



An
Bord
Pleanála

Inspector's Report

ABP-315500-23

Development

Demolition of existing structure and construction of 22 apartments and all associated works. A Natura Impact Statement (NIS) has been submitted with the application.

Location

Emmet Street, Mallow, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

22/4501

Applicant(s)

Kidana Limited

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

First and Third Party

Appellant(s)

Kidana Limited

Gerard Cremin and Kathleen Cremin

Esther Luddy and Louise Luddy

Observer(s)

None

Date of Site Inspection

30 January 2024

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located in Mallow, approximately 29km from Cork city. It is located on Emmet Street, which is accessed from the western end of Davis Street, the main street in the town centre. The site is approximately 590m to Mallow train station.
- 1.2. Emmet Street is a cul-de-sac in an established residential area, off which there are three separate cul-de-sacs on the western side. There is a range of different house types dating from different eras along Emmet Street and surrounding area. The stated site area is 0.3ha. The site is generally level and is at a slightly higher ground level than the adjoining undeveloped site to the west. It is an L-shaped, brownfield, infill site. There is a dilapidated, single storey former commercial building on site, previously used as an electrical contractor's premises near the Emmet St. frontage. A former warehousing building frame, which now appears as large metal structures, is located within the site near the southern boundary.
- 1.3. The site is bounded –
- To the south by the stone boundary wall of varying height to the Prospect Mews scheme. This small development comprises 5 no. houses, 3 of which are single storey dwellings in a cul-de-sac, with 2 no. 2-storey dwellings fronting Emmet Street.
 - To the east by its high boundary wall fronting Emmet Street, with a recessed vehicular entrance at the northern end of roadside frontage.
 - To the north partially by the rear garden of dwellings at Westview, which combined with Emmet Close is a small residential cul-de-sac development. Near the western end of the northern boundary is a large gated vehicular entrance from Humes Lane, which was closed on date of site inspection. The gable elevation and side curtilage of dwellings on Humes Lane bound this part of the northern site boundary.

- To the west partially by a large, rectangular-shaped site, which has been partially cleared and hardsurfaced. A stream described as Hospital Stream runs through this site in a southerly direction near its western boundary, and enters the River Blackwater further to the south. The northern end of the subject site's western site boundary bounds lands near the rear curtilage of 10 Westbrook Court. Westbrook Court is a small residential scheme comprising single storey dwellings.

2.0 Proposed Development

2.1. The proposed development comprises -

- Demolition of existing structures comprising the former commercial building and metal frames
- Construction of 22 residential units in three blocks, consisting of 16 no. apartments and 6 no. duplexes
- Boundary treatments, hard and soft landscaping, bin storage and ancillary site development works
- 13 no. car parking spaces including 1 no. disabled space
- 52 no. cycle parking spaces located in two separate areas, namely an enclosed bike store (22 no.) and covered cycle parking (30 no.)
- Access to the site will be from the modified existing site entrance on Emmet Street. A new pedestrian entrance is proposed at Humes Lane.

The proposed development as originally lodged is for 22 no. residential units in three blocks, comprising:

- 8no. 1-bed units
- 10no. 2-bed units
- 4no. 2-bed units

The breakdown of the units across the 3 blocks is outlined in the table below:

Block Number	Number of Storeys	1-bed units	2-bed units	3-bed units	Total Units
Block 1	2-storey block (apartments only)	0	4no.	0	4no.
Block 2	Part 1-storey to Part 3-storey block containing apartments (10no.) and duplexes (6no.)	6no.	6no.	4no.	16no.
Block 3	2-storey block (apartments only)	2no.	0	0	2no.
Total		8no.	10no.	4no.	22no.

- 2.2. The Further Information (FI) response omits part of the second floor level of Block 2. The upper (2nd floor) level of Units 16 and 17 were omitted, such that these units are amended from 2-bedroom duplexes to 1-bed room apartments, i.e., there is a change to the housing mix but no change to overall number of units proposed. Units 12 and 20 at the northern end of Block 2 are also reconfigured. The proposed development as amended in the FI response is outlined in the table below:

Block Number	Number of Storeys	1-bed units	2-bed units	3-bed units	Total Units
Block 1	2-storey (apartments only)	0	4no.	0	4no.
Block 2	Part 1-storey to part 3-storey containing apartments (12no. and duplexes (4no.))	8no.	4no.	4no.	16no.
Block 3	2-storey (apartments only)	2no.	0	0	2no.
Total		10no.	8no.	4no.	22no.

2.2.1. The FI site plan shows minor changes to cycle parking provision, and the quantum of spaces remained unchanged at 52 no. Very minor changes to Block 2's separation distances to adjoining properties are shown on the FI drawings as follows:

- to the house to north is decreased to 2.85m (from 3.75m)
- to the house to south is increased very marginally to 2.5m (from 2.45m)

3.0 Planning Authority Decision

3.1. Decision

Following FI and Clarification of FI (CFI) requests, the planning authority made a decision to grant permission subject to 45 no. conditions. Conditions of note are:

Condition 1: Development to be in accordance with lodged application as amended by documents/drawings received on 21 June 2022 and 11 October 2022, except where otherwise required.

Condition 2: Permission is for 18 no. units.

Condition 3: Submit revised drawings showing (a) Block 3 omitted (b) Block 1 to comprise 2 no. semi-detached dwellings. Reason is in the interests of orderly development which decreases parking requirements, site coverage and enhances housing mix and relationship between site and surrounding residential properties.

Condition 4: Submit revised drawings showing (a) Block 1 to comprise 2 no. 2-storey semi-detached dwellings (b) omit first floor balconies (c) provide adequate private open space.

Condition 6: Provide 5 additional parking spaces whilst not compromising high quality open space and protecting northern section where pedestrian and cycle access is proposed from any potential conflict with vehicular movements.

Condition 7: Submit bicycle parking details in compliance with Section 12.24 and policy objective TM 12-9 of County Development Plan 2022.

Condition 8: Boundary treatments shall be in accordance with landscape plan submitted on 8 March 2022 Drawing No. 19202/P/003C.

Condition 9: Submit revised landscaping plan.

Condition 11: Section 47 Agreement to be entered into restricting all houses and duplexes to first occupation by individual purchasers.

Condition 14: Developer to enter into connection agreement with Irish Water.

Condition 15: Submit a Drainage Impact Assessment (DIA) and SUDS statement per Practice Note No. 2 Surface Water Management (Cork County Council, 2022). DIA will demonstrate net biodiversity gain by implementation of Nature Based Solutions (NBS) into the overall drainage solution.

Condition 16: Submit Construction Environmental Management Plan (CEMP) based on measures proposed in NIS and Invasive Species Management Plan.

Condition 23: Submit Construction and Demolition Waste Management Plan.

Condition 24: Site operator shall ensure that all fuels, hazardous liquids and hydrocarbons stored on-site during construction and operation phases shall be stored in waterproof bunded area of sufficient volume to hold 110% of the volume of the largest tank within the bund.

Condition 25: Specifies noise levels not to be exceeded.

Condition 30: All works shall accord with the Surface Water Management Plan.

Condition 42: Furnish wayleave details for the existing collection network traversing the northern section of the site. No structures shall be permitted over this sewer or within wayleave and a route of access to this sewer must be maintained. Submit diversion and decommissioning options.

Condition 43: Install raised pedestrian crossing within the site boundary at entrance.

Condition 44: Install raised table road crossing at an agreed location on Emmet St.

Condition 45: Development contribution of €33,583.14.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority's decision.

A/Senior Executive Planner's/Executive Planner's reports (3 May 2022, 15 August 2022, 2 December 2022)

First Planner's report includes concerns regarding Block 2's overbearing impact and Block 3's overbearing and overlooking impacts, considers semi-detached/terraced units on Emmet Street would add to the unit mix, pedestrian access at Humes Lane is acceptable, and nature based SuDS techniques should be given further consideration.

Further Information request reflects A/SEP's report.

Second Planner's report notes FI response and recommends CFI on issues including surface water management/water services, amendments to Block 1, possible omission of Block 3, site access and parking provision.

Third Planner's report notes Water Services and Area Engineer's reports raise no objection/are satisfied subject to condition(s), County Development Plan 2022 has come into effect, attenuation tanks are to be avoided in general, and surface water disposal detail with focus on nature based/SUDS measures should be submitted.

Recommends grant of permission subject to 49 no. conditions, including that number of units be reduced to 18 no.

Senior Executive Planner's report (5 December 2022) recommends grant subject to 45 no. conditions, including that permission is for 18 no. units only.

3.2.2. Other Technical Reports

Area Engineer (29 April 2022, 15 August 2022, 28 November 2022)

First Area Engineer's report recommends FI relating to increased car parking provision, details of opening to Hume Lane, sightlines and maintenance details for attenuation tank.

Following CFI response, **Third Area Engineer's** report includes that 1no. parking space per unit should be provided, that raised table crossing at an agreed location on Emmet St. be installed and €1,000 per unit contribution required for improvements to on-street parking.

Water Services (28 April 2022, 30 November 2022/1 December 2022)

First Water Services report recommends FI for copy of IW Pre-connection Agreement relating to wastewater disposal, and how the development will connect to existing connection network as network abutting it has several pen stocks that are used as part of town flood relief.

***Second Water Services** report states amended foul sewer design fails to deal with existing foul sewer traversing the site, which previously was being decommissioned. No objection subject to 6 no. conditions including requirement for wayleave.

*2 no. 'Second' Water Services reports are on file, dated 30 November 2022 and 1 December 2022. These appear to be the same document, save for the stated dates.

Ecology (28 April 2022, 4 August 2022, 1 December 2022)

First Ecology report includes

- Hospital Stream is approx. 70m to west before joining River Blackwater approx. 380m to south. Lower reaches of Hospital Stream and River Blackwater form part of Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170).
- Most recent River Ecology (Biological) Monitoring results for Blackwater upstream and downstream of Hospital Stream/River Blackwater confluence and WWTP discharge point is recorded as Good (Q4 -u/s 2018 & d/s 2020) water quality status.
- Concerns are significant risk of impact to Blackwater River SAC, risk of spread of invasive alien species. Satisfied that no risk of impact to bats.
- Invasive Species Management Plan (ISMP) does not appear to be on file.

Recommends FI for up to date Irish Water pre-connection enquiry response and an Invasive Species Management Plan (ISMP) to be incorporated into the CEMP.

Second Ecology report notes updated IW submission confirms that development can be facilitated once new treatment plant is operational in 2022, critical that provisions of NIS are included within final CEMP, and satisfied ISMP maps location and provides adequate treatment methods for invasive species.

With regard to AA and submitted NIS

- is satisfied that proposal does not pose a risk to natural hydrological conditions, nor a risk of adverse effects relating to water loadings
- given that there are no watercourses on site, proposal is unlikely to be of value to commuting of breeding otter and does not pose a risk of significant adverse effects on this species.
- Will not pose any risk of cumulative or in-combination effects.
- Subject to implementation of mitigation measures set out in NIS, is satisfied that proposal will not pose a risk of adverse effects on the Blackwater River SAC, and individually or in combination with any other plan or project will not give rise to adverse effects on the integrity of any Natura 2000 site.
- States no objection subject to 3 no. conditions.

Housing (31 March 2022, 27 June 2022, 20 October 2022)

Following FI and CFI requests, **Third Housing Officer's** report is satisfied that site was acquired during exemption period and has no objection to grant.

Public Lighting report (7 April 2022)

Notes two deficits in lighting plan. No objection, subject to 3 no. conditions.

Archaeology report (27 April 2022)

No objection subject to 1 no. condition relating to archaeological monitoring.

Conservation Officer (27 April 2022, 3 August 2022)

First Conservation Officer's report

- Notes that part of site is described as Diocesan School in 1st edition OS maps (1837-1842), old plaque on Emmet St. boundary, and that site is bounded by historic stone walls.
- Site's prominence when viewed from N72 and visibility of key Mallow landmarks are of note -
 - Steeple of St. James' Church (NIAH Ref. 20815079; RPS No. 79)
 - Saint Mary's Church (NIAH Ref. 20815033; RPS No. 33)

- Site is on periphery of ACA and has an edge of town fragmentary character. Denser development along western fringe is appropriate.
- Concerns regarding dropped ridge with flat section of roof (of Block 2), and if this section were reduced it would retain visibility of St. Mary's Church tower and contribute to breaking down massing of Block 2. Recommends FI.

Second Conservation Officer's report: No objection subject to 8 no. conditions.

Estates (27 April 2022)

No objection subject to 6 no. conditions.

Environment (10 June 2022, 5 August 2022)

First Environment report states no detailed description of existing building structures, nor qualitative description in preliminary CEMP. No objection subject to 9 no. conditions.

Second Environment report states 'prior to commencement' information not provided.

3.3. Prescribed Bodies

Irish Water/Uisce Éireann in a letter dated 19 May 2022 states the developer has liaised with IW and a Confirmation of Feasibility has issued. IW have no objection to the proposal subject to constraints outlined in the COF and conditions. It states:

- Water – connection feasible
- Wastewater – connection feasible subject to upgrade. There is currently not enough capacity at Mallow WWTP. IW has a project underway which will provide the necessary upgrade and capacity and is scheduled to be completed by 2022, subject to change.

Three no. IW standard conditions are set out.

Inland Fisheries Ireland (IFI) (email 5 April 2022) states:

- IFI is not opposed in principle. Council should be entirely satisfied that
 - adequate treatment capacity exists at wastewater treatment works

- design capacity and treatment level provided is sufficient to cater for additional loading without adversely affecting performance efficiency.
- If there is inadequate wastewater treatment capacity, considers this premature.
- Requests the following conditions be considered if permission granted -
 - incorporate best practices and strategies to minimise discharges of silt/suspended solids to waters. Silt traps if appropriate should be constructed at locations that will intercept run-off.
 - Fuel oils, etc., should be stored on sheltered, dry elevated site, and must not discharge into aquatic zone.
 - Biosecurity measures during construction phase to be employed as mitigation against introduction and spread of invasive species.

3.4. **Observations to the Planning Authority**

7 no. observations were received by the planning authority. The issues raised in the observations are similar to those raised in the grounds of appeal and are summarised as overdevelopment and excessive density in a historic residential area, overlooking, overshadowing, loss of daylight, impacts on visual amenity, inadequate open space, disturbance and damage to surrounding properties, inadequate parking including during construction, restricted access for emergency vehicles, no plans for creche submitted and discrepancies in the Infrastructure Report.

4.0 **Planning History**

The planning history outlined in the First Planner's report includes 2 no. planning applications on the subject site and refusal of permission for a supermarket on the adjoining site to the west (P.A. Ref. 16/5783). Separately, the planning authority's website includes that permission was granted for upgrade of the Mallow wastewater treatment plant (P.A. Ref. 19/5078), outlined further below.

Subject Site:

P.A Ref. 21/5687: Permission was refused in 2021 for demolition of existing structures and construction of 28 apartments in 4 blocks. Permission was refused for 2 no. reasons summarised as follows:

- Overdevelopment of this inner residential site, out of character with character and pattern of development in historic residential area, significant adverse effect on residential amenities of adjoining properties by virtue of overbearing visual impact and visual intrusion. Proposal would be contrary to Policy Objectives H1-2, H6-2 and EH-8 of Mallow Town Development Plan 2010.
- Having regard to exclusive provision of 1 and 2 bedroom units of at 57% and 42% respectively and objective H4 of Mallow Town Council Development Plan 2010 which requires an appropriate housing mix in new residential areas including design and size, proposal contravenes SPPR1 of Sustainable Urban Housing: Design Standards for New Apartments 2020 in relation to excessive provision of 1-bedroom units.

P.A. Ref. 2580: Permission granted in 2004 for 10 dwellings.

Sites in the Vicinity

P.A. Ref. 16/5783: Permission was refused in 2016 for a supermarket on a 1.08ha site to the west for 3 no. reasons:

- Located in an area of high probability of flooding.
- Potential to contribute to adverse effects on integrity of Blackwater SAC.
- Proposal would not respond sufficiently to urban context (town centre/ACA) and would be visually obtrusive.

P.A. Ref. 19/5078: Permission was granted to Irish Water in 2020 for alteration of Mallow Sewerage Scheme to remove combined sewer overflows from the network. Proposed scheme includes alteration of Mallow WWTP to provide for wastewater treatment capacity for 22,000pe (increased from 18,000pe) at Ballyellis, construction of a new pump station at Bearforest Lower, and upgrade of sections of the sewer network in Mallow, including pipelines to include a crossing of river Blackwater between Castlelands and Bearforest Lower east of Mallow Bridge. A Natura Impact Statement (NIS) was submitted with this application. Site area is 13.26ha.

The extensive site area encompasses a range of roads/streets in Mallow, both north and south of the River Blackwater, and includes Emmet St.

I note that the Uisce Éireann website (www.water.ie) confirms that in partnership with Cork County Council, it completed upgrades to the Mallow wastewater treatment plant. I note also that the 2-year progress report on Cork County Development Plan 2022-2028 (12 April 2024) and available on the Council's website (www.corkcoco.ie), states that Mallow WWTP – 22,000 PE and Mallow wastewater network upgrade (removal of CSOs & associated network upgrades) were completed in 2023.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Vol. 1 – Main Policy Material and Vol. 3 North Cork

The site is zoned Objective ZU 18-9 **Existing Residential/Mixed Residential and Other Uses**. It includes that the scale of new residential and mixed residential developments within Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

Appropriate Uses under this land use zoning includes residential development.

It is stated (at Section 18.3.6; Vol. 1) that within predominantly existing residential/mixed residential and other uses areas, proposals normally involve infill development, redevelopment, refurbishment or changes of use. This is part of the development cycle or redevelopment that contribute to the character of settlements.

It is further stated (at Section 4.9.8; Vol. 1) that the Plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement, subject to protecting existing residential amenities and adhering to proper planning and development standards.

This ZU 18-9 zoning applies to the site's immediate surrounds elsewhere on most of Emmet St., and existing residential areas on Humes Lane and Westbrook Court to the north and north west respectively.

Lands a short distance to the north, east and west of the site are zoned **ZU 18-18: Town Centre/Neighbourhood Centres**. This zoning applies to the northern end of Emmet St. at the T-junction with Davis Street, approx. 50m to the north, and to a substantial area of the town east of Emmet St.

Also in the vicinity, a large 3.26ha landbank bounding Park Road and West End, approx. 85m to the west of the site is zoned Town Centre. This site is **Specific Development Objective MW-T-03**, (and also identified as Opportunity Site MW-SP-01 South of West End; Vol 3). It is described as a landmark site to accommodate different uses including office space, retail warehousing and residential uses above ground level, an element of retailing may be acceptable, and any proposals must be considered with regard to their overall impact on the vibrancy and vitality of the town centre generally. Flood Risk.

The adjoining site to west of subject site is zoned: **Objective ZU 18-18: Utilities and Infrastructure Areas** which seeks to Promote the provision of development to meet the operational requirements of utilities and infrastructure operators.

This 1.22ha site is identified as **Specific Development Objective MW-U-03**. It is stated (Vol. 3) that these lands are at risk of flooding but may be suitable for car parking, amenity/green infrastructure, or other flood compatible uses. Sustainable urban Drainage Systems (SUDS) measures should be an important component of any proposals on this site.

Approx. 140m to the south, lands zoned **Green Infrastructure** south of the N72 form part of a larger zoning extending to varying degrees either side of the Blackwater River. **Specific Development Objective MW-GR-04** applies to Blackwater Amenity Corridor, which comprises 226.6ha. This Objective includes to protect and enhance the habitat, visual and amenity qualities of the River Blackwater and its flood plain.

Vol. 1 - Chapter 4: Housing

Objective HOU 4-6: Housing Mix seeks to (a) Secure the development of a mix of house types and sizes to meet the needs of the likely future population in accordance with the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas, and (b) Require a Statement of Housing Mix with multi-unit residential development applications which should include proposals for the suitable housing for older people and the disabled in the area.

Vol. 1 - Chapter 11: Water Management

Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design includes

- a) Require that all new developments incorporate sustainable drainage systems (SuDS). Efforts should be taken to limit the extent of hard surfacing and impermeable paving.
- c) Optimise and maximise the application of Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, protect and enhance visual and recreational amenity; all in the most innovative and creative manner appropriate and in accordance with best practices. Proposals should demonstrate that due consideration has been given to nature based solutions in the first instance in arriving at the preferred SuDS solution for any development.

Vol. 1 - Chapter 12: Transport and Mobility

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

Section 12.12.13 includes that given the requirement to deliver 30% of all new urban development on infill/brownfield sites within the built footprint of existing settlements, and to encourage and incentivise those wishing to invest in and develop town/village centre locations, the Council will not normally seek the provision of on-site parking or a monetary contribution in lieu of car parking where small scale infill developments (including residential) are proposed within the town centre or village centre.

Objective TM12-9: Parking includes

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

g) Car parking provision is to comply with Sustainable Urban Drainage practices and other climate change adaptation and mitigation measures are to be considered, including considering the potential for landscaping to provide shade, shelter and enhancement of biodiversity.

Table 12.6 Car Parking Requirements for New Developments includes maximum parking standards of 2 spaces per dwelling unit and 1.25 spaces per apartment.

Notes on this table include

- Reduced car parking may be acceptable where the planning authority are satisfied that good public transport links are already available or planned;
- These requirements do not apply to Town Centres where development involves small scale infill development (including residential);
- Motorcycle parking should be provided. Parking spaces should be provided on the basis of one motorcycle parking bay per 10 car parking spaces provided for apartment developments.

Vol. 3 – North Cork

Mallow is one of 5 Main Towns in this Municipal District. It is a Key Town in the Regional Spatial and Economic Strategy (RSES) for the Southern Region.

The 2016 Census recorded a population for Mallow of 12,459. It has a population target for 15,351 in the current Development Plan.

It is set out (at Section 2.4.7) that a new focus is placed on the better utilisation of the existing building stock, prioritisation of brownfield and under-utilised land and identification of regeneration and infill opportunities that can contribute positively to Mallow's housing stock and 30% target of 331 units. It proposes that the 1,105 new housing units required to 2028 be delivered primarily on Residential and Mixed-Use

Zoning including Compact Growth Sites.

Water Management IW has plans for extensive improvement works to waste water treatment system including removal of combined storm overflows, development of stormwater storage, increased gravity sewer network capacity, increased pumping capacity to the Wastewater Treatment Plan (WWTP) and increased treatment capacity at WWTP to 22,000p.e. to cater for 10 year design horizon. Developers must satisfy themselves that IW will make infrastructure available, and obtain a connection agreement from IW for wastewater disposal and treatment.

Built Heritage includes where redeveloping vacant sites, a high architectural standard will be required.

General Objective MW-GO-04 All new development will need to make provision for Sustainable Urban Drainage Systems (SuDS) and provide adequate storm water infrastructure. Surface water Management and Disposal should be planned in an integrated way in consideration with land use, water quality, amenity and habitat enhancements as appropriate.

General Objective MW-GO-14 All proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives in this Plan. In planning development located upstream of/adjacent to the defended area in Mallow, due regard must also be had to the potential flood impacts of development, and its potential impact on the defended area in particular.

Development Plan Mapping

The site is within a High Value Landscape.

The site is within Architectural Conservation Area (ACA) Mallow Conservation Area.

The site is within Flood Zone C. On Development Plan mapping, lands directly to the west and south west of the site are within Flood Zone A.

A stream in the range of approx. 50m-63m west of the site flows in a north/south direction towards to River Blackwater.

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

- 5.2.1. Sustainable Residential Development and Compact Settlements Guidelines were introduced by the Department of Housing, Local Government and Heritage in 2024, and replace Sustainable Residential Development in Urban Areas Guidelines 2009. These are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), such that planning authorities and An Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines.
- 5.2.2. Section 3.3.3 Key Towns and Large Towns (5000+ population) states that key priorities are to plan for an integrated settlement overall, strengthen town centres, protect and enhance historic fabric, character, amenity and biodiversity, realise opportunities for incremental infill development, and to deliver sequential urban extension at locations closest to the urban core.
- 5.2.3. Section 3.4.2 Step 2: Considerations of Character, Amenity and the Natural Environment states that it is necessary to ensure that the quantum and scale of development can integrate successfully into the receiving environment. Section 3.4.2 criteria are (a) impact on local character, (b) historic environment, (c) Environmental Impact Assessment and Habitats Directive, (d) Impacts on residential amenities and (e) water supply and wastewater networks.
- 5.2.4. Special Planning Policy Requirements include:
- SPPR 1 - Separation Distances states that statutory development plans shall not include an objective where minimum separation distances exceed 16 metres between opposing windows serving habitable rooms at rear or side of houses, duplex units or apartment units above ground floor level. No specified minimum separation distance at ground level or to front of such residential units in statutory development plans. Planning applications shall be determined on a case-by-case basis.
 - SPPR 3 – Car Parking includes parking ratios should be reduced at all urban locations, should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and public transport.

- SPPR 4 – Cycle Parking and Storage states that all new housing schemes are to include safe cycle storage facilities for residents and visitors, and sets out quantity and design requirements.

5.2.5. Policy and Objective 5.1 - Public Open Space requires development plans to include objective(s) relating to public open space in new residential developments, whereby such provision shall be not less than minimum 10% of net site area and not more than minimum 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas.

5.3. Sustainable Urban Housing: Design Standards for New Apartments (Department of Housing, Local Government and Heritage, 2023)

These are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), such that planning authorities and An Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines. Appendix 1 sets out required minimum floor areas and standards, including for private open space.

5.4. Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas – Water Sensitive Urban Design, Best Practice Interim Guidance Document (Department of Housing, Local Government and Heritage, 2021)

This guidance document states that all combined sewer networks are designed with overflows into nearby water bodies throughout the networks, in order to avoid the sewer being overwhelmed in terms of capacity, resulting in flooding of properties and public areas. It states that the reduction of urban runoff into combined sewers, through the use of nature-based solutions to rainwater management and surface water runoff in the urban catchment has the additional benefit of reducing the volume of flows that must be pumped and treated at the wastewater treatment plant.

5.5. Natural Heritage Designations

The nearest European sites are:

- Blackwater River (Cork/Waterford) SAC (Site Code 002170) is located approx. 295m to south.
- Kilcolman Bog SPA (Site Code 004095) is located approx. 12km to north east.

The nearest NHA is Boggeragh Mountains NHA (Site Code 002447), approx. 16km to south west.

The near proposed NHA is Blackwater Valley (Killavullen) pNHA (Site Code 001080), approx. 9.5km to the east.

5.6. EIA Screening

See completed Form 1 and Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are:

- First party appeal against Conditions 1, 2, 3 and 6.
- 2 no. third party appeals against planning authority's decision to grant.

6.1.1. First Party Appeal

The first party grounds of appeal are summarised as follows:

- Omission of 4 no. units is unwarranted.

- Appeal is against Conditions 1, 2, 3 and 6.
- Changes to design and layout are dictated by desire to maximise parking provision. Proposal strikes balance between achieving higher densities, making use of underutilised land in town centre and providing mix of uses.
- Relevant planning policy includes National Planning Framework (NPF), Housing for All – A New Housing Plan for Ireland (2021), Sustainable Urban Housing - Design Standards for New Apartments (2022), Southern Regional Assembly: Regional Spatial and Economic Strategies (RSES) and Cork County Development Plan 2022-2028.
- Mallow has been allocated a population target of 16,046 in County Development Plan. An additional 1,428 housing units will be required.
- Existing Residential zoning states the Council will generally support proposals for increased densities subject to appropriate density/amenity standards, protecting amenity of area and normal sustainable planning considerations.
- Council has a Town Centre first approach to development and higher density development. The Plan supports high-density development within town centres of larger towns with a population of >1500.
- Request to alter unit mix and density is unwarranted.
- Apartment Guidelines 2022 set target of 45uph and above for such sites. Density of 73uph acceptable on brownfield site adjacent to Main St.
- SPPR 1 of Apartment Guidelines outlines that developments may include up to 50% 1-bedroom or studio type units (with no more than 20–25% of total as studios). No minimum requirement for apartments with 3 or more bedrooms.
- Approx. 120sqm additional site area needed to provide rear gardens to dwellings, resulting in overall reduction of public open space and public realm.
- Development Plan car parking requirement for house is 2 spaces per unit. Same quantum of parking if 1 space was applied to 4 no. duplexes.
- Development Plan requires a maximum of 1.25 no. car parking spaces per apartment. This does not apply to Town Centres where the development involves inter *alia* small scale infill, including residential.
- It will encourage residents to utilise sustainable modes of public transport.

- Site is not zoned town centre but is 2 minute walk to Main Street and 9 minute walk to train station. Development Plan does not specify that caveat only applied to Town Centre zoned lands.
- Traffic and Transport Assessment concludes that proposed development will have a negligible impact on surrounding road network.

6.1.2. Third Party Appeals

Two no. third party appeals have been received from:

- Gerard Cremin and Kathleen Cremin, 4 Prospect Mews
- Esther Luddy (3 Emmet Court) and Louise Luddy (5 Prospect Mews)

The grounds of appeal from third parties are similar and are summarised as follows:

- The site is not Town Centre. This should inform the development's proximity to existing properties and the appropriate level of on-site parking.
- Proposal represents very significant overdevelopment of a very small site. Scale and density is excessive in a historic, well-established, low-density, single unit, quiet, residential area.
- Number of residential units is too high; number of parking spaces is too low.
- On-site parking does not comply with County Development Plan 2022.
- Parking already a big concern in Emmet Court and Prospect Mews, a private road. Illegal parking at junctions, on footpaths, outside private entrances and in Prospect Mews restricts access and enjoyment of their homes.
- The small gardens for 3, 4 and 5 Prospect Mews are across the road from the houses. Non-residents park in front of the gardens.
- Extensive works required for Block 2 is likely to cause subsidence, disturbance and damage to the boundary, third party's home at 5 Prospect Mews and to outbuildings. Any re-design of Block 2 should not incorporate windows or balconies facing south that would result in an unacceptable loss of privacy and enjoyment of third party's home and garden.
- Concern the development will damage historic boundary wall.

- Third parties support following conditions in the planning authority's decision:
 - Condition 3(a) – omit Block 3
 - Conditions 3(b) and Condition 4(a) – amend Block 1 to comprise 2 no. 2-storey semi-detached dwellings
 - Condition 4(b) – omit balconies to rear (of Block 1) and revise elevations
 - Condition 4(c) – provide adequate private open space for dwellings

6.2. Applicant Response

The applicant's response to the third parties' grounds of appeal reiterates some of grounds previously outlined, and it is not proposed to reiterate these issues here.

Other issues raised are summarised as follows:

- Regarding concerns that Block 2 is too close to no. 5 Prospect Mews, several changes were made at RFI stage to overcome concerns regarding overlooking and loss of residential amenity. The changes made were –
 - Minimum 2.5m distance between Block 2 and existing dwelling to south.
 - Removal of windows on south elevation of Block 2.
 - Existing boundary retained and will be supplemented where necessary.
- Block 2 will have no impact on residential amenities of property to the south.
- Proposal is not overdevelopment given proximity to Town Centre and amenities.
- Conditions restricting unit mix are onerous and may affect viability of scheme.
- Condition 11 requiring applicant to enter into a Section 47 agreement should not apply. The proposal comprises apartments and 4 no. duplex units. Minimum thresholds have not been met.

6.3. Planning Authority Response

The planning authority's response is summarised as follows:

- Principal reason for reducing number of units was because 22 was deemed excessive relative to necessary parking requirement.
- Site is in relatively close proximity to town centre, albeit not within town centre zoning. Site context, location and configuration of surrounding road network was fundamental to planning authority's determination.
- Very real risk of proposal seriously exacerbating ongoing street parking issue.
- Planning authority would accept 1 space per unit as a relaxation from maximum standards, whether an apartment or dwelling.
- Existing Residential/Mixed Residential and Other Uses zoning has a primary focus on protecting and enhancing quality of existing residential communities.
- 18 units would give density of 60/ha, classed as high density under Objective HOU 4-7 of County Development Plan 2022.
- Reasoning for 2 houses was (a) reduce unit/parking, (b) integrate into traditional streetscape and community and (c) remove balconies.
- Third party appeal is largely in support of planning authority's decision.

6.4. Observations

None

7.0 Assessment

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

- Compliance with County Development Plan - Land use zoning
- Density and Transportation
- Planning Authority's Condition 3

- Planning Authority's Condition 11
- Planning Authority's Conditions 15 and 42
- Construction and Environmental Waste Management
- Disturbance to Property
- Other Issues – Flooding
- Conclusion

7.2. Compliance with County Development Plan – Land Use Zoning

- 7.2.1. The site is located within the Mallow development boundary, in an established residential area on lands zoned ZU 18-9: Existing Residential/Mixed Residential and Other Uses. As Appropriate Uses under this land use zoning include residential development, I consider that the proposal to construct 22 no. residential units on this site would be in compliance with the zoning objective, in terms of land use.
- 7.2.2. With regard to the Development Plan's stated support (at Section 4.9.8; Vol. 1) for increased densities within this category, subject to protecting existing residential amenities and adhering to proper planning and development standards, these matters are further examined in the following Section 7.3 (Density and Transportation). The conclusions of these assessments is that the proposed development would be acceptable in terms of protecting existing residential amenities and in general would meet proper planning and development standards, as discussed in the following sections.

7.3. Density and Transportation

- 7.3.1. Having regard to the nature, scale and location of the proposed development within the Mallow town boundary, I consider that the matters of density and transportation are related. These issues are assessed primarily with reference to the Cork County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (hereafter referred to as the 'Settlements Guidelines') and also with reference to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHLGH, 2023) (hereafter referred to as the 'Apartment Guidelines').

- 7.3.2. The Development Plan does not ascribe a density range to the ZU 18-9 land use zoning in either Chapter 18 (Land Use Zoning) or Chapter 4 (Housing). It includes that the scale of new residential development should normally respect the pattern and grain of surrounding urban development, that increased densities are encouraged, particularly within high quality public transport corridors and sites adjoining Town Centres Zonings, subject to compliance with appropriate design/amenity standards and protecting residential amenity, and that in limited situations, a reduction in the 22m separation between units may be considered.
- 7.3.3. The site does not directly adjoin ZU 18-17: Town Centres/ Neighbourhood Centres zoned lands. The nearest such zoning is located approx. 50m to the north.
- 7.3.4. I note the emphasis in the Development Plan on generally supporting proposals for increased densities in ZU 18-9 zoned areas and other stated considerations. 22no. apartments are proposed on a 0.3ha site, resulting in a density of 73.3uph. I consider that a density of 73.3uph may be considered acceptable on the subject site, subject to normal planning considerations, and that the lesser 60uph density as per the planning authority's decision would also be acceptable.
- 7.3.5. As the Settlements Guidelines set out (at Table 3.5) that it is a policy and objective that residential densities in the range of 40dph – 100dph (net) shall generally be applied in the centres and urban neighbourhoods, both the density as proposed and as permitted by the planning authority would come within this density range, and would be in compliance with the Settlements Guidelines in this regard.
- 7.3.6. For conciseness, a number of normal planning considerations are assessed in this report in the following section, i.e., with reference to the Section 3.4.2 (a) to (e) of the Settlements Guidelines, and also with regard to the matters of residential amenities within the scheme and overdevelopment.

(a) Impact on local character

- 7.3.7. The scale of existing development in the vicinity is generally older building stock of two-storey scale, with some modern single-storey houses located to the south in Prospect Mews and to the west in Westbrook Court. Documentation lodged with the application includes an Architectural Heritage Impact Assessment, Architectural Design Statement, Landscape and Visual Impact Assessment and Boundary Report.

- 7.3.8. The proposed development is of generally of 2 to 3 storeys, with very limited single storey elements/projections, although the design and scale of Block 2 is more similar to 2½ storeys. The overall ridge height of Block 2 is 10.9m.
- 7.3.9. The height of Block 2 differs from its receiving environment insofar as it is taller than existing buildings in the immediate environs. Most of the lands to the west of the site are undeveloped, are zoned Objective ZU 18-18: Utilities and Infrastructure Areas and are subject to Specific Development Objective MW-U-03. I consider that the overall approach to providing increased height at this part of the site as shown in the FI response drawings to be acceptable in terms of its visual impact. The First Conservation Officer's report also states that the site strategy of denser development along the western fringe is appropriate.
- 7.3.10. I consider the 2-storey scale of Block 1 on Emmet St. to be acceptable to its streetscape context. The location of Block 3 in close proximity to the northern and north eastern site boundaries would not adversely impact on local character.
- 7.3.11. Having regard to the overall site layout and scale of proposal, I consider that the proposed development would not be in conflict with Section 3.4.2 (a).

(b) Historic Environments

- 7.3.12. The site is located within Mallow Architectural Conservation Area. The Architectural Heritage Impact Assessment recommends that a late nineteenth century inscribed cut stone block to be repositioned within a proposed boundary wall. I consider its proposed location within a new pillar facing Emmet St. to be acceptable.
- 7.3.13. The Conservation Officer states that the site's location on the periphery of the Architectural Conservation Area (ACA) gives it a fragmentary character, refers to the site's prominence as viewed from the N72 and states that visibility of key Mallow landmarks of note are steeple of St. James' Church and St. Mary's Church, both of which are protected structures. On reviewing the FI response, the Conservation Officer states no objection subject to conditions.
- 7.3.14. The N72 is a short distance to the south and west of the site and is not a scenic route at this location, although the site is within a High Value Landscape. Block 2 would be located approx. 380m and approx. 460m north west of St. James's Church and St. Mary's Church respectively. Having regard to the nature, scale and height of

the proposal, the content of the Architectural Heritage Impact Assessment and the distance of Block 2 to the two protected structures, I consider that the proposed development would not adversely impact on the visual amenities nor on the built heritage of the area, and would not be in conflict with Section 3.4.2 (b).

(c) Environmental Impact Assessment and Habitats Directive

7.3.15. With regard to EIA, see Form 1 and Form 2 (Appendix 1). Form 2 concludes that there is no real likelihood of significant effects on the environment.

7.3.16. With regard to the Habitats Directive, a Report in Support of Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS) is on file.

Appendix 2 of this report relates to Appropriate Assessment, whereby I conclude that

- the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites, and no further assessment is required for the project.
- the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects, and it is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

7.3.17. Accordingly, it is considered that the proposed development would avoid degradation of ecosystems, and would not be in conflict with Section 3.4.2 (c).

(d) Impacts on residential amenities

Matters relating to overshadowing, overlooking, visual overbearance and overdevelopment are discussed below.

Block 1

- Block 1 comprises 2 storeys and is in the range of approx. 2m-2.5m from the southern site boundary, directly south of which is the internal access road within the Prospect Mews scheme. Having regard to the position of Block 1 north of Prospect Mews, and to the high level balcony screen to serve Unit 3 approx. 7.6m from the rear amenity area of 1 Prospect Mews, I do not consider that the proposed development would adversely impact on the

residential amenities of Prospect Mews dwellings in terms of overshadowing, overlooking or visual overbearance.

Block 2

- The design of Block 2 includes a number of different ridge heights, and has a staggered building line. It is 2.85m from the northern site boundary to 8 Humes Lane. While the slightly more southerly, taller 9.1m high part of this Block is approx. 4m forward of this dwelling, I do not consider that it would adversely impact on the residential amenities of this or other dwellings on Humes Lane in terms of overshadowing, overlooking or visual overbearance.
- The rear elevation of Block 2 is approx. 13m from the rear building line of 10 Westbrook Court. Block 2 is in the range of 3.3m – 4.5m from the western site boundary, and has a ridge height up to 9.1m at this location. The FI site plan does not delineate the site boundaries of 10 Westbrook Court, although an 88sqm area is delineated in the Sunlight Reception Report. The results of the Sunlight Reception Report outline that 10 Westbrook Court would receive in excess of 2 hours sunlight on its amenity space on 21 March. Appendix A of same indicates that Block 2 would result in overshadowing of the side and rear amenity space of this dwelling at 08:00 and 09:00 on 21 March. Based on the information on file, I note that the extent of overshadowing on 21 March, and consider that it would not result in serious overshadowing or unduly impact on residential amenity of this adjoining dwelling house.
- For clarity, the Sunlight Reception Report is based on the planning application originally lodged. While the FI response includes some amendments to Block 2, the overall bulk of this block is similar to that originally submitted.
- With regard to Block 2's potential overlooking of 10 Westbrook Court, I note that a first floor bedroom window of Unit 20 is approx. 3.3m from the western site boundary. While the matter of directly opposing first floor windows does not arise, I would however have concerns that this window and a hall window at first floor level of Unit 20 would result in undue overlooking. In the event that the Board was minded to grant permission for the proposed development, it may consider that a more innovative design to the bedroom window and the

use of obscure glazing in the hall window would overcome undue overlooking impacts and could be addressed by way of condition.

- Elsewhere to the west of the subject site, the proposed development would result in overshadowing in the early morning (as indicated for 08:00 on 21 March) over the large adjoining site to the west. As this site is zoned Objective ZU 18-18: Utilities and Infrastructure Areas and is subject to Specific Development Objective MW-U-03, which is stated to be at risk of flooding but may be suitable for car parking, amenity/green infrastructure, or other flood compatible uses, I consider that the extent of overshadowing on this less environmentally sensitive site to be acceptable.
- Block 2's southern elevation is indicated to be 2.5m from the northern elevation of 5 Prospect Mews to the south, and Block 2's two-storey front building line at this location is approx. 4m forward of this single-storey dwelling. While Block 2 would be highly visible from within the Prospect Mews scheme, having regard to its location north of Prospect Mews, I consider that the proposal would not adversely impact on residential amenities of Prospect Mews dwellings in terms of undue overshadowing or visual overbearance.
- While the subject site itself is generally level, some differences in levels between the subject site and the adjoining properties are shown on the FI drawing titled Proposed Site Sections D-D, E-E and F-F (Drawing No. 19202/P/004B). Block 2 is approx. 11m from the rear amenity space of 7 Westview to the east. Section F-F indicates Block 2's FFL as +49.35, in contrast to the higher FFL at 7 Westview at +51.152. Having regard to Block 2's lower finished floor level relative to 7 Westview, I consider that the proposed development would not result in undue overlooking of this dwelling.

Block 3

- Block 3 has a ridge height of approx. 8m, is 1.5m from its northern site boundary and partially bounds the side curtilage/parking area of the dwelling 'Bilkit', Humes Lane and a separate overgrown site. Having regard to the 15.3m separation distance from this block's rear elevation to 'Bilkit', and to the absence of any windows on the rear elevation of Block 3, I consider that the

proposed development would not adversely impact on the residential amenities of that dwelling house in terms of overshadowing or overlooking.

- The adjoining site to the north east is similarly zoned ZU 18-9. No information or details of any grant of permission for this adjoining site have been provided on file. The Sunlight Reception Report indicates this approx. 500sqm site 'Receptor C' is not currently considered 'amenity' space but has been treated as such, and the calculation results indicate it would receive 8 hours sunlight on 50% of the area on 21 March. While Block 3's context to this site does not appear to be demonstrated in terms of finished floor levels or ground levels, having regard to the results for 'Receptor C' outlined above, I consider based on the information on file that the proposed development would not unduly impact on the adjoining site to the north east in terms of overshadowing.

7.3.18. With regard to daylight in Units 01 and 02 (Block 1), I note that the Daylight Reception Report uses the Average Daylight Factor (ADF) as the basis for daylight analysis. While the ADF methodology was a previous standard, having regard to the information on file I have had regard to the ADF calculations provided in the assessment of daylight in this case.

7.3.19. The Daylight Reception Report indicates that the minimum 2.00% ADF in the living-kitchen areas of the following 2 no. habitable rooms are not met:

- Unit 01 in Block 1: Living - kitchen area: ADF 1.98%
- Unit 02 in Block 1: Living - kitchen area: ADF 1.95%

The report outlines that further analysis to Units 01 and 02 was implemented using different calculation parameters, whereby colours to surfaces were modified and improve the ADF by 0.30%, placing Unit 01 at 2.2% ADF and Unit 02 at 2.23% ADF.

7.3.20. The internal floor to ceiling height at ground floor level of Block 1 is 2.7m. Unit 02's living – kitchen area is 7.06m deep and is also served by 2 no. windows fronting Emmet St. An approx. 2.2m deep first floor balcony serving Unit 04 (2-bed apartment) is positioned above the glazed doors of Unit 02. Separately, a 2.2m deep balcony serving Unit 03 at first floor level is proposed above Unit 01's glazed doors to the living – kitchen area. No windows are proposed to Unit 01's southern elevation which bounds part of its narrow L-shaped private amenity space.

- 7.3.21. The Apartment Guidelines require balconies at upper levels, and private amenity space to serve a 2-bedroom (4 person) apartment to be minimum 7sqm.
- 7.3.22. I note the measures set out to address the shortfall in achieving the minimum ADF guidelines. While the balconies serving Units 03 and 04 are shown on planning drawings, the Daylight Reception Report does not refer to how the provision of these balconies impacts, or not, on daylight access for Units 01 and 02 respectively.
- 7.3.23. I consider the measures outlined to exceed the minimum ADF guidelines to be acceptable, and that while any diminution of the stated ADF results for Units 01 and 02 would not be desirable, I note also the content of Section 5.3.7 Daylight of the Settlement Guidelines. This includes that the quality of a scheme's design and measures to maximise daylight provision must be weighed up against the site location and the general presumption in favour of increased scales of urban residential development, poor performance may arise due to design constraints and there is a need to balance that assessment against the desirability of achieving wider planning objectives. I consider that the site context including the matter of efficient use of zoned, serviced lands in close proximity to the Town Centre and to public transport to be relevant in the overall assessment of daylight access. I consider that daylight levels to the proposed residential units would be generally acceptable in this site context and would not be inconsistent with Section 5.3.7 of the Guidelines.
- 7.3.24. With regard to the **proximity of Blocks 2 and 3** to each other, there is a minimum 6.9m separation distance. The first floor window on the side elevation of Block 3 serves a habitable room in Unit 22, and is approx. 8m from a window serving a habitable room to front of Unit 20 within Block 2. As the window serving Unit 20 is to the front it would not be inconsistent with SPPR 1. As Unit 22 is also served by glazed double-doors which access a south-facing balcony, I consider that in the event the Board was minded to grant permission, that it would be appropriate in this case for the west facing window serving Unit 22 to comprise opaque glazing to increase privacy. This matter could be addressed by way of condition.
- 7.3.25. The first floor balcony of Unit 19 (Block 2) is approx. minimum 3m from the first floor balcony of Unit 22 (Block 3). While I would have some concerns regarding the proximity of these balconies to each other in terms of limited privacy, they would not be directly opposed and are 'public-facing' insofar as they front onto the pedestrian

route which accesses Humes Lane. Having regard to the context of these balconies to each other and the pedestrian route, I consider that separation distances would be acceptable in this particular instance and would not be in conflict with SPPR 1.

- 7.3.26. With regard to the extent of overshadowing from Block 2 on Block 3 to its east, the shadow cast analysis, while not easily discernible, appears to indicate overshadowing or partial overshadowing of Block 3 at 14:00 on 21 March, and overshadowing from 15:00 onwards. The Sunlight Reception Report states that the 50sqm Open Space 2 (Receptor B) located directly south of Block 3 was calculated to have 3.00 hours sunlight at 50% of the area, and exceeds the minimum 2 hours sun on 50% of the area required. It concludes that the proposed development is compliant with the recommendations of the BRE Report – Site Layout Planning for Daylight and Sunlight. While some overshadowing of blocks within the proposed scheme would arise, I consider this would be acceptable.
- 7.3.27. Having regard to all information on file, I consider that subject to condition relating to the amendment of a window serving Unit 22 (Block 3), the proposed development would not give rise to adverse impacts on residential amenities for future occupiers of scheme, and the proposed development would not be in conflict with the Development Plan nor with SPPR 1.
- 7.3.28. With regard to **public open space**, marginally in excess of 300sqm is proposed in the main open space area, and a further small area is provided south of Block 3. The Development Plan states that generally at least 12% to 18% of a site excluding areas unsuitable for house construction should be allocated as public open space, in exceptional circumstances 10% minimum may be applied, and where residential developments are close to town centre facilities or public parks, a relaxation of standards may be considered. The Settlement Guidelines requirements for public open space provision is minimum 10%. I consider that the quantum of public open space which would slightly exceed 10% of site area, and having regard also to the site's proximity to the town centre and to Mallow Town Park, would be in compliance with the Development Plan and the Settlement Guidelines.
- 7.3.29. Having regard to the matters outlined above, including the various separation distances between the proposed blocks and existing residential properties, I consider that subject to conditions relating to window modifications to Blocks 2 and 3, the

proposed development would not adversely impact on the residential amenities of adjoining properties, would not result in overdevelopment and would not be conflict with the provisions of the Development Plan nor with the Settlement Guidelines.

(e) Water supply and wastewater networks

- 7.3.30. Irish Water/Uisce Éireann letter on file dated 19 May 2022 states that a Confirmation of Feasibility has issued, and that IW have no objection to the proposal subject to constraints outlined in the COF and conditions. With regard to water, it states connection feasible. With regard to wastewater, it states that connection feasible subject to upgrade, noting also that IW has a project underway which will provide the necessary upgrade and capacity at Mallow waste water treatment plant.
- 7.3.31. I note that the Uisce Éireann website (www.water.ie) states that working in partnership with Cork County Council, it has completed upgrades to the wastewater treatment plant in Mallow. The project involved upgrading the original Mallow WWTP, and constructing a new pumping station and stormwater holding tank at Mallow Bridge. Similarly, the Cork County Council website (www.corkcoco.ie), with a publication date of 7 July 2023, confirms that upgrades to the wastewater treatment plant (WWTP) and sewer network in Mallow have been completed. In addition, the 2-year progress report on the Cork County Development Plan 2022-2028, dated 12 April 2024 and available on the Council's website, states that Mallow WWTP – 22,000 PE and Mallow wastewater network upgrade (removal of CSOs & associated network upgrades) were completed in 2023.
- 7.3.32. Having regard to the information outlined above on both the UÉ and Cork County Council websites which confirms the completion of the infrastructural works on which the waste water connection is contingent, I consider that this matter has been adequately addressed and that the proposed development would meet the requirements of Section 3.4.2 (e).
- 7.3.33. In the event that the Board was minded to grant permission, it is recommended that a standard condition be attached requiring the developer to enter into a waste water connection agreement(s) with Uisce Éireann.

Transportation and Parking

- 7.3.34. The site on Emmet St. is approx. 590m walking distance to the grounds of Mallow train station, and approx. 500m when accessed via the proposed pedestrian access at Humes Lane. The Traffic and Transport Assessment lodged with the application states that the 243 and 51 bus routes available at a stop within 10 minutes walking time provides an hourly service from Mallow to various destinations such as Cork, Galway, Doneraile, Newmarket and Limerick Train Station.
- 7.3.35. Car parking standards set out in Table 12.6 of the Development Plan are maximum standards, which are 2 spaces per dwelling unit and 1.25 spaces per apartment. The maximum parking allocation based on Table 12.6 and the development as modified by the planning authority's Conditions 2 and 3 is as follows:

Proposed Development	Number of Spaces per Dwelling Unit	Number of Spaces per Apartment	Total Car Parking Spaces (Max.)
22 apartments	N/A	22 x 1.25 spaces	27.5 spaces
Planning Authority Decision	Number of Spaces per Dwelling Unit	Number of Spaces per Apartment	Total Car Parking Spaces (Max.)
18 no. units permitted Block 1: 2 houses Block 2: 16 units (apartments and duplexes) Block 3: omitted	2 x 2 spaces = 4	16 x 1.25 spaces = 20	24 spaces

- 7.3.36. The FI site plan shows 13 no. car parking spaces, including 1 no. disabled space. Condition 6 requires up to 5 additional spaces, which combined with the reduced 18 no. residential units equate to one space per unit. I consider that provision of 5 no. additional spaces would not be easily achievable by condition and may have implications for the overall site layout. Condition 4 requires Block 1 to comprise 2 no. 2-storey semi-detached dwellings. The Development Plan parking standards are not significantly different for 2 no. houses in comparison to 4 no. apartments. In the event that the Board was minded to grant permission for the proposed development, I do not consider it necessary to attach conditions similar to Conditions 4 or 6.
- 7.3.37. I would disagree with the applicant's interpretation in the grounds of appeal that 'town centre' does not apply to only Town Centre zoned lands, given the various distinct land use zoning objectives set out in the Development Plan. However, having regard to the site's proximity to the Town Centre zoning approx. 50m to the north, to Mallow train station and to stated bus services, I consider that some relaxation of maximum parking standards may be acceptable. While the proposed 13 no. parking spaces would result in a shortfall considerably below the maximum 27.5 no. spaces, I consider that the proposed development would not be in conflict with Objective TM 12-9: Parking (b) of the Development Plan and would be acceptable.
- 7.3.38. With regard to the Settlements Guidelines, I consider that the subject site comes within the meaning of High Capacity Public Transport Node or Interchange (at Table 3.8). Current rail services could not be described as 'high frequency', whereby for example the information available on the Iarnród Éireann/Irish Rail website includes the Mon-Sat timetable for Mallow – Cork to be roughly on an hourly basis during the day and less frequent in the evening. However, the Cork Metropolitan Area Transport Strategy (CMATS) sets out projects/actions including increasing the number of through running services to Mallow to align with increased suburban rail services in the Medium Term (7-12 years) and to increase number of through running services to Mallow up to 6 trains per hour to align with increased suburban rail services in the Long Term (12-20 years).
- 7.3.39. Notwithstanding that increasing through running services to Mallow up to 6 trains per hour is within a long term timeframe, I consider this comes within the meaning of 'planned public transport' and the subject site comes within the 'High Capacity Public

Transport Node or Interchange' category. SPPR 3 does not specify a maximum car parking standard for this category, although it stated (at Table 3.8) that highest densities should be applied at the node or interchange and decrease with distance. Having regard to all information on file, I consider that the quantum of parking spaces to be provided on site (13 no.) would not be inconsistent with SPPR 3.

7.3.40. In terms of detail regarding parking space type, Development Plan Objective TM 12-12: EV Charging (a) states that infrastructure for electric vehicles will be integrated into developments in line with national requirements, and SPPR 3 states that where parking is reduced local authorities should be satisfied that mobility needs of residents and workers can be satisfied, for example, through car and bike share. In the event that the Board was minded to grant permission for the proposed development, it is recommended that a short-stay EV parking space and a car club space with functional electric vehicle (EV) charging points be provided. This matter could be addressed by way of condition.

7.3.41. With regard to cycle parking, the Development Plan requires minimum 1no. long term parking space per bedroom, and 1no. short stay (visitor) space per 2 units. This equates to a requirement for 38 no. long stay spaces and 11 no. short stay spaces, a total of 49 no. spaces. Separately, SPPR 4 of the Settlement Guidelines requires all new housing schemes to include cycle storage facilities, and recommended requirements of these Guidelines equate to the provision of 38 no. spaces and additional visitor spaces.

7.3.42. The FI site layout shows the provision of 52 no. cycle parking spaces, comprising 20 no. covered spaces near the southern site boundary, and 32 no. spaces in Bike Store 2. The quantum of cycle spaces exceeds the minimum Development Plan standard (49no.) required. I consider that the quantum required by SPPR 4, namely 38 no. spaces plus additional visitor spaces, which in this case is 14no., is adequately addressed.

7.3.43. In terms of detail, as SPPR 4 states that it will be important that some provision is made for a mix of bicycle parking types such as larger/heavier cargo bikes and electric bikes, I consider that in the event the Board was minded to grant permission, that the matter of cycle parking types could be addressed by way of condition.

7.3.44. For completeness, I note that Objective MW-GO-05 (Vol. 3) of the Development Plan is to prepare a Local Transport Plan for Mallow to address the transportation issues affecting the town. While this objective is noted, there is no information on file to indicate that a Local Transport Plan has been or is being prepared.

7.3.45. In conclusion with regard to density and transportation, I note that the proposed development would result in a relatively dense scheme of 73.3uph. Given the site context, principally its proximity to the town centre and to Mallow train station, and noting also the less environmentally sensitive land use zoning along most of the western site boundary, and having regard to the height and scale of the proposed blocks and overall site layout, I consider that the proposed development, served by a limited number of car parking spaces, would not be in conflict with the provisions of the Development Plan nor with SPPRs 1, 3 and 4 and public open space requirements of the Settlement Guidelines. Accordingly, I consider that the proposed development comprising 22 no. residential units on a 0.3ha site at this location would be acceptable.

7.4. Planning Authority's Condition 3

7.4.1. The applicant's grounds of appeal include that Condition 3 is unwarranted, which requires Block 1 containing 4 no. apartments to be amended to comprise 2 no. semi-detached dwellings. The stated reason is in the interests of orderly site development which decreases parking requirements, site coverage and enhances housing mix and the relationship between the site and surrounding residential properties.

7.4.2. The proposed unit mix as amended by FI is as follows:

- 10 no. 1-beds: 45.4%
- 8 no. 2-beds: 36.3%
- 4 no. 3-beds: 18.18%

7.4.3. This unit mix is in compliance with SPPR 1 of the Apartment Guidelines which state *inter alia* that housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total as studios) and there shall be no

minimum requirement for apartments with three or more bedrooms. I consider the unit mix to be acceptable with reference to SPPR 1.

- 7.4.4. For completeness, the submission of a Statement of Housing Mix as outlined under Objective HOU 4-6 is stated to be a requirement of the current Development Plan. I note however that the application was lodged prior to this Development Plan coming into effect.
- 7.4.5. I consider that the proposed development would be acceptable in terms of its visual impact generally and on the Emmet St. streetscape in particular. Given that the proposed development is considered to be acceptable in terms of its relationship to surrounding residential properties and also in terms of its relatively limited car parking provision, as outlined elsewhere in this report, in the event that the Board was minded to grant permission for the proposed development, I do not consider that Condition 3 or other similar condition is required.

7.5. Planning Authority's Condition 11

- 7.5.1. The first party argues that there is no requirement for a Section 47 Agreement as set out in Condition 11 to be entered into, and references Section 4 of the Regulation of Commercial/Institutional Investment in Housing Guidelines (May 2021).
- 7.5.2. I note that Regulation of Commercial Institutional Investment in Housing Guidelines (Department of Housing, Local Government and Heritage, May 2021) are issued under Section 28 of the Planning and Development Act 2000 (as amended). Section 2.0 states that the purpose of same is to set out planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units, and to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes.
- 7.5.3. Section 4.0 outlines that a structure to which these guidelines applies is (a) a house, and (b) a duplex unit, which are further defined in the Guidelines. It is further set out that planning authorities and An Bord Pleanála are to have regard to the need to

apply either of two specified planning conditions, further to Sections 39(2) and 47 of the Planning and Development Act 2000 (as amended), in respect of all housing developments that include 5 or more houses and/or duplex units.

- 7.5.4. The development as amended by FI comprises 22 no. residential units, of which 18 no. are apartments and 4 no. are duplexes. (The application originally lodged included 6 no. duplexes). I consider therefore that as the proposed development as amended by FI does not include 5 or more houses and/or duplex units, it does not meet the criteria for either of the two specified planning conditions to be applied. Accordingly, I consider that in the event the Board was minded to grant permission for the proposed development, a condition requiring the applicant to enter into a Section 47 Agreement as set out in the Regulation of Commercial Institutional Investment in Housing Guidelines would not be required.

7.6. Planning Authority's Conditions 15 and 42

Condition 15

- 7.6.1. Condition 15 requires the submission of a Drainage Impact Assessment (DIA) and SUDS statement per Practice Note No. 2 Surface Water Management (Cork County Council, 2022), and DIA will demonstrate net biodiversity gain by implementation of Nature Based Solutions (NBS) into the overall drainage solution. However, I consider that in the event that the Board was minded to grant permission that Condition 15 or other similar condition would not be required, and this is further discussed below.
- 7.6.2. The site is currently substantially hardsurfaced, with some areas of recolonisation noted. I note that the Development Plan does not preclude the provision of surface water attenuation tanks. However, it states (at Section 11.10.3) that while engineered attenuation in underground tanks may be necessitated in limited circumstances, a range of solutions should be considered in a SuDS scheme, and also Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design includes (c) proposals should demonstrate that due consideration has been given to nature based solutions in the first instance in arriving at the preferred SuDS solution. The Area Planner's report on the CFI response highlights that the current Development Plan was adopted since the application was originally lodged, and that

the focus of surface water management has shifted from volumetric control to wider benefits for water quality and biodiversity. Separately, Cork County Council Advice Note No. 1 Surface Water Management (December 2022) outlines that an attenuation tank should only be provided as a last resort where other measures are not feasible. For clarity, I note that the CFI response was lodged on 11 October 2022, i.e., prior to December 2022.

7.6.3. In terms of surface water management proposals for the proposed development, the Proposed Storm Water & Foul Sewer Layout (Drawing No. 5020; Issue A) lodged with the application indicates the attenuation tank's capacity as 150m³, and the CFI drawing also shows the tank volume to be 150m³. (On a detail, the Infrastructure Report lodged with the application states that the attenuation tank comprises 120m³). In response to the FI request, a management company is proposed to manage the maintenance of the attenuation system, and in response to requested consideration of nature based SuDS techniques, it is stated that where possible, tree pits will be fitted along the estate road to drain and treat surface water run off.

7.6.4. The CFI letter from a consulting engineering firm states -

- Existing stormwater discharge will be reduced to that of a greenfield site by attenuation storage. This will reduce the maximum stormwater discharge from 25.5l/s to 2.20l/s. Control of runoff by attenuation methods requires a hydraulic control to restrict the magnitude of flows passing downstream, together with upstream storage capacity to contain the volume of runoff held back by the hydraulic control.
- The new wastewater sewer and storm sewer systems shall be separated within the development and connected together immediately prior to connection point to the existing IW network.

7.6.5. The internal reports (Water Services and Area Engineer) on the CFI response have no objection subject to conditions, and such conditions do not include Condition 15 or similar. The Second Water Services report notes agreement on behalf of IW regarding storm water, although I note that there is no separate IW/UE report relating to the CFI response on file.

- 7.6.6. I note that the Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas – Water Sensitive Urban Design, Best Practice Interim Guidance Document (Department of Housing, Local Government and Heritage, 2021) includes that the aim is to have nature-based solutions to the management of rainwater and surface water runoff in urban areas as an integral part of the overall urban design, rather than as stand-alone features or ‘SuDS features’.
- 7.6.7. I consider that while the implementation of nature-based solutions in the drainage solution for the proposed development would be a positive approach to surface water management, having regard however to the nature and detail of the requirements sought by Condition 15, this matter could not reasonably be adequately addressed by condition. In this regard I note also that maintenance details sought by FI for the attenuation tank have been provided.
- 7.6.8. In addition, I note that the Site Specific Flood Risk Assessment (SSFRA) lodged with the application includes that surface water run off from the overall development lands will be attenuated to allowable greenfield runoff rate (Q_{bar}) before discharging to the public network to the east of the site on Emmet St. In this regard I would have concerns that as the SSFRA takes account of *inter alia* surface water management proposals which include underground attenuation storage, that any revised drainage proposals required by Condition 15 for the site have not been taken into account in the preparation of the SSFRA. Accordingly, as any implications for the SSFRA arising from the requirement to comply with Condition 15 have not been demonstrated, I consider that the matters sought to be addressed by Condition 15 could not be reasonably addressed by way of condition.
- 7.6.9. Having regard to the indicated significant reduction in stormwater discharge, the provision of an attenuation tank, the internal reports and the IW/UE reports on file, and the recent removal of combined sewer overflows from the network and the upgrade of Mallow wastewater treatment plant, on the basis of the information on file, I consider that the surface water management proposals are adequately addressed in the proposed development and would be acceptable. In the event that the Board is minded to grant permission for the proposed development, I consider that standard conditions requiring drainage arrangements including the attenuation and disposal of surface water to be in accordance with the requirements of the

planning authority and the applicant to enter into a connection agreement with IW/UE should be applied in this case.

Condition 42

- 7.6.10. The planning authority's Condition 42 seeks solutions to treatment of an existing foul sewer at the north western area of the site. The condition requires the developer/applicant to furnish wayleave details for the existing collection network traversing the northern section of the site, states no structures shall be permitted over the sewer or within the wayleave, access route to the sewer must be maintained, and diversion and decommissioning options shall be submitted to and agreed prior to commencement of development.
- 7.6.11. While this condition states no structures shall be permitted over this sewer, neither Condition 42 nor any other condition expressly require the omission of specific residential units in Block 2. Separately, Condition 2 states that the permission is for 18no. units, and Condition 3 requires the omission of Block 3 and amendments to Block 1. No detailed requirements for a wayleave, such as a minimum distance either side of the existing foul sewer to be maintained, are specified in Condition 42.
- 7.6.12. The Proposed Storm Water & Foul Sewer Layout (Drawing No. 5020; Issue A) lodged with the application shows an existing foul sewer traversing the north western corner of the site, and states existing line of sewer to be diverted. The northernmost part of Block 2 is positioned over this sewer. For clarity, this drawing does not show this sewer to be decommissioned, nor is there any reference to decommissioning same in the submitted Infrastructure Report.
- 7.6.13. In terms of detail, I note that the northern elevation of Block 2 is re-positioned approx. 0.9m northwards in the FI response, such that the footprint of Block 2 relative to its position over the sewer would differ slightly from that shown on the drawings originally lodged. The CFI Proposed Surface Water and Foul Sewer Layout (Drawing No. 5020; Issue B) does not show the existing foul sewer at the north western area of the site. In addition, this CFI drawing shows Block 2 approx. 4m from the northern site boundary, and not approx. 2.8m as shown on the FI site plan.

- 7.6.14. The Second Water Services report on the CFI response states that the amended foul sewer design will connect to the existing collection network on Emmet St. and will avoid connection to a network within the Flood Zone. While welcoming this amendment, it states that the applicant has failed to deal with the existing foul sewer, that previously the existing sewer was being decommissioned, and recommends a condition which is the basis for Condition 42. However, while Condition 42 refers to decommissioning options, as outlined previously, it would appear that the sewer was originally proposed to be diverted only, and not decommissioned.
- 7.6.15. The IW/UE letter to the applicant's planning consultant dated 26 January 2022, lodged as FI on 21 June 2022, includes a map outlining current IW infrastructure adjacent to the subject site. While some details on the mapping are not easily discernible, and noting also that a caveat is set out regarding the information, no IW infrastructure is indicated to traverse the north western corner of the subject site.
- 7.6.16. I note that Condition 42 is not raised as a matter in the appeal submissions. IW/UE have not raised any issues regarding drainage across the site. The internal reports have sought solutions to the matter of this existing foul sewer. I consider this reasonable, that this matter can be treated within the site, and I am satisfied that this can be addressed by condition.
- 7.6.17. Based on the information on file, I consider that in the event the Board is minded to grant permission, that a condition is attached requiring details of the diversion of the existing sewer line to be submitted and agreed prior to commencement by the planning authority. Given that Condition 42 includes for decommissioning options, I consider that the condition may also include this option.

7.7. Construction and Environmental Waste Management

- 7.7.1. The Construction and Environmental Waste Management (CEWM) report lodged with the application does not refer to the Invasive Species Management Plan (ISMP), included as Appendix 3 to the Report in Support of AA Screening and NIS. I would have concerns regarding discrepancies and apparent omissions in the CEWM, given that there are no references to the invasive species, Himalayan Knotweed, near the western boundary of the site.

- 7.7.2. The CEWM states (at Section 4.7) that a site compound will be established over the proposed green area. This is inconsistent with the drawing in Appendix A which shows the site compound located in the north eastern corner of the western portion site, in the approximate location of proposed Block 3. (The waste storage and management area is located to south of site compound). It states (at Section 5) that the proposed development is not anticipated to cause an adverse impact on the surface water regime given the remedial and reductive measures outlined.
- 7.7.3. The separate ISMP states that in addition to the possible advance treatment works and pre-construction survey, areas identified as requiring specific invasive species treatment will be demarcated and the designated control measures implemented at the earliest possible stage to reduce the risk of spread along the proposed scheme or beyond the land take. The rationale for a pre-construction survey includes that as invasive species spread quickly, the survey will be undertaken to identify the extent of same at that time, and to update the ISMP. A range of site hygiene measures are outlined including marking out areas where contaminated soil is to be stockpiled and all site personnel to be informed of ISMP requirements.
- 7.7.4. While I consider that the ISMP appears to adequately deal with the matter of invasive species on the site, including proposals to demarcate areas identified as requiring specific invasive species treatment and areas for stockpiling contaminated soil, I would have concerns regarding the absence of any reference to the invasive species and management of same in the CEWM, and consider the CEWM to be deficient in this regard.
- 7.7.5. The FI response confirmed that the ISMP had been submitted with the application but does not comment on the request to incorporate this into a construction and environmental management plan (CEMP). The Second Ecologist's report recommends a condition requiring all works to be implemented on site in accordance with a CEMP which shall be based on the measures proposed within the NIS and ISMP submitted with the application. For clarity, matters relating to Appropriate Assessment are set out in Appendix 2 of this report.
- 7.7.6. Having regard to the relatively limited content of the CEWM on file, and to the detail relating to management options for Himalayan knotweed set out in the ISMP, I

consider that in the event that the Board was minded to grant permission for the proposed development, a condition requiring the submission and agreement prior to commencement of development of a detailed site-specific CEMP which clearly aligns with and incorporates the recommendations of the ISMP would adequately address this matter.

7.8. Disturbance to Property

- 7.8.1. Concerns are raised in the grounds of appeal relating to subsidence, disturbance and damage to third party's home at 5 Prospect Mews.
- 7.8.2. 5 Prospect Mews is located south of the site. The FI site layout shows that the south elevation of Block 2 would be 2.5m from the north elevation of this dwelling house. The Boundary Report lodged with the application states that it is proposed to construct a 2.0m limestone faced pre-cast wall inside the western existing boundary. It is further stated that the site is enclosed by 19th and 20th century walls on its north, east and south sides and an overgrown fence line to the west. Appendix B of the Boundary Report indicates that the existing rubble stone wall is to be retained and supplemented where necessary.
- 7.8.3. The separate Architectural Heritage Impact Assessment contains Appendix 2: Method statement on the repair of boundary walls. The outline schedule of works includes that any programme of works will require method statements to be agreed with contractors in advance of commencement.
- 7.8.4. Having regard to the information on file relating to repairs to the boundary wall, I note that the carrying out of such works on adjoining properties would be temporary in duration. In addition, as outlined previously in this report, it is recommended that a site-specific CEMP would be required to be submitted and agreed with the planning authority prior to commencement of development. Accordingly, I consider that the proposed development would not result in undue adverse impacts on the residential amenities of 5 Prospect Mews.
- 7.8.5. With regard to concerns raised regarding subsidence, the issue of compliance with

Building Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

7.9. Other Issues – Flooding

- 7.9.1. Development Plan mapping indicates that the site is located within Flood Zone C and lands directly to the west and south west of the site are part of an extensive area to which Flood Zone A applies. Flood Zone B applies to lands north of the site (Westbrook Court area). The SSFRA states that following Flood Risk Assessment Stage 2 (Initial Flood Risk Assessment), it was determined that a Justification Test was not required but has been undertaken. It states that the proposed site is considered appropriate as each of the criteria from Section 5.15 (Box 5.1) of the Planning System and Flood Risk Management Guidelines (Department of Environment, Heritage and Local Government and OPW (2009)) have been demonstrated. With regard to the requirement to demonstrate that the proposed development will not increase flood risk elsewhere and if practicable will reduce overall flood risk, it is stated that it is not proposed to adjust any of the boundaries or levels adjacent to the site to the west to which Flood Zone A applies, and existing flood storage will not be affected. On the basis of the information on file, I consider that the matter of flood risk has been adequately addressed in the proposed development.

7.10. Conclusion

- 7.10.1. Having regard to the nature and scale of the proposed development, its location close to Town Centre zoned lands, and its relationship to adjoining residential properties and also to undeveloped lands to the west, I am satisfied on the basis of the information on file, having inspected the site and subject to conditions where appropriate that the proposed development would be in compliance with SPPR 1, SPPR 3, SPPR 4 and public open space requirements of the Settlement Guidelines, and would be not be inconsistent with SPPRs of the Apartment Guidelines.

8.0 Recommendation

- 8.1. I recommend permission be granted for the proposed development.

9.0 **Reasons and Considerations**

Having regard to the location of the site on serviced lands within Mallow town, in close proximity to the town centre and to public transport infrastructure, and to the nature and scale of the proposed development, it is considered that the proposed development would be in compliance with Objective ZU 18-9 of the Cork County Development Plan 2022-2028 and with Specific Planning Policy Requirements (SPPRs) 1, 3 and 4 of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Department of Housing, Local Government and Heritage, 2024), and subject to the conditions set out below, would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

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

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
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	<p>further plans and particulars received by the planning authority on the 21 June 2022 and 11 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, revised drawings shall be submitted to and agreed in writing by the planning authority which shall show:</p> <ul style="list-style-type: none"> (a) A revised window design to serve Bedroom 2 of Unit 20 (Block 2), and may comprise vertical fins or other design to reduce overlooking of residential property to the west. (b) The window serving the upper level hall on the rear (west) elevation of Unit 20 (Block 2) shall comprise obscure/opaque glazing. (c) The window on the west (side) elevation serving the kitchen/living/dining area of Unit 22 (Block 3) shall comprise obscure/opaque glazing. <p>Reason: In the interests of residential amenities.</p>
3.	<ul style="list-style-type: none"> (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority. (b) Prior to commencement of development, revised plans and particulars shall be submitted to and agreed in writing by the planning authority which shall show the existing collection network traversing the north western area of the site. Details to be submitted shall include diversion or decommissioning options for this foul sewer. Any wayleaves, including stated dimensions, shall be shown on the revised drawings.

	Reason: In the interest of public health.
4.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Prior to commencement of development, a revised site-specific Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of the intended construction practices for the development, including:</p> <ul style="list-style-type: none"> (a) The recommendations contained in the Invasive Species Management Plan (ISMP), as set out in Appendix 3 of the Report in Support of Appropriate Assessment (AA) Screening & Natura Impact Statement (NIS) shall be incorporated into the revised CEMP. (b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (c) Location of areas for construction site offices and staff facilities; (d) Details of site security fencing and hoardings; (e) Details of on-site car parking facilities for site workers during the course of construction; (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (g) Measures to obviate queuing of construction traffic on the adjoining road network; (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

	<p>(j) Provision of parking for existing properties at [specify locations] during the construction period;</p> <p>(k) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(l) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
6.	<p>Prior to commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>

7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
9.	<p>Prior to commencement of development, a revised landscaping scheme shall be submitted to and agreed in writing with the planning authority.</p>

	<p>This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species,</p> <p>(ii) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>(b) A timescale for implementation, including details of phasing.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
10.	<p>(a) Screen walls, two metres in height above ground level shall be constructed in concrete block and shall be suitably capped and rendered on both sides in a finish that matches the external finish of residential units.</p> <p>(b) All rear garden walls shall be bounded by block walls, 1.8m in height, capped and rendered, on both sides.</p> <p>Reason: In the interest of residential and visual amenity.</p>
11.	<p>The boundary treatment to adjoining site boundaries shall be carried out in accordance with -</p> <p>(a) details shown on Proposed Landscape Plan (Drawing No. 1920/P/003C), attached to the submitted Boundary Report, and</p> <p>(b) Appendix 2: Method statement on the repair of boundary walls in the submitted Architectural Heritage Impact Assessment.</p> <p>Reason: In the interests of built heritage.</p>

12.	<p>Prior to commencement of development, a revised site layout plan shall be submitted which shall show</p> <ul style="list-style-type: none"> (i) The provision of 13 no. car parking spaces, to include: <ul style="list-style-type: none"> (a) 1 no. disabled space and 1 no. car club space, both of which shall be provided with functional electric vehicle (EV) charging points. (b) 1 no. short-stay Electric Vehicle (EV) parking space shall be provided. (ii) 4 no. cycle spaces near the southern site boundary shall comprise a mix of larger/cargo bike spaces and electric bike spaces. <p>Reason: In the interest of sustainable transportation.</p>
13.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
14.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure with the proposed development.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
15.	<p>Details of materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
16.	<p>Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate/street signs, and house/apartment numbers, shall be provided in accordance with the</p>

	<p>agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
17.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
18.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
19.	<p>Prior to commencement of development, details of the proposed pedestrian access at Humes Lane shall be submitted to and agreed in writing by the planning authority. Details to be submitted shall include dimensioned drawings specifying heights and external finishes of this boundary.</p> <p>Reason: In the interest of orderly development and pedestrian safety.</p>
20.	<p>Prior to commencement of development, revised plans and particulars shall be submitted to and agreed in writing with the planning authority which shall show a raised table type road crossing to be installed at a location to be agreed on Emmet Street.</p>

	Reason: In the interest of orderly development and traffic safety.
21.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Cáit Ryan
Senior Planning Inspector

4 June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315500-23		
Proposed Development Summary	Demolition of existing structures and construction of 22 apartments and duplex units in 3 blocks. Development will include boundary treatments, hard and soft landscaping, car parking, bin storage and site development works. A Natura Impact Statement (NIS) is submitted with this application.		
Development Address	Emmet Street, Mallow, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X	Class 10(b)(i) construction of more than 500 dwelling units.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class 10(b)(i) construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-315500-23	
Proposed Development Summary	Demolition of existing structures and construction of 22 apartments and duplex units in 3 blocks. Development will include boundary treatments, hard and soft landscaping, car parking, bin storage and site development works. A Natura Impact Statement (NIS) is submitted with this application.	
Development Address	Emmet St., Mallow, Co. Cork	
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.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The site is located within Mallow town, in an established residential area. Having regard to the nature and scale of the proposed development that the proposed development would not be exceptional in the context of the existing environment. The proposed development comprises a residential scheme. It would not result in the production of significant waste, emissions or pollutants.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having	The proposed development comprises 22 no. residential units on a 0.3ha site area. The site is located within an established urban area. Houses/residential units in the vicinity are mainly of two-storey and single storey scale. The proposed development is not exceptional in the context of the existing urban environment. There are no significant cumulative considerations having regard to other existing and/or permitted projects.	No No

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 2 – Appropriate Assessment

1.0 Appropriate Assessment

1.1. Screening for Appropriate Assessment – Screening Determination

Description of the Project

- 1.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 (as amended). The subject site is located approx. 280m north of the nearest European site, the Blackwater River (Cork/Waterford) SAC (Site Code 002170). Kilcolman Bog SPA (Site Code 004095) is approx. 12km to the north east.
- 1.1.2. The proposed development comprises demolition of existing structures and construction of a residential development of 22 no. apartments and duplex units in 3 no. blocks, ranging from 1-3 storeys in height, on a 0.3ha site. The development includes boundary treatments, hard and soft landscaping, car parking, bin storage and all ancillary site development works. The site is accessed from Emmet St. and there is a separate, currently closed access point from Humes Lane. A pedestrian entrance to Humes Lane is proposed. On site inspection I note that this is a vacant, brownfield site with a dilapidated single storey former commercial building on site. The steel frame of a former commercial building is located near the southern site boundary. Much of the site appears to be hardsurfaced, with some minor areas of the site noted to be recolonised with scrub. The subject site is generally level, although it is slightly higher than the adjoining lands to the west.
- 1.1.3. The site is bounded to the west primarily by a large tract of undeveloped lands. A stream (Hospital Stream) flows in a southerly direction towards the Blackwater River near the western boundary of these adjoining lands. The site is bounded to the south by established residential development, further south of which is the N72 and Mallow Town Park. The River Blackwater flows in a west-east direction south of the Town Park.
- 1.1.4. The applicant has submitted a Report in Support of Appropriate Assessment (AA) Screening & Natura Impact Statement (NIS), February 2022 (in one document) as

part of the planning application. Appendix 3 comprises An Invasive Species Management Plan (ISMP). Documentation submitted with the application includes Construction and Environmental Waste Management report (CEWM report) and a Site Specific Flood Risk Assessment (SSFRA).

- 1.1.5. The submitted CEWM report does not refer to Himalayan Knotweed or any other invasive species. While the planning authority requested FI for *inter alia* an ISMP to be incorporated into the construction and environmental management plan, the FI response does not address this.
- 1.1.6. With regard to surface water, it is stated (at Section 3.3 of Report in Support of AA Screening) that the 225mm combined sewer which runs along Emmet St. to the east is to be upgraded by IW with a new 600mm combined sewer. There will be one no. surface water discharge point to service the developed site. Surface water discharge rates from the proposed surface water drainage network will be controlled by a vortex flow control device (Hydrobrake or equivalent) and attenuation tank. The surface water discharge will also pass via a full retention fuel/oil separator. Surface water runoff from the site's road network will be directed to the proposed pipe network via conventional road gullies with additional surface water runoff from driveways and roofs also routed to the proposed surface water pipe network.
- 1.1.7. The Proposed Storm Water and Foul Sewer Layout (Drawing No. 5020; Rev. A) lodged with the application is included as Appendix 2 of the submitted Report in Support of AA Screening and NIS. It shows a new surface water manhole at the Emmet St. entrance to the site, indicated to connect to existing Irish Water combined sewer on Emmet St. It states that existing combined system to be upgraded by IW.
- 1.1.8. The FI response states that a management company will manage the maintenance of the attenuation system, and with regard to requested consideration of nature-based SuDS techniques, that where possible it is proposed to fit tree pits along the estate road to drain and treat surface water run off.
- 1.1.9. The subsequent CFI Proposed Storm Water and Foul Sewer Layout (Drawing No. 5020; Rev. B) lodged on 11 Oct. 2022 shows existing foul manhole at the Emmet St.

entrance to the site (as distinct from new surface water manhole originally shown at this location). The CFI layout shows that the surface water sewer connects to the proposed foul sewer just within the Emmet St. site entrance. The CFI response (as per letter from consulting engineer) states that the new wastewater sewer and storm sewer systems shall be separated within the development and will be connected together immediately prior to the connection point to the existing IW network.

1.1.10. For clarity, this assessment does not take account of the possible provision of tree pits nor of the planning authority's Condition 15. This condition requires submission of Drainage Impact Assessment (DIA) that demonstrates net biodiversity gain by implementation of Nature Based Solutions (NBS) into the overall drainage solution and a SUDS statement. In the absence of any detailed nature based solutions into the overall drainage arrangements for the site, I consider that the AA screening should be based on *inter alia* surface water management proposals described in the submitted AA Screening Report, and as modified in the FI and CFI response, i.e., not on the basis of information required to be submitted pursuant to Condition 15.

1.1.11. With regard to **waste water**, the submitted AA Screening Report states:

- the IW response to the pre-connection enquiry dated 26 January 2022 confirmed that subject to a valid connection agreement and network/WWTP upgrades, the proposed connection to the IW network could be facilitated.
- The IW project underway will provide the necessary upgrade and capacity at Mallow WWTP, scheduled to be completed by 2023, subject to change.
- No dwelling or apartment shall be occupied until the upgrade works to Mallow WWTP permitted under P.A. Ref. 19/5078 have been completed.
- The foul waste within the development will be collected via an internal gravity network and will discharge to the public foul sewer.

1.1.12. For clarity, I note that there would appear to be some discrepancies in the submitted AA Screening Report, whereby it is stated that the foul sewer (along with the surface water sewer) will discharge to a combined sewer and elsewhere states that it will

discharge to the public foul sewer. Similarly, with regard to surface water, while reference is made to the existing 225mm combined sewer to be upgraded to a 600mm combined sewer, it is elsewhere stated (at Section 4.7.4) that the drainage will connect to the existing public surface water sewer. While these discrepancies are noted, they are not considered to materially impact on the AA screening determination. In addition, as outlined previously, the CFI response confirms that the new wastewater and storm sewer systems shall be separated within the proposed development and connected together immediately prior to connection point to the existing IW network.

1.1.13. Separately, both the Uisce Éireann and Cork County Council websites confirm that the Mallow wastewater treatment plant upgrades have been completed. This is further confirmed in Cork County Council's April 2024 Progress Report on the County Development Plan 2022-2028. I note that the P.A. Ref. 19/5078 permission granted to Irish Water in 2020 includes for the removal of combined sewer overflows from the network.

1.1.14. With regard to water supply, the IW letter on file dated 19 May 2022 states that connection feasible.

1.1.15. In terms of flood risk, the site is within Flood Zone C. For context however, lands directly to the west of the site are part of an extensive area to which Flood Zone A applies. Flood Zone B applies to lands north west of the site (Westbrook Court area). A site-specific flood risk assessment (SSFRA) was lodged with the application. The SSFRA concludes that following the Flood Risk Assessment Stage 2 (Initial Flood Risk Assessment), it was determined that a Justification Test was not required but has been undertaken. It states that on completion of the Justification Test the proposed site is considered appropriate as each of the criteria from Section 5.15 (Box 5.1) of the Planning System and Flood Risk Management Guidelines (Department of Environment, Heritage and Local Government and OPW (2009)), have been demonstrated.

1.1.16. I note that with regard to criterion 2(i) of the Justification Test, relating to ***the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk***, it is stated that a number of SuDS methodologies are

being proposed as part of the surface water drainage proposals for the site, which include attenuation of surface water runoff to greenfield runoff rates. It references Section 5.2. Surface Water Management Measures and SuDS of the SSFRA, which includes underground attenuation storage, i.e., the proposed surface water management measures which include underground attenuation are specifically referred to in the SSFRA.

1.1.17. **Irish Water/Uisce Éireann** letter dated 19 May 2022 states that a CoF has issued, and that IW have no objection to the proposal subject to constraints outlined in the CoF and conditions. With regard to wastewater, it states that connection is feasible subject to upgrade, and that IW has a project underway which will provide the necessary upgrade and capacity at Mallow WWTP.

1.1.18. **Inland Fisheries Ireland (IFI)** states that it is not in principle opposed to the development, that the Council should be entirely satisfied that adequate treatment capacity exists at the WWTP and that design capacity and treatment level provided is sufficient to cater for additional loading without adverse effect on performance efficiency. Where wastewater treatment capacity is currently inadequate, IFI consider the development to be premature. It requests conditions relating to minimizing discharges of silt/suspended solids to waters, fuel oil storage and that biosecurity measures be considered if permission is granted.

Potential Impact Mechanisms from the Project

1.1.19. **With regard to direct/indirect impacts**, the proposed development does not lie within or adjacent to any European designated sites. There will be no direct impacts, such as habitat loss or modification to European sites as a result of this proposed development.

1.1.20. The proposed development site is located approx. 280m north of the Blackwater River (Cork/Waterford) SAC. The Hospital Stream is stated to be located approx. 70m to the west, although I estimate that the site's western boundary is in the range of approx. 50m – 63m from this stream, based on Development Plan mapping. This stream flows south into the River Blackwater approximately 380m downstream of the subject site. This stream is therefore hydrologically linked to River Blackwater SAC.

There is a potential indirect hydrological connection in the form of surface water run-off via land and the Hospital Stream at construction stage.

1.1.21. The submitted AA Screening Report states

- Proposed development will not result in any loss or deterioration of habitat within Natura 2000 sites.
- With regard to noise and disturbance impacts, otter is listed on Annex II of the Habitats Directive and is a conservation objective for the SAC. Given the small scale, daytime works schedule and short-term nature of the works, no impact on qualifying species is predicted to occur during the construction phase, and given the absence of suitable habitats for QI species and existing noise environment no such impacts will occur during the operational phase.
- surface water run-off during construction could potentially be contaminated with silt, hydrocarbons or other chemicals, potentially impacting on water quality within the SAC and on aquatic habitats via the Hospital Stream, and that changes in water quality during construction have therefore been screened in.
- no significant impact on water quality during operation is predicted and no impact on conservation objectives of the SAC.
- Given the design measures incorporated into the proposed development, no impact from increased flood risk nor impact on the SAC predicted to occur.
- Given that proposed development will not be connected to the WWTP until upgrade works are complete, no impact on local water quality is predicted to occur from wastewater discharges during operation.
- Himalayan Knotweed was recorded within the subject site, and further investigation required to determine if the spread of invasive species could potentially impact on conservation objectives of the SAC. Disturbance to invasive species could lead to dispersal via machinery, materials, clothing or wild animals

1.1.22. I consider that potential indirect effects on the Blackwater River (Cork/Waterford) SAC relate to:

- Impacts from surface water run-off during construction
- Impacts from surface water run-off and impacts from wastewater discharge during operation
- Spread of invasive species Himalayan Knotweed

These matters are further discussed in the following sections.

European Sites at Risk

1.1.23. The NPWS Site Synopsis for the Blackwater River (Cork/Waterford) SAC Site Code 002170) includes that the River Blackwater is one of the largest rivers in Ireland, draining a major part of County Cork and five mountain ranges. The site consists of the freshwater stretches as far upstream as Ballydesmond and the tidal stretches as far as Youghal Harbour and many tributaries. The site is important for the presence of several E.U. Habitats Directive Annex II animal species, including Sea Lamprey (*Petromyzon marinus*), Brook Lamprey (*Lampetra planeri*), River Lamprey (*L. fluviatilis*), Twaite Shad (*Alosa fallax fallax*), Freshwater Pearl Mussel (*Margaritifera margaritifera*), Otter (*Lutra lutra*) and Salmon (*Salmo salar*). The Awbeg supports a population of White-clawed Crayfish (*Austropotamobius pallipes*), a threatened species. The freshwater stretches of the Blackwater and Bride Rivers are designated salmonid rivers. Main threats to the site and current damaging activities include high nutrient inputs from agricultural run-off and several sewage plants, dredging of the upper reaches of the Awbeg, over-grazing within woodland areas, and invasion by non-native species.

1.1.24. S.I. No. 269 of 2009 relates to EC Environmental Objectives (Freshwater Pearl Mussel) Regulations 2009, the purpose of which is to support the achievement of favourable conservation status for freshwater pearl mussels. The First Schedule sets out the habitats of freshwater pearl mussel to which these regulations apply, and include SAC 002170 Blackwater River (Cork/Waterford) cSAC, with reference to Munster Blackwater (main channel).

1.1.25. Table 1 below sets out 1 no. European site at risk from impacts of the proposed development.

Table 1: European Sites at risk from impacts of the proposed project

Effect Mechanism	Impact pathway/zone of influence	European Site(s)	Qualifying interest features at risk
Potential deterioration in water quality and sedimentation from surface water run-off during construction phase and potential spread of invasive species Himalayan Knotweed.	Hospital Stream located approx. 50m-63m to west of subject site is hydrologically connected to the Blackwater River (Cork/Waterford) SAC approx. 280m to south.	Blackwater River (Cork/Waterford) SAC. Site Code: 002170	3260 Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation
Potential deterioration in water quality and sedimentation from surface water run-off during construction phase. The AA Screening Report states -impacts on prey availability could impact on otter.	As above.	As above.	1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> 1092 White-clawed Crayfish <i>Austropotamobius pallipes</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i>

-Potential disturbance impacts for QI species have been screened out.			1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water) 1355 Otter <i>Lutra lutra</i>
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1.1.26. The Blackwater River flows through the Blackwater Callows SPA (Site Code 004094), which is approx. 28km east of the subject site. S.I. No. 191 of 2012 relates to EC (Conservation of Wild Birds (Blackwater Callows Special Protection Area 004094)) Regulations 2012 and Special Conservation Interests (SCI) are:

Bird Species: Whooper Swan (*Cygnus cygnus*), Wigeon (*Anas Penelope*), Teal (*Anas crecca*), Black-tailed Godwit (*Limosa Limosa*)

Wetland and Waterbirds

This SPA site would be at a greater remove and subject to further dilution effects within the river such that significant effects from the proposed development are not considered likely.

1.1.27. Kilcolman Bog SPA is approx. 12km north west of the site. S.I. No. 386 of 2010 EC (Conservation of Wild Birds (Kilcolman Bog Special Protection Area 004095)) Regulations 2010 relates to this SPA, and Special Conservation Interests (SCI) are:

- *Bird Species:* Whooper Swan (*Cygnus cygnus*), Teal (*Anas crecca*) and Shoveler (*Anas clypeata*).
- *Wetland and Waterbirds*

1.1.28. It is stated (at Section 4.3.1 – Table 1 of the AA Screening Report) that the largely manmade habitats within the subject site do not provide habitat for SCI species for the Kilcolman Bog SPA, and as there is no pathway for impact on these SCI species for this SPA as a result of the proposed development, and given the distances involved, no potential impact on other designated sites is predicted to occur.

1.1.29. I am satisfied that the potential for impacts on Kilcolman Bog SPA can be excluded at preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works, the absence of ecological and hydrological pathways and the conservation objectives of the designated sites.

1.1.30. The possibility of indirect impacts on all other European sites has been excluded on the basis of objective information. I have screened out all other European sites, based on a combination of factors including the intervening minimum distances, and the absence of hydrological or other pathways. I am satisfied that there is no potential for likely significant effects on these screened out sites.

Likely Significant Effects on the European Site(s) 'alone'

1.1.31. With regard to the matter of whether the conservation objectives could be undermined from the effects of the proposed development 'alone', I note that the submitted AA Screening Report states -

- The area around Mallow is heavily agriculturalized, and wastewater is also discharged from settlements such as Mallow.
- surface water run-off during the construction phase could potentially be contaminated with silt, hydrocarbons or other chemicals, which could potentially lead to in-combination impacts within the Blackwater River SAC.
- As no significant disturbance impacts have been identified, no significant in-combination disturbance is predicted to occur.
- Further investigation is required to examine potential in-combination impacts on qualifying habitats and species via impacts on water quality and spread of invasive species within the Blackwater River SAC.

1.1.32. I note the content of the submitted AA Screening Report outlined above. However, I consider that having regard to the nature, scale and location of the proposed

development that conservation objectives of Blackwater River (Cork/Waterford) SAC would not be undermined 'alone'. This is set out further in Table 2.

Table 2: Could the project undermine the conservation objectives 'alone'				
European Site and qualifying feature	Conservation objective (summary) (favourable status)	Could the conservation objectives be undermined (Y/N)?		
		Effect A : Surface water run-off during construction	Effect B : Surface water run-off and wastewater discharge during operation	Effect C: Spread of invasive species Himalayan Knotweed
ABlackwater River (Cork/Waterford) SAC Site Code 002170				
1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>	Restore	N	N	N
1092 White-clawed Crayfish <i>Austropotamobius pallipes</i>	Maintain	N	N	N
1095 Sea Lamprey <i>Petromyzon marinus</i>	Restore	N	N	N
1096 Brook Lamprey <i>Lampetra planeri</i>	Maintain	N	N	N
1099 River Lamprey	Maintain	N	N	N

<i>Lampetra fluviatilis</i>				
1103 Twaite Shad <i>Alosa fallax</i>	Restore	N	N	N
1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water)	Maintain	N	N	N
1130 Estuaries	Maintain	N	N	N
1140 Mudflats and sandflats not covered by seawater at low tide	Maintain	N	N	N
1220 Perennial vegetation of stony banks	Maintain	N	N	N
1310 <i>Salicornia</i> and other annuals colonizing mud and sand	Maintain	N	N	N
1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)	Restore	N	N	N
1355 Otter <i>Lutra lutra</i>	Restore	N	N	N
1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	Maintain	N	N	N
1421 Killarney Fern <i>Trichomanes speciosum</i>	Maintain	N	N	N
3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	Maintain	N	N	N
91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	Restore	N	N	N
91E0 *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-	Restore	N	N	N

<i>Padion, Alnion incanae, Salicion albae)</i>				
91J0 * <i>Taxus baccata</i> woods of the British Isles	Restore	N	N	N

1.1.33. With regard to potential indirect effects arising from **surface water run-off during construction**, I note that the Hospital Stream (IE_SW_18B021600) located approx. 50m-63m to the west of the site has a direct hydrological connection to the River Blackwater further to the south. I note that a Construction and Environmental Waste Management (CEWM) report was lodged with the application which includes Proposed Construction Access and Site Facilities drawing. The site compound is shown to be located in the western portion of the site, at its north eastern corner, in the approx. location of proposed Block 3. (In terms of detail, the CEWM report erroneously states (at Section 4.7) that a site compound will be established over the proposed green area). The construction compound would be located approx. 74m from the Hospital Stream. Details contained in the CEWM are standard construction management measures including:

- Silt traps will be installed on surface water drains during site works.
- Fuels, lubricants and hydraulic fluids for equipment used on the construction site will be carefully handled to avoid spillage, secured against unauthorized access and provided with spill containment according to best codes of practice. Any spillage will be immediately contained and contaminated soil disposed of.

1.1.34. I note the content of the submitted CEWM report, and consider that the measures outlined are standard construction practices that are an integral part of the proposed development that will be implemented by those carrying out the works at the same time and as part of the same process, as opposed to separate measures that would be conceived and implemented to mitigate potential impact on Natura 2000 sites. I note the proximity of the subject site to the Hospital Stream. However, having regard to the nature and scale of the proposed development and standard construction practices outlined in the submitted CEWM report, I consider that there is no potential for pollution to enter the watercourses, across the site to the west during construction. I consider that

potential indirect effects arising from surface water run-off during construction on Blackwater River (Cork/Waterford) SAC can be screened out.

- 1.1.35. With regard to potential impacts from surface water run-off and impacts from wastewater discharge during operation, the proposed development will be served by separate surface water and foul sewer systems within the site, and will connect to a combined sewer near the Emmet St. entrance to the site. Surface water discharge rates will be controlled by a vortex flow control device (Hydrobrake or equivalent) and associated attenuation tank, and surface water discharge will pass via a full retention fuel/oil separator (sized in accordance with permitted discharge from the site).
- 1.1.36. The submitted AA Screening Report (February 2022) states that the proposed development could potentially result in increased nutrient discharge to the River Blackwater via Mallow WWTP and that no residential unit will be occupied until upgrade works to the WWTP have been completed. The IW/UE letter on file dated 19 May 2022 states that wastewater connection is feasible subject to upgrade, and that there is currently not enough capacity at Mallow WWTP. However, I note that the IW/UE and Cork County Council websites confirm that upgrades to the Mallow WWTP have been completed. The project involved upgrading the original Mallow WWTP, constructing a new pumping station and stormwater holding tank at Mallow Bridge.
- 1.1.37. The matter of waste water connection to serve the proposed development being contingent on the completion of the upgrades to Mallow WWTP and sewer network has been adequately addressed. Having regard to the nature of the proposed development which is to be served by mains drainage (combined sewer), I consider that no significant impact on water quality is predicted to occur and that there will be no impact on the conservation objectives of the Blackwater River (Cork/Waterford) SAC as a result of surface water discharge or waste water discharge at operational stage. Accordingly, I consider that impacts on water quality during operational stage can be screened out.
- 1.1.38. With regard to **potential impacts for the spread of invasive species**, I note the location of Himalayan Knotweed along the western site boundary, as shown in the Invasive Species Management Plan (ISMP) (Fig. 1), which is included as Appendix 3 of the Report in Support of AA Screening and NIS. Table 8 of the submitted AA Screening Report screens in potential impacts on QI Water courses of plain to montane levels with

the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation [3260]. Deterioration in water quality and sedimentation during construction works as well as invasive species impacts arising from the project are stated to have potential to adversely affect the Conservation Objectives for this QI.

- 1.1.39. I note that the ISMP states that the high risk non-native Himalayan Knotweed *Persicaria wallichii* has been recorded on the subject site, within scrub habitat on the western boundary. A range of site hygiene measures including marking out areas where contaminated soil is to be stockpiled and all site personnel to be informed of ISMP requirements are set out. The proposed management plan would be agreed with the Council prior to works being carried out. Of the 6 no. management options, the preferred methods depending on the timeframe of commencement works are advance chemical treatment and continued chemical treatment of regrowth, and excavation and removal off-site.
- 1.1.40. I consider that the range of measures relating to management of Himalayan Knotweed set out in the ISMP would be acceptable, including that final methodology be agreed with the planning authority, and that subject to implementation of the stated measures in the ISMP, that the proposed development would not be likely to negatively impact on water quality within the Blackwater River SAC nor impact, directly or indirectly on any habitats or species listed as features of interest for the SAC. I consider that the measures outlined in the ISMP are standard construction practices, that matters relating to invasive species are subject to a separate legal code namely European Communities (Birds and Natural Habitats) Regulations 2011, and are clearly not included as a measure to mitigate potential impacts on European sites. In reaching this conclusion, I have taken no account of mitigation measures intended to avoid or reduce the potentially harming effects of the project on any European sites.
- 1.1.41. In terms of detail, as outlined previously in this report, I consider the CEWM report to be deficient in terms of lack of any reference to invasive species. In the event that the Board was minded to grant permission, it is recommended that a condition is attached which requires the submission of a site specific CEMP which incorporates the relevant measures in the ISMP.

1.1.42. Having regard to the matters outlined above, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of Blackwater River (Cork/Waterford) SAC. Further AA screening in-combination with other plans or projects is required.

1.1.43. For clarity, I have noted the content of the submitted Bat Survey in this examination of AA Screening for the proposed development. The Bat Survey states that the closest records for Lesser Horseshoe Bat, the only species of bat listed on Annex II of the Habitats Directive (Directive 92/43/EEC), is approx. 18km west of the proposed development site. With regard to the subject site, the bat survey concludes that low numbers of bats were recorded commuting over the site, but that no bat foraging nor evidence of roosting was recorded. Bats are not listed as a QI for Blackwater River (Cork/Waterford) SAC. Accordingly, I consider that it can be concluded that potential impacts on bats arising from the proposed development can be screened out.

Likely significant effects on a European site(s) 'in-combination with other plans and projects'

1.1.44. As it has been concluded that there are no likely significant effects alone, it is necessary to consider the proposal in combination with other plans and projects.

1.1.45. The submitted AA Screening Report does not list plans/projects which may give rise to in-combination impacts (at Section 4.7.8). It outlines that high negative pressures identified for the Blackwater River (Cork/Waterford) SAC include grazing, fertilization and cutting of grassland, and that intensive agriculture can have significant impacts on aquatic ecology. Wastewater is discharged from settlements including Mallow, and surface water run-off during the construction phase could potentially be contaminated, potentially leading to in-combination impacts with the Blackwater River (Cork/Waterford) SAC. As no significant disturbance impacts have been identified, no significant in-combination disturbance is predicted to occur.

1.1.46. Information provided elsewhere in this submitted document includes River Basin Management Plan for Ireland 2018-2021 (2nd Cycle) and Water Framework Directive Status 2nd Cycle. These and other plans/projects are outlined in Table 3.

Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.

Plan/Project	Effect Mechanism
<p>Water Framework Directive Status 2nd Cycle.</p> <p>The EU Water Framework Directive (2000/60/EC) requires all Member States to protect and improve water quality in all waters so that good ecological status is achieved by 2015 or at the latest by 2027.</p>	<p>As the WFD seeks to protect and improve water quality, no significant in-combination effects are predicted to occur.</p>
<p>River Basin Management Plan for Ireland 2018-2021 (2nd Cycle)</p> <p>A NIS was prepared to further inform the AA of the RBMP, and concluded that the Plan individually or in combination with other plans or projects is not likely to have a significant effect on a European site. The RBMP's objectives includes supporting measures that will result in status improvements to water bodies.</p>	<p>As the RBMP seeks to improve water quality, no significant in-combination effects are predicted to occur.</p>
<p>Cork County Development Plan 2022-2028</p> <p>Development Plan Objectives include: <u>Vol. 1</u></p> <p>Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design (a) requires all new</p>	<p>The design of the proposed development includes a number of SuDS measures. This will reduce the flow rate of surface water run-off and largely eliminate the risk of pollution to waterbodies arising from surface water run-off during operational phase. In addition, the scale of the proposed</p>

<p>development incorporate sustainable urban drainage systems (SuDS).</p> <p><u>Vol. 5</u></p> <p>Objective MW-GO-02 includes in order to secure the sustainable population growth and supporting development proposed in MW-GO-01 (<i>to enable Mallow to achieve its target population of 15,351 persons</i>), appropriate and sustainable water and waste water infrastructure that will secure the objectives of the relevant River Basin Management Plan and the River Blackwater Special Area of Conservation, must be provided and be operational in advance of the commencement of any discharges from development.</p>	<p>development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.</p> <p>Upgrades to Mallow wastewater treatment system have been completed, and Uisce Éireann has confirmed that water connection is feasible.</p> <p>Further to the 2 no. objectives of the Development Plan outlined, no significant in-combination effects are predicted to occur.</p>
<p>Other Permitted Developments</p> <p>P.A. Ref. 19/5078</p>	<p>Permission was granted to Irish Water to upgrade Mallow WWTP to provide for wastewater treatment capacity for 22,000pe (increased from 18,000pe) to cater for the 10 year design horizon, upgrade sections of sewer network and removal of Combined Sewer Overflows</p>

	<p>(CSOs). This planning permission has been implemented. This application was accompanied by a NIS and was subject of Appropriate Assessment.</p> <p>Uisce Éireann Waste Water Treatment Capacity Register, June 2023 (accessed online 10 May 2024) assigns Mallow a Green status where Green indicates spare capacity.</p>
<p>P.A. Ref. 20/4925</p>	<p>Permission granted in 2021 for partial demolition of Co-Op store and buildings, provision of expanded Co-Op; refurbishment of protected structures; 7no. units for various retail/restaurant/warehouse uses, public realm and site development works. Application includes an EIAR and NIS.</p>
<p>P.A. Ref. 23/5077</p>	<p>Permission granted in 2023 for alterations to co-op store and café permitted (not yet constructed) under P.A. Ref. 20/4925, comprising internal alterations and extension.</p>
<p>ABP Ref. 312640</p>	<p>Permission granted in May 2022 for 299 residential units and crèche at Annabella, Mallow, approx. 1.25km north west of subject site. The An Bord Pleanála decision on this SHD was made subsequent to lodgement of</p>

<p>ABP Ref. 310354</p>	<p>subject application to the planning authority. The Board Order states that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites and that Stage 2 AA not required, notwithstanding submission of NIS.</p> <p>Decision made in 2021 to approve improvement works to Mallow town park. An NIS was lodged with the application.</p> <p>A number of planning permissions for other minor developments are also noted on the planning authority's website, and are not considered relevant to warrant inclusion in this report, due to size and scale.</p> <p>Having regard to the nature and scale of the developments outlined which have been permitted in the vicinity of the subject site in recent years, I consider that no significant in-combination impacts are likely to occur.</p>
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1.1.47. Having regard to the matters outlined in Table 3, the effects of the project 'in combination with other plans and projects' with reference to the conservation objectives for the qualifying features at risk, are outlined in Table 4.

Table 4: Could the project undermine the conservation objectives in combination with other plans and projects?					
European Site and qualifying feature	Conservation objective (summary) (favourable status)	Could the conservation objectives be undermined (Y/N)?			
		Effect A WFD	Effect B RBMP	Effect C Development Plan	Effect D Permitted Developments
Blackwater River (Cork/Waterford) SAC Site Code 002170					
1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>	Restore	N	N	N	N
1092 White-clawed Crayfish <i>Austropotamobius pallipes</i>	Maintain	N	N	N	N
1095 Sea Lamprey <i>Petromyzon marinus</i>	Restore	N	N	N	N
1096 Brook Lamprey	Maintain	N	N	N	N

<i>Lampetra planeri</i>					
1099 River Lamprey <i>Lampetra fluviatilis</i>	Maintain	N	N	N	N
1103 Twaite Shad <i>Alosa fallax</i>	Restore	N	N	N	N
1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water)	Maintain	N	N	N	N
1130 Estuaries	Maintain	N	N	N	N
1140 Mudflats and sandflats not covered by seawater at low tide	Maintain	N	N	N	N
1220 Perennial vegetation of stony banks	Maintain	N	N	N	N
1310 <i>Salicornia</i> and other annuals colonizing mud and sand	Maintain	N	N	N	N
1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)	Restore	N	N	N	N
1355 Otter <i>Lutra lutra</i>	Restore	N	N	N	N
1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	Maintain	N	N	N	N
1421 Killarney Fern <i>Trichomanes speciosum</i>	Maintain	N	N	N	N

3260 Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation	Maintain	N	N	N	N
91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	Restore	N	N	N	N
91E0 *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)	Restore	N	N	N	N
91J0 * <i>Taxus baccata</i> woods of the British Isles	Restore	N	N	N	N

1.1.48. I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

1.1.49. I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

1.1.50. This conclusion is based on:

- Objective information presented in the submitted Report in Support of AA Screening;
- Standard pollution controls and best practices including relating to management of invasive species that would be employed regardless of proximity to a European site and effectiveness of same;
- Completion of upgrade to Mallow WWTP and removal of CSOs from the network;
- Distances from European Sites
- Absence of direct hydrological link between the subject site and European Sites

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.