropriate Assessment

7.1. Impact on residential amenity

- 7.1.1. The issue of impact on the residential amenity of neighbouring properties has been raised with specific reference to the separation distances provide between the rear of dwellings along the southern site boundary and the properties at Laburnum Avenue. Concern was expressed in the relation to proximity of the dwellings and the impact upon the appellant's privacy and residential amenity.
- 7.1.2. The appeal refers to a guidance document 'Design Guide for Residential Estate Development, Planning Guidance and Standards Series no. 2, first edition, May 2011'. This is a guidance document from Cork County Council, Planning Department & Architects Department and is dated May 2011. I note that the current Cork County Development Plan 2022-2028 does refer to it in the section the plan which refers to County Development Plan Objective GI 14-6: Public/Private Open Space Provision and also under section 2.7.13 of Volume Four refers to South Cork where it states in relation to Monard that there a number of forms of guidance in relation to the overall

design and layout for the new town including the Council's own Residential Estate Design Guide "Making Places: a design guide for residential estate development" adopted in 2011.

- 7.1.3. Regarding the provisions of the Cork County Development Plan 2022-2028 in relation to separation distances between the rear of residential properties section 4.9.9 of the Development Plan states that in limited situations, a reduction in the 22m separation between units may be considered where high-quality architectural responses can be delivered without undue impacts on the established residential amenities. Section 4.10.8 of the Plan also refers to the matter of separation distances and states that a minimum clearance distance of 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. However, it is again advised that in certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable.
- 7.1.4. The 2009 Guidelines on Sustainable Residential Development in Urban Areas have now been replaced by the recently adopted new guidelines, Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024). Section 5 of the Guidelines refers to Development Standards for Housing and section 5.3.1. refers to Separation Distances. It is set out in the guidelines that a requirement for a minimum separation of 22 metres between opposing upper floor rear window has formed part of suburban housing design since the early 20th century. The guidelines further advise that through careful massing and positioning of blocks, positioning of windows and the integration of open space at multiple levels it is possible to achieve a high standard of residential amenity and good placemaking with separation distances of less than 22 metres.
- 7.1.5. SPPR2 of the guidelines refers to separation distances and sets out that it is a specific planning policy requirement of the Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be

maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. It is further set out that there shall be no specified separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

- 7.1.6. Accordingly, I note this specific provision of the guidelines in relation to separation distances which provides scope for a reduction in the separation distances provided between opposing first floor windows subject to site specific conditions and designs proposed.
- 7.1.7. The third party appeal raised concern that separation distance provided between the dwellings along the southern boundary of the scheme was not sufficient to ensure that their residential amenities were not unduly impacted. I note that the appellants raise the matter of the finished floor levels of the proposed dwellings relative to their neighbouring properties.
- 7.1.8. As part of the request for further information the Planning Authority raised the matter of the separation distances provided between the proposed dwellings along the southern boundary of the site and the neighbouring dwellings in Laburnum Avenue. They advised that the proposed houses should be pulled back from this boundary to provide a clear 22m separation distance between first floor windows. They advised that this may necessitate revision to the internal layout of dwellings.
- 7.1.9. In response to the matter the applicant revised the proposed design and layout. The house types proposed to sites 1-4 were revised from type C – two-storey terraced houses to type D1 – two-storey semi-detached houses. The dwellings were pulled back to the north and in this regard a separation distance of in excess of 22m was provided between the opposing first floor windows of house no's 1-4 and the rear of

the neighbouring properties no. 22, no. 23 and no. 24 Laburnum Avenue. The provision of a separation distances in excess of 22m ensures that there is no undue overlooking of the opposing dwellings.

- 7.1.10. Regarding the proposed finished floor level of these proposed dwellings relative to the finished floor level of the neighbouring properties at Laburnum Avenue to the south as indicated on the Proposed Site Layout - Drawing No: R012GH-FI-140 the proposed finished floor level of house no's 1 & 2 is 31.74 and the finished floor level of no. 24 Laburnum Avenue is 30.18. Accordingly, there is a difference in floor level of 1.5m between the proposed dwellings and the existing dwelling. Having regard to the fact that a separation distance in excess 22m is provided between the opposing first floor windows I consider the proposed differential in floor level is acceptable.
- 7.1.11. The finished floor level of no. 23 Laburnum Avenue is 29.60 and therefore there is a difference in floor level between that property and the proposed dwelling no. 2 of 2.1m. A separation distance of 22.5m is provided between the first floor opposing windows and therefore given the separation distance between the properties I consider that the proposed difference in finished floor levels is acceptable.
- 7.1.12. The proposed finished floor level of house no's 3 & 4 is 30.96. The finished floor level of no. 23 Laburnum Avenue is 29.60 and therefore there is a difference in floor level between that property and the proposed dwelling no. 3 of 1.36m. I note that a separation distance of 23.68m is proposed between the opposing first floor windows. As set out above given the separation provided, the height differential is considered acceptable.
- 7.1.13. In relation to the no. 22 Laburnum Avenue it has a finished floor level of 29.16. The opposing house within the scheme no. 4 has a proposed finished floor level of 30.96. A difference in level of 1.8m is proposed between these properties. I note that a separation distance of 23.72m is proposed between the first floor opposing windows.
- 7.1.14. Regarding the revisions to the scheme, the house types on sites no's 5-7 have been changed from house type B – two-storey terrace dwellings to house type C two-storey terraced houses. House no. 5 also lies to the north of no. 22 Laburnum Avenue. The proposed finished floor level of house no. 5 is 30.21 and the finished floor level of no. 22 Laburnum Avenue is 29.16. Therefore, a difference of 1.05m is proposed between the properties. The separation distance between the first floor

opposing windows is 23.52m. House no. 21 Laburnum Avenue is located to the south of the proposed dwellings no. 6 and no. 7 within the scheme. The proposed finished floor levels of house no's 6 & 7 are 30.21. The finished floor level of no. 21 Laburnum Avenue is 29.01. Therefore, a difference of 1.2m. The separation distance proposed between the first floor opposing windows of no. 21 Laburnum Avenue and house no's 6 & 7 within the scheme is 23.56m. Accordingly, having regard to the separation distance provide the height differential is considered acceptable in this context.

7.1.15. In relation the siting and design of the other dwellings within the scheme relative to the existing neighbouring properties to the east and west of the site having reviewed the Proposed Site Layout – Drawing No: R012GH-FI-150 submitted as part of the further information response, I consider that satisfactory separation distances are proposed between all the dwellings within the scheme and neighbouring properties to the east, south and west.

7.1.16. In conclusion, having reviewed the proposed site layout of the scheme as revised in the further information response relative to the existing surrounding properties including the properties to the south in Laburnum Avenue, I consider having regard to the proposed siting and design of the proposed dwellings within the scheme and the relative separation distances to the existing dwellings to the south, east and west of the site that the proposed scheme would not result in any undue overlooking, or overbearing impact of neighbouring residential properties.

7.2. First party appeal

7.2.1. The first party lodged an appeal against condition no. 3 of the permission granted by the Planning Authority. Condition no. 3 states;

7.2.2. The site layout plan shall be amended in the following respects: dwelling units 17 and 18 including associated gardens/parking areas etc. shall be omitted entirely. The area released as a result of the omission of these units shall be designed, constructed and reserved in perpetuity as public open space. No development shall be permitted on same and, before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it

may nominate in writing, revised drawings making provision for the above requirements shall be submitted to and agreed with the Planning Authority.

Reason: In the interests of proper planning and sustainable development and to ensure an adequate standard of amenity.

- 7.2.3. The scheme as originally proposed provide the main public open space area to the northern section of the site. As indicated on the Site Layout Plan the northern open space area is 910sq m. A 148sq m plaza is proposed to the south of house no. 17. This provides a total open space area of 1,058sq m. The site area is 1.076 hectares (10,076sq m) and the provision of open space represents 9.8% of the site area.
- 7.2.4. The Planning Authority in their assessment of the application had concern in relation to the quality, quantity and usability of proposed open space. They considered that the bulk of open space appears to be incidental, peripheral and adjoins a busy public road in this regard. As part of the further information requested, they required that the applicant investigate the provision of a more central open space area that would be suitable for informal recreation for the use of children within the part of the estate. The site layout plan shall be revised to clearly identify each individual parcel of proposed public open space and the area in square metres of each parcel and show the contour levels of each parcel of open space in relation to the proposed dwellings around same.
- 7.2.5. In response to the matter the applicant submitted a revised Site Layout Plan which proposed an additional area of public open space immediately to the south of house number 17. The revised layout included the relocation of the proposed dwellings towards the north of the site by circa 1m. It is noted that revisions also include changes to house types proposed. Under the revised scheme the proposed northern open space is 840sq m and the open space to the south of house number 17 is 290sq m. The total open space proposed under the revised scheme is 1,130sq m. Therefore, the provision of open space represents 10.5% of the site area.
- 7.2.6. In relation to public open space provision within housing scheme section 14.5.11 of the Cork County Development Plan 2022-2028 refers to the matter. It sets out that normally all new housing developments need to provide some public open space. Generally, at least 12% to 18% of a site for development excluding areas unsuitable for house construction should be allocated to the provision of public open space.

However, the need to achieve higher qualitative standards in terms of design and layout is particularly important as it is this which helps to achieve a high-quality residential environment which fulfils the expectations of the users. In exceptional circumstances where there is a high standard of private open space and where public open space is designed to a very high-quality standard a reduced minimum value of 10% may be applied.

- 7.2.7. Section 5.3.3. of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024), refers to Public Open Space. Policy and Objective 5.1 advises that in respect of statutory development plans that the requirement for public open space provision of not less than a minimum of 10% of net site area and not more than a maximum of 15% of net site area save in exceptional circumstances. Accordingly, there is provision within the Development Plan and Guidelines to allow a minimum of 10% of the site area for public open space if the particular circumstances are considered appropriate.
- 7.2.8. The first party submit to the Board that by omitting units 17 and 18 it would increase the pocket of open space from 290sq m to circa 600sq m, increasing the public open space in phase 2 to 13.3% (1,440sq m) or a 1.1% increase in the combined open space (14.1%). They argue that the percentage/quantitative increase does not provide any further qualitative use as they are of the opinion that the hierarchy and connectivity of spaces currently provides adequate usable public open space for the future residents across the Garran Ferney development as a whole. If units 1 to 11 were set back in line with the original proposal then the public open space could be further increased. In relation to the proposal to set back the house no's 1-11 along the southern section of the site, I note that this would result in those properties being located closer to the properties on Laburnum Avenue and this is raised in the third party appeal.
- 7.2.9. The first party submit that the proposed open space to the south of house no. 17 provides a south facing area for both active and passive use, the area can be used as a 'kick about area' which is overlooked and the area can include a natural play area and equipment. They submit that the provision of public open space should be considered on the basis of the provision within the overall scheme including phase 1 of Garran Ferney. It is detailed in the appeal that the combined open spaces of

Garran Ferney is calculated at 13% of the land in the applicant's ownership and that connectivity and hierarchy of open spaces is provided within Phase 1 and Phase 2.

- 7.2.10. It is detailed in the Architectural Design Statement submitted with the application that the third green space to serve the proposed development comprises the 2,586sq m common area of the adjoining development Phase 1.
- 7.2.11. It is highlighted in the appeal that there are diverse public spaces within the overall scheme which range from formal and informal play areas to smaller private spaces with good passive supervision suitable for younger children's play. It is submitted in the appeal that the large central play space within the Phase 1 is an amenity for the Garran Ferney neighbourhood as a whole and is located no greater distance than 125m from all houses within Phase 2. I would accept that the use of this large public open space area within Phase 1 of Garran Ferney should therefore be factored into the provision of public open space available to serve the subject development of Phase 2 on the basis that it is highly accessible to the proposed development being a maximum distance of 125m from any dwelling and that this open space incorporate a small playground area.
- 7.2.12. In relation to the matter of the usability of the main area of open space proposed to the northern boundary of the site, I would note the point made by the first party that it is designed as Grassland Meadow and that would be it is suitable as a meeting area, picnic area and that the wooded area could be used for children to play "hide and seek". I would concur with the point made by the first party that this area of public open space would be passively supervised with the location of the footpath running through it to the pedestrian gate at Ferney Road. Furthermore, I note that the front of house no's 25-27 and 28-32 directly address the main section of the proposed open space and therefore provide surveillance of it.
- 7.2.13. Accordingly, having regard to the provision of public space proposed to serve the scheme I am satisfied that it is of a sufficient area and design to serve the proposed development. Therefore, I do not consider that it is necessary or appropriate to further revise the scheme with the omission of houses 17 and 18 to provide additional public open space as specified under condition no. 3 as attached to the grant of permission by the Planning Authority.

7.3. Appropriate Assessment

- 7.3.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The European site Cork Harbour SPA (Site Code 004030) is located circa 402m from the appeal at the closest point.
- 7.3.2. Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets. It is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. The qualifying interests/special conservation interests of the designated site, are summarised as follows;

Table 1.

Cork Harbour SPA (Site Code 004030)
Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]
Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]
Cormorant (<i>Phalacrocorax carbo</i>) [A017]
Grey Heron (<i>Ardea cinerea</i>) [A028]
Shelduck (<i>Tadorna tadorna</i>) [A048]
Wigeon (<i>Anas penelope</i>) [A050]
Teal (<i>Anas crecca</i>) [A052]
Pintail (<i>Anas acuta</i>) [A054]
Shoveler (<i>Anas clypeata</i>) [A056]
Red-breasted Merganser (<i>Mergus serrator</i>) [A069]
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]

Golden Plover (*Pluvialis apricaria*) [A140]

Grey Plover (*Pluvialis squatarola*) [A141]

Lapwing (*Vanellus vanellus*) [A142]

Dunlin (*Calidris alpina*) [A149]

Black-tailed Godwit (*Limosa limosa*) [A156]

Bar-tailed Godwit (*Limosa lapponica*) [A157]

Curlew (*Numenius arquata*) [A160]

Redshank (*Tringa totanus*) [A162]

Black-headed Gull (*Chroicocephalus ridibundus*) [A179]

Common Gull (*Larus canus*) [A182]

Lesser Black-backed Gull (*Larus fuscus*) [A183]

Common Tern (*Sterna hirundo*) [A193]

Wetland and Waterbirds [A999]

- 7.3.3. The Conservation Objective for Cork Harbour SPA (004030) is to maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA and to maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
- 7.3.4. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Site, no direct effects are anticipated. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects the following matters, habitat loss / alteration / fragmentation and disturbance and / or displacement of species and water quality should be considered.

- 7.3.5. In relation to the matter of habitat loss / alteration / fragmentation, the subject site lies at circa 402m from the closest point of the boundary of the designated site. Accordingly, there would be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- 7.3.6. In relation to the matter of disturbance and / or displacement of species the site lies within the settlement boundaries of the Carrigaline, which includes a number of residential developments to the north, south, east and west of the site. The environs of the site, therefore, can be described as being suburban. No qualifying species or habitats of interest, for which the designated site is so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 site have been designated.
- 7.3.7. Regarding the issue of water quality, the proposed development relates to the construction of a residential scheme on lands within the settlement boundary of Carrigaline. The development will connect to existing public water services. I am generally satisfied that the principle of the proposed development is acceptable and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the site due to connection to public services or during the operational phase of the development. The development site is not bound on any side by a water course / drainage ditch. The closest watercourse the Kinaglery River is located circa 217m to the south of the appeal site. It is proposed that surface water arising from the development will discharge to the existing storm water network in Carrigaline, and I note no objections from Cork County Council Engineering Departments in this regard.
- 7.3.8. Accordingly, I am satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 site can be excluded having regard to the distance to the site, the nature and scale of the development and the lack of a hydrological connection.
- 7.3.9. In relation to the matter of in combination/cumulative effects, having regard to the nature of the proposed development, being the construction of a housing scheme, I consider that any potential for in-combination effects on water quality in Cork

Harbour can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in Cork Harbour SPA via surface water features are also subject to AA.

- 7.3.10. 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, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (004030), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Cork County Development Plan 2022 – 2028, and in particular the Existing Residential/Mixed Residential and Other Uses zoning objective of the site, and the relevant provisions of the Sustainable Residential Development & Compact Settlement Guidelines, issued by the Department of Housing, Local Government and Heritage and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 11th day of October 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall enter into water and/or waste water agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

3. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. Each proposed house shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] [within each house plot] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. The development, including all roads, footpaths, verges, public lighting, open space, surface water drains, attenuation infrastructure and all other services, as permitted under this development, shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority.

Reason: In the interest of proper development and in order to comply with national policy in relation to the maintenance and management of residential estates.

14. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based

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

Reason: In the interest of urban legibility.

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

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

16. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of security

shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

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

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

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

Siobhan Carroll
Planning Inspector

28th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315241-22		
Proposed Development Summary	Construction of 33 no. dwelling houses		
Development Address	Garran Ferney (Ferney Grove), Kilnaglery, Carrigaline, 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			EIA Mandatory EIAR required
No	✓	Class 10(b)(i), Schedule 5 Part 2	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)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i), Schedule 5 Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315241-22	
Proposed Development Summary	Construction of 33 no. dwelling houses	
Development Address	Garran Ferney (Ferney Grove), Kilnaglery, Carrigaline, Co. Cork.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development	The proposed development is a residential scheme of 33 no. dwellings. The site at Ferney Road, Carrigaline is a greenfield site which adjoins	No

<p>exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Garran Ferney housing scheme which is phase 1 and the current proposal is phase 2. The surrounding area contains housing estates. Therefore, the proposal is not exceptional in this context.</p> <p>No significant emissions resultant.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No, the proposed development entails the construction of 33 no. dwellings. The proposal is at a density comparable to the surrounding development and therefore it is not exceptional in this context.</p> <p>No significant emissions resultant of this project combined with any existing or permitted.</p>	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>It is located over 402m to any ecologically sensitive sites. Having regard to the topography of the area it does not provide a direct pathway to the closest ecologically sensitive sites.</p> <p>Having regard to the nature and scale of the proposal which comprises a residential scheme of 33 no. dwellings to connect to public foul sewer with attenuation of surface on site, it does not have the potential to significantly affect other significant environmental sensitivities in the area</p>	No
<p>Conclusion</p>		

<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p><u>Schedule 7A information required to enable Screening Determination to be carried out</u></p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIA not required</p>
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Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)