



An  
Bord  
Pleanála

## Inspector's Report ABP-315701-23

<b>Development</b>	Demolition of sheds and construction of 20 no. semi-detached dwellings.
<b>Location</b>	Ballinvriskig, Upper Glanmire, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2140745
<b>Applicant(s)</b>	Colm Kelleher
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant Permission w Conds
<b>Type of Appeal</b>	Third Party v Decision
<b>Appellant(s)</b>	Nollaig Ó Mathúna
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> December 2023
<b>Inspector</b>	D. Aspell

## **1.0 Site Location and Description**

- 1.1. The site is in Ballinvriskig townland, Upper Glanmire, Cork. Upper Glanmire is a village located on the R616 Upper Glanmire Road outside Cork City.
- 1.2. The site is accessed from the R616 Upper Glanmire Road. There are four large sheds on the site, as well as a number of containers. There are also a number of parking areas with vehicles parked on the site, alongside open grassed areas. The site is elongated in shape and rises in elevation away from the road.
- 1.3. The site is largely to the rear of a dwelling owned by the applicant. There are dwellings across the Upper Glanmire Road to the south. There are open agricultural lands adjacent to the north, east and west. Groundworks were underway on the land adjacent to the east. The roadside boundary is comprised mainly of heaped spoil. The site access is located generally at the brow of a hill.

## **2.0 Proposed Development**

- 2.1. The application as amended at further information stage was for the following:
  - Demolition of existing sheds (c.1, 412sqm);
  - Construction of 17 no. semi-detached and detached dwellings.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Cork City Council issued a notification of decision to grant permission (10<sup>th</sup> January 2023) for 1 no. reason subject to 42 no. conditions. I note the following conditions:
  - Condition 2 required amendment of 3 no. house types;
  - Condition 7 required agreement of external finishes;
  - Condition 9 required agreement regarding water and/or wastewater with Irish Water prior to commencement;

- Condition 23 required submission of a new storm water connection application for the new section of storm sewer in the public road and the proposed connection point into the Ros Ard estate;
- Condition 26 required survey of the storm water network in Ros Ard and to assess its condition and capacity to accommodate the proposed connection;
- Condition 33 required maintenance of sight viewing distances;
- Condition 37 require completion of the submitted road safety audit findings and completion of Stage 3 and Stage 4 audits;
- Condition 41 required that all required road modifications and improvements including the proposed zebra crossing of the R616 are to be completed.

### 3.2. Planning Authority Reports

3.2.1. Planning report: The planning authority report on further information dated 13/03/23 made the following points:

- 17 no. houses are now proposed. The quantum of private open space to the rear of dwelling is acceptable. Proposed finishes include stone, render and slate. The solid to void is unbalanced. Window sizes can be addressed by condition. The design and form of house types is satisfactory having regard to permitted developments in the area;
- Open amenity areas are proposed. It is recommended that a low wall be constructed along the roadside boundary in the interests of safety. Where the public amenity areas meet the north-eastern boundary with the recently permitted scheme to the north, it is recommended that in the interests of softening the perimeter boundary that part of the boundary be replaced with a treeline with hedging. It is recommended that increased landscaping be planted along the entrance to the scheme;
- The response was referred to Irish Water. No report is recorded. This can be addressed by way of condition;

- Regarding the relationship of the proposal to the Kilcully and Upper Glanmire Pedestrian Safety Scheme, and the introduction of a controlled pedestrian crossing, the Infrastructure Division have no further comment to make;
- The required sightlines are achieved. It is proposed to remove and reinstate the applicant's current boundary wall;
- The Traffic Division report does not state any objections to the FI response subject to conditions;
- The planning report notes the report from the Housing Section which does not state any objection;
- The items of further information have been satisfactorily addressed, and grant of permission with conditions is recommended.

#### Other Technical Reports

- 3.2.2. Environment: Report dated 03/01/23 stated no objection subject to waste management and noise related conditions.
- 3.2.3. Traffic: Report dated 13/12/2022 stated no objection subject to 4 No. conditions relating to external lighting; public lighting; Construction Traffic Management Plan; and that all findings of the road safety audit be closed out, signed off and incorporated into the development, and; that Stage 3 and 4 road safety audits be undertaken.
- 3.2.4. Housing: Report dated 14/12/2022 stated no objection subject to conditions.
- 3.2.5. Area Engineer: Report dates 13/12/2022 stated no objection subject to 10 No. conditions. Two recommended conditions related to sight distances as follows:
- Sight distances of 70m in both directions shall be provided on site.
  - Sight viewing distance shall be maintained at the entrance. No vegetation or structure shall exceed 1m in height within the sight distance triangle
- 3.2.6. Parks: Report dates 14/02/22 stated no objection.
- 3.2.7. Infrastructure: Report dated 31/01/2022 stated no objection subject to 3 No. conditions. The three conditions related to implementation of the Kilcully and Upper Glanmire Pedestrian Safety Scheme, requiring the following:

- The applicant shall ensure the site boundary does not affect the Scheme;
- That no construction shall take place in the lands proposed to be acquired for the Scheme, and that there shall be no deposition of material from any works within these lands, and;
- That in consultation with the Council's Traffic Section the applicant shall introduce a controlled pedestrian crossing to provide for the safe passage of pedestrians to the footpath located on the opposite side of the road to the development.

3.2.8. Drainage: Report dates 24/01/2022 stated no objection subject to 6 No. conditions requiring the following:

- All drainage to be separated throughout;
- Drainage layouts to accord with application details submitted;
- Submit a storm water connection application for the new section of storm sewer in the public road and the proposed connection into the Ros Ard estate;
- Clarify intention regarding taking in charge of drainage infrastructure;
- Details of the proposed attenuation;
- Survey storm network in Ros Ard to assess condition and capacity to accommodate the proposed connection.

3.2.9. City Architect: Report dated 23/12/2022 recommends 3 No. elevational changes.

### 3.3. **Prescribed Bodies**

3.3.1. Transport Infrastructure Ireland –TII has no observation to make.

3.3.2. Inland Fisheries Ireland – The submission states that it appears it is proposed to dispose of treated effluent from the development to the public sewer. IFI would ask that Irish Water signifies there is sufficient capacity in existence so that it does not overload either hydraulically or organically existing treatment facilities or result in polluting matter entering waters.

### 3.4. Third Party Observations

3.4.1. None recorded.

## 4.0 Planning History

### 4.1. Subject site:

4.1.1. None recorded.

### 4.2. Nearby sites:

Refs. 2342358 (ABP-319025-23), 2342357 (ABP-319028-23), 2342356 (ABP-319018-23), and 2342355 (ABP-319011-23): Four separate planning permissions granted by the planning authority at Sites No. 4, 3, 2 and 1 respectively, at Ballinvriskig, in 2023, and **currently on appeal** to the Board. Each is for construction of a two-storey detached dwelling and all associated ancillary site development works as previously granted under Reg Ref. 1804842 (See below).

Ref. 2241348: Planning permission refused by the planning authority in 2022 to construct 5 no. 4-bedroom 2-story detached dwellings, new vehicular access to the south of the site onto the R616 in Ballinvriskig immediately adjacent the subject site to the west. The application was refused as the development was in an area zoned ZO 15 Public Open Space and the development would materially contravene the zoning objective.

I note that this development was also to be served by Ros Ard wastewater treatment plant. In that case Irish Water made a submission dated 12/10/2022 and stated the wastewater network and the wastewater treatment plan at Ros Ard is in private ownership and that the applicant was advised to obtain consent to connect to the infrastructure and confirmation of available capacity in the infrastructure from the owner of the infrastructure and provide same to Irish Water prior to applying for a connection to the Irish Water wastewater network.

Ref. 2140600: Planning permission granted by the planning authority in 2022 for 24 no. dwellings, vehicular access onto the R616, car parking, drainage works at Ballinvriskig immediately adjacent the subject site to the east. Reg. Ref. 2241343:

was subsequently granted by the planning authority in 2022 for a change in house type application to Reg. Ref. 21/40600 which would result in 8 no. 2 bedroom, two storey, semi-detached dwellinghouses being replaced with 8 no. 2 bedroom with home office/study room, two storey, semi-detached dwellinghouses.

Ref. 184842: Planning permission granted by the planning authority in 2018 for site development works for 4 no. residential serviced sites in Ballinvriskig immediately adjacent the subject site to the west (See current appeals above).

Ref. 036070: Planning permission granted by the planning authority in 2004 for 125 no. dwellings and associated works including a new wastewater treatment plant (subsequently named 'Ros Ard').

## **5.0 Policy Context**

### **5.1. Development Plan**

#### Land use zoning

The majority of the site is zoned ZO.01 Sustainable Residential Neighbourhoods, with a small part of the site at the western boundary zoned ZO.15 Public Open Space in the Cork City Development Plan 2022-2028. I also note the following:

Core Strategy, including Objectives 2.32 "Housing Supply" and 2.35 "Development in Hinterland Settlements", Section 2.47, Table 2.3 Growth Strategy Table;

Objectives 3.3 "New Housing Supply" and 3.5 "Residential Density", as well as section "Housing in the City Hinterland" including Section 3.52;

Section "Roads" including Objective 4.7 Protection of National Roads;

Objective 6.19 "City Parks and Open Space Provision";

Objective 9.1 "Irish Water" and Objective 9.2 Waste Water, Objective 9.4 "Sustainable Urban Drainage Systems (SUDS)", and Objective 9.6 "Storm Water";

Section "Upper Glanmire" including Section 10.345;

Section "23. Cork's Hinterland" including Objectives 10.96 "Hinterland Settlements" and 10.98 "Protection of Natural Landscape";

Section "Placemaking", including Sections 11.9 and 11.1;

Sections “Residential Development” and “New Residential Development”, including sections “Placemaking and Quality Design” 11.66, “Design Quality” 11.67, “Site Features and Context” 11.68, “Residential Density” 11.69;

Objective 11.3 “Housing Quality and Standards” and sections “Quantitative Standards for Houses” and “Private Space for New Houses” including Objective 11.5 “Private Amenity Space for Houses”;

Section “Rural Dwelling-House Design” sections 11.133 and 11.134;

Section “Transport and Mobility” including Sections 11.227 and 11.228

Section “Water Supply and Wastewater” including sections “Water Supply and Wastewater” 11.257, “Surface Water” 11.260, and “Sustainable Urban Drainage Systems (SUDS)” 11.261.

## **5.2. National guidelines**

Sustainable Residential Development and Compact Settlement Guidelines 2024.

Design Manual for Urban Roads and Streets 2019.

## **5.3. Natural Heritage Designations**

Cork Harbour Special Protection Area (SPA 004030), 4.3km south-east.

Great Island Channel Special Area of Conservation (SAC 001058), 7.2km south-east

## **5.4. Environmental Impact Assessment screening**

- 5.4.1. Having regard to the nature and scale of the proposed development of 17 no. dwellings, their location in a serviced area, and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001, as amended, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See Form 1 & 2 Appendix 1).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. One third party appeal was received, summarised as follows:

- The application is adjacent to and in addition to recently granted permission for 24 no. houses (Ref. 22/40600). This means that 44 no. additional houses and potentially 88 no. vehicles will now exit onto the country road creating a significant traffic hazard. This is compounded by its proximity to Upper Glanmire School which is exceptionally busy at drop-off and collection times;
- The house designs are not in keeping with the rural village nature of Upper Glanmire;
- The applicant provided a certification of feasibility from Irish Water however this is dated July 2018 and suggests that wastewater treatment plant has capacity for only 35 no. houses. The combination of the already permitted development (24 no. houses) and this proposal (20 no. houses) exceeds that amount. Consequently, this application must be deemed premature because of the clear infrastructural deficit.

### **6.2. Response to Appeal**

6.2.1. A response on behalf of the applicant was received 3<sup>rd</sup> March 2023 summarised as follows:

- In relation to vehicle movements, the proposal accords with the Upper Glanmire Pedestrian Safety Scheme (UGPSS) which includes traffic calming and road upgrades for the extent of road running through Upper Glanmire;
- The proposed development incorporates the pedestrian and cycle paths and a pedestrian crossing set out in the Scheme;
- The majority of commuter traffic on the R616 Upper Glanmire Road will be redirected upon implementation of the Cork North Ring Road proposed under the Cork Metropolitan Area Transport Strategy (CMATS):

- In relation to design, Upper Glanmire is not a rural village. It is an inner suburban settlement of Cork City;
- The houses were designed in response to materiality requests from the planning authority and to reflect the dwelling styles recently granted planning permission in the area (Ref. 21/40600). The planning authority has conditioned minor fenestration amendments to the scheme;
- In relation to Irish Water, the UGPSS makes provision for services within the road. It is reasonable to assume Irish Water will meet the community growth needs of the Upper Glanmire community given the investment by Cork City;
- Irish Water will need to generally improve services in the region given the proposed extent of development and population growth proposed for Cork City and environs in the NPF, NDP, RSES and Cork City development plan;
- Preventing investment in anticipation of the completion of infrastructure works will lead to further stagnation and a poor distribution of development through the city and quickly overwhelming areas of the city with sewer access;
- The development has been conditioned to demonstrate an Irish Water agreement prior to the commencement of construction. The development will not progress absent the appropriate services. Refusing permission for this reason will leave Irish Water unable to prioritise areas where developments are ready to progress.

### **6.3. Planning Authority Response**

6.3.1. None received.

### **6.4. Observations**

6.4.1. None.

## **7.0 Assessment**

7.1. Having regard to the foregoing; having examined the application and appeal; having inspected the internal and external parts of the site; and having regard to relevant

adopted policies and objectives, I consider the main issues in this appeal are those raised in the reason for refusal, as follows:

- Land use;
- Roads and traffic;
- Dwelling design;
- Wastewater treatment.

#### Land use – New Issue

- 7.2. In the current development plan the majority of the application red line area is zoned ZO.01 Sustainable Residential Neighbourhoods, however a small part of the site is zoned ZO.15 Public Open Space.
- 7.3. The zoning objective for ZO.01 lands is: *“To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses”*. I am satisfied the proposal is permissible in principle on these lands.
- 7.4. The following matter was not raised at application stage or in appeal correspondence and constitutes a new material issue in this appeal.
- 7.5. Portions of the private rear gardens of 4 no. of the proposed dwellings are within lands zoned ZO.15 Public Open Space. The zoning objective for these areas is *“To protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities”*. Development plan Objective 6.19 and Section ZO15.2 state there will be a presumption against development of land zoned public open space for alternative purposes. I consider that permitting private amenity spaces for dwellings on these lands would materially contravene the development plan.
- 7.6. I consider that for 2 no. of these gardens the majority of the proposed garden would be located on lands zoned for public open space such that the remainder of the rear gardens located on lands zoned for residential development would not be of sufficient size to meet the requirements for private amenity spaces in the development plan or national guidelines. I consider that those units (ie. units numbered 8 and 9 on drawing no. 21281-CEA-FI-A-L1003-A submitted with the response to further information) should be omitted from any grant of permission for

the development, and that conditions be attached requiring revised drawings amending the development accordingly in this regard. For the other 2 no. units (numbered 10 and 11 on drawing no. 21281-CEA-FI-A-L1003-A submitted with the response to further information), the area of rear private amenity space should be reduced to within the lands zoned ZO.01 Sustainable Residential Neighbourhoods within the planning application red line boundary. I consider a condition should be attached requiring revised drawings amending the development accordingly.

#### Roads and traffic

- 7.7. No assessment of traffic volumes was submitted with the application. Stage 1 and 2 road safety audits were submitted. The submitted road safety audits prepared for the applicant identified four road safety issues and made accompanying recommendations. The recommendations were to increase visibility splays to the east and west; reposition the proposed pedestrian crossing over the R616; introduce of dwell space at the site egress; and remove a section of the proposed cycle track. The applicant's response to further information incorporated corresponding changes to the proposed layout. These comprised a revised crossing location; egress realignment; introduction of a dwell area; removal of cycle paths; and revisions to the access/egress and boundaries to increase sightlines to over 70m in either direction.
- 7.8. In response, the planning authority area engineer stated no objection subject to conditions, including in relation to construction traffic management and maintenance of sight viewing distances. The planning authority roads and transportation section stated no objection subject to conditions regarding external lighting, public lighting, construction traffic management and a requirement for Stage 3 and Stage 4 Road Safety Audits. The planning authority infrastructure section stated no objection subject to conditions including in relation to the omission of construction within the lands required for the Kilcully & Upper Glanmire Pedestrian Safety Scheme, and a requirement for the introduction of a controlled pedestrian crossing over the R616. The notification of decision to grant includes corresponding conditions. I note in particular Conditions No. 33, 37 and 41 as set out above.
- 7.9. For completeness I note the Kilcully Upper Glanmire Pedestrian Safety Scheme (KUGPSS) was under construction along the R616 outside the site at the time of my site visit. The scheme objectives are: improving road safety; reducing vehicle

speeds; providing pedestrian infrastructure with improved levels of service, and; facilitating and encouraging active travel and walking for pedestrians and vulnerable road users. The Scheme works comprise amongst other items: upgrade of existing and provision of new pedestrian infrastructure and crossing facilities; provision of table-top entry ramps for side road entrances along the route to facilitate safe pedestrian and vehicle movement; repaving of footpaths; installation of public lighting; and provision of utility services such as drains and ducting. In their response to further information the applicant states that the scheme as revised in response to further information will not interfere with the proposed Scheme works. I am satisfied the works proposed as part of the subject proposal including the pedestrian crossing, would, subject to conditions set out by the planning authority, not conflict significantly with the KUGPSS.

- 7.10. In relation to traffic safety, I note the R616 is a single lane regional road. The existing access is generally at a high point along the road such that the road slopes down and away from the existing access in both directions. The proposed access is generally in the same location as the existing. The site is within the 50kmh zone. There is one dwelling access opposite the site. A pedestrian crossing is proposed across the R616 as part of the application. There is a continuous footpath along the opposite side of the road through the village to which the proposed road crossing would connect. Footpaths are proposed along the front of the site either side of the access. Overall, I consider the road to be of reasonably good quality and in good condition. Noting the vertical and horizontal alignment, I consider the road provides generally good visibility for road users. I also consider visibility from the proposed access would be reasonably good, with over 70m of unencumbered visibility in either direction. Having regard to the foregoing I am satisfied that the proposal development would not give rise to an unacceptable impact on road traffic safety.
- 7.11. In relation to traffic congestion, I note the proposal as amended at further information stage was reduced in scale from to 17 no. dwelling (34 no. parking spaces). The proposal is located on zoned land within a village. Whilst there are a number of residential and commercial accesses along the R616 within the village, I consider the majority of local traffic is generated by the Ros Ard development to the south of the site, which is served by 3 no. separate access/egress points on the main R616 road, and the Upper Glanmire Primary school, which is c.400m to the west. I do not

consider that, aside from school drop-off and collection, there are significant sources of traffic congestion in the area. I note that at the time of my site visit (c.15:00-16:00 on a Tuesday afternoon) traffic was moving reasonably unimpeded east and west through the village, including in the vicinity of the subject site and the school.

- 7.12. In relation to commuter and through-traffic, I note that traffic to Cork City can head either west along the R616 or east to the M8 Motorway Junction 18.
- 7.13. I also note that site works appeared to have commenced in relation to an adjacent residential development (Reg. Ref. 2140600). That development is for 24 no. houses, the access for which is to be located approximately 65m north-east of the subject site on the same side of the R616. I consider the proposed development is a reasonable distance away, and noting the scale of the two developments, I do not envisage significant traffic congestion or safety issues arising between them.
- 7.14. Overall, having regard to the nature, scale and location of the development, the proposed access, the existing road network, and ongoing road improvements in the area, I do not consider the proposal would give rise to an unacceptable increase in road traffic, congestion or traffic hazard, either alone or in conjunction with existing and permitted development in the area. Overall, I am satisfied the proposal is acceptable in these regards, subject to conditions attached by the planning authority.

#### Dwelling design

- 7.15. The vast majority of dwellings in the village are relatively modern A-framed houses finished in render and slate. This is the case for dwellings along the R616 as well as in the Ros Ard development across the road from the site.
- 7.16. The proposed dwellings are pitch-roofed and semi-detached, with one single detached dwelling. The dwellings are finished generally in render, stone and slate.
- 7.17. Overall, I consider that the proposed dwellings are generally in keeping with the dwelling designs in the village of Upper Glanmire and are acceptable in this regard.

#### Wastewater treatment

- 7.18. The application proposes to connect to an existing foul sewer located in the Ros Ard housing estate to the south-west of the site, which connects to the existing Ros Ard wastewater treatment plan.

- 7.19. The appeal states that the proposal, alongside other permitted developments in the area, exceeds the stated wastewater treatment plant capacity, and that consequently the application must be deemed premature because of infrastructural deficit.
- 7.20. The number of dwellings proposed was reduced to 17 no. during further information, and as set out above I recommend that two more dwellings be omitted (ie. reducing the total dwelling number to 15).
- 7.21. In this regard, the applicant submitted a pre-connection enquiry response from Irish Water dated July 2018. It stated the proposed connection at the time for 19 no. housing units could be facilitated, and that sewerage from the development would be treated at the exiting Ros Ard wastewater treatment plant (WWTP) located to the south. The letter stated that at the time the available capacity at the plant was 105 PE (35 no. houses) and that development of more than 35 no. houses would require upgrade works to the WWTP.
- 7.22. Since July 2018 I calculate that 24 no. dwellings to be served by the Ros Ard WWTP have been granted permission in Upper Glanmire. As set out above, I recommend that any permission for the subject development be for 15 no. dwellings only. As such, permitting the subject development would mean that current capacity of the Ros Ard WWTP may be exceeded by approximately 4 units / 12 PE (out of a minimum capacity for 125 No. dwellings). Applications for a further four dwellings to be serviced by the Ros Ard WWTP are currently **on appeal** as set out above.
- 7.23. As stated by Irish Water, upgrade of the Ros Ard WWTP would be required to service the subject proposal and other proposed developments in the area. Irish Water stated no objection to the proposal and stated that connection could be facilitated subject to a valid connection agreement being put in place.
- 7.24. I add at this juncture that I am conscious regarding the date of the Irish Water pre-connection enquiry and the absence of a submission from Irish Water on the application. Having regard to the extent of development activity in the area, and the more recent submissions from Irish Water on immediately adjacent residential development, I am satisfied the submitted enquiry response remains valid. However, should the Board see fit, it might be inclined to seek updated submissions in this regard, however I am satisfied that this is not required in this instance.

- 7.25. The development plan core strategy (Table 2.3 Cork City Growth Strategy Table 2022-2028) allocates 146 no. dwellings for Upper Glanmire over the plan period. Development plan Objectives 2.35 and 10.96, and Sections 3.52 and 10.345 identify Upper Glanmire for residential development. My review of the planning history of Upper Glanmire indicates that, having regard to the subject proposal, to development permitted in the area since the plan adoption, and to other proposals currently subject of applications and appeals, the number of dwellings permitted and proposed is well below the Upper Glanmire development plan allocation.
- 7.26. I also note that achieving the development plan core strategy housing allocation for Upper Glanmire will require upgrading of wastewater treatment capacity. In this regard I note that Section 10.345 of the development plan that the vision for Upper Glanmire up to 2028 is, amongst other things, to strengthen infrastructure provision.
- 7.27. Having regard to the foregoing, I consider that the proposal is consistent in principle with the land use policies and Core Strategy for the area in this regard.
- 7.28. I note that the Irish Water pre-connection enquiry response stated Irish Water's ownership of the sewer running from the Ros Ard housing estate to the Ros Ard WWTP had been challenged, and that written permission may need to be obtained from the owner of this foul sewer prior to entering into a connection agreement with Irish Water. No correspondence from Irish Water or other third parties in this regard has been received. It is not stated if the Ros Ard estate is taken in charge. As set out above, I note that neighbouring development Ref. 22/41348 also intended to connect to the Ros Ard WWTP, and correspondence from Irish Water in that case confirmed the wastewater network and the WWTP at Ros Ard are in third party ownership. I further note that Statutory Instrument 96 of 2014 'Water Services (No. 2) Act 2013 (Transfer of Other Liabilities) Order 2014' transferred all rights and liabilities of a water services authority for the Ros Ard plant to Irish Water. As such, whilst the infrastructure may be owned by a third party I am satisfied responsibility for wastewater services at Ros Ard WWTP rests with Irish Water. I consider that conditions requiring the agreement of the relevant parties are required, should permission be granted.
- 7.29. The planning authority drainage division also raised no objection in these regards, subject to conditions attached to the grant of permission. Condition 9 required the

developer to enter into waster and/or wastewater connection agreement(s) prior to the commencement of development to ensure the satisfactory completion of water supply and wastewater collection infrastructure.

- 7.30. In their response to appeal, the applicant acknowledges the development was conditioned to demonstrate agreement with Irish Water prior to the commencement of construction, and the appellant states that the development will not progress absent the appropriate services.
- 7.31. I also note the submission from Inland Fisheries, which requests that Irish Water signify there is sufficient capacity in treatment facilities.
- 7.32. Based on the foregoing, I am satisfied that for the purposes of granting planning permission there is sufficient certainty of access to the existing wastewater network. I also do not consider that the proposed development should be deemed premature in relation to the wastewater infrastructure, subject to the attachment of appropriate conditions relating to the need for a valid wastewater connection agreement with Irish Water prior to the commencement of development.

### Conclusion

- 7.33. I consider that, subject to conditions, the proposed development would not give rise to an unacceptable increase in road traffic, congestion or traffic hazard. I consider that the proposed dwellings are generally in keeping with the dwelling designs in the village of Upper Glanmire and are acceptable in this regard. I further consider that, subject to appropriate conditions, the development would should not be deemed premature in relation to the wastewater infrastructure services.

## **8.0 Appropriate Assessment screening**

- 8.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The subject site is not located within or adjacent any European Site designated SAC or SPA. The proposed development is located within a mixed used village area and comprises construction of 17 no. dwellings. No nature conservation concerns were raised as part of the planning appeal. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment as

there is no conceivable risk to any European Site. The reason for this conclusion is the nature of the development as the construction of 17 no. dwellings and the location of the development in a serviced village, and served by mains drainage, the distance to any European Sites and the urban nature of intervening habitats. I conclude that on the basis of objective information the proposed development would not have a likely significant effect on any European Site(s) either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act 2000 as amended is not required.

## 9.0 Recommendation

9.1. I recommend permission be **Granted** for the reasons and considerations below.

## 10.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, it is considered that, subject to attachment of the conditions set out below, the proposed development would be consistent with the policies and objectives of the Cork City Development Plan 2022-2028, including having regard to the 'ZO.01 Sustainable Residential Neighbourhoods' land use zoning objective for the area, would not impact unduly on residential or visual amenities in the area, would not give rise to unacceptable traffic, congestion or traffic hazard in the area, and would not be premature in relation to provision of wastewater infrastructure. It is considered, therefore, that the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16 <sup>th</sup> day of November 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
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	<p>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>The proposed development shall be amended as follows:</p> <p>The developer shall submit for the written agreement of the planning authority revised layout plans showing the following:</p> <p>(i) The omission of 2 no. dwellings (numbered 8 and 9 on drawing no. 21281-CEA-FI-A-L1003-A submitted to the planning authority on 16<sup>th</sup> of November 2022), and;</p> <p>(ii) The reduction in the rear private amenity space area of 2 no. dwellings (numbered 10 and 11 on drawing no. 21281-CEA-FI-A-L1003-A submitted to the planning authority on the 16<sup>th</sup> of November 2022) to within the extent of lands zoned ZO.01 Sustainable Residential Neighbourhoods within the planning application red line boundary.</p> <p>Reason: In the interests of residential amenity and to ensure consistency with the provisions of the development plan</p>
3.	<p>The landscaping scheme shown on drg no's. No. 21281-CEA-FI-A-L1003-A and No. 21281-CEA-PL-A-L0005-A, as submitted to the planning authority on the 16<sup>th</sup> of November 2022, shall be carried out within the first planting season following substantial completion of external construction works. This scheme shall include the following:</p> <p>(a) A 1m high stone boundary wall shall be erected along the roadside boundary facing the R616 and at the entrance to the development. This shall be erected inside the public footpath and follow the line of the adjoining roadside boundary walls. The stone used shall be natural, not manmade or reconstituted;</p> <p>(b) Where the public amenity areas bound the perimeter of the site, a treeline with hedging shall be planted along the perimeter of the site. For the purposes of clarity, no permission is granted for the erection of a wall where a public amenity area bounds the site, save bounding the roadside or the curtilage of a dwelling.</p> <p>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</p>

	<p>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>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey only. All screen walls shall be capped, and rendered on both sides in a finish that matches the external finish of the dwellings.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The following shall be complied with:</p> <p>(a) Prior to the commencement of any house or duplex unit in the development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
6.	<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>

	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.
7.	<p>All of the proposed on-curtilage car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging.</p> <p>Reason: In the interest of sustainable transport.</p>
8.	<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>
9.	<p>A plan containing details for the management of refuse (and, including recyclable and reusable materials) within the development during the operational phase, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable and reusable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to the 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>
10.	<p>Proposals for an estate/street name, house numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives 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.</p>

11.	<p>The following shall be complied with:</p> <p>(a) Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines for the Preparation of Resource &amp; Waste Management Plans for Construction and Demolition Projects”, published by the Environmental Protection Agency in 2021. This plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>(b) All asbestos arising from the demolition section of this development shall be disposed of in accordance with the procedures of Health and Safety Authority “Guidelines on Working with Materials Containing Asbestos.</p> <p>Reason: In the interest of sustainable waste management.</p>
12.	<p>During the construction and demolition phases, the development shall comply with British Standard 5228 “Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control”.</p> <p>Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.</p>
13.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, dust management, wheel washing, odour, litter, surface water run-off, parking, and spillages and off-site disposal of construction/demolition waste. No dust, mud or debris from the site shall be carried onto or deposited on the public road / footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.</p>

	Reason: In the interests of public safety and residential amenity.
14.	<p>The construction of the development shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including dedicated haulage routes, a protocol to be followed by HGV drivers, and allowable operational times for HGV's on the City's road network which shall be agreed with Cork City Council in consultation with An Garda Siochana before the commencement of development on site.</p> <p>Reason: In the interest of amenities, public health and traffic safety.</p>
15.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Where it is intended that the development is to be taken in charge, it shall be designed and constructed in accordance with Cork City Council requirements. In this regard, the development, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge, and the development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by private management company.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development, and in order to comply with national policy in relation to the maintenance and management of residential estates.</p>
16.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann. The Applicant shall obtain written permission from the owner of foul sewer running from the Ros Ard housing estate to the Ros Ard wastewater treatment plant prior to entering into a connection agreement with Irish Water.</p> <p>Reason: In the interests of public health.</p>

17.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following shall also be complied with:</p> <p>(a) All foul sewage and soiled water shall be discharged to the foul sewer;</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system;</p> <p>(c) All surface water generated within the site boundaries shall be collected and attenuated within the curtilage of the site, unless otherwise agreed in writing with the planning authority;</p> <p>(d) Existing roadside drainage arrangements, including inlets and/or drains taking surface water from the public road, shall be preserved and maintained to the satisfaction of the Planning Authority;</p> <p>(e) Prior to the commencement of development, the Applicant shall submit details of the construction of the proposed attenuation system to the Planning Authority.</p> <p>(f) As part of the new storm water connection process, the Applicant shall be required to submit for the written agreement of the planning authority a survey of the storm network in Ros Ard from the proposed connection point to its outfall and assess its condition and capacity to accommodate the proposed connection;</p> <p>(g) The Applicant shall submit a new storm water connection application for the new section of storm sewer in the public road and the proposed connection point into the Ros Ard estate, to the Drainage Section of Cork City Council, and obtain written approval from the planning authority for same, prior to the making of this connection;</p> <p>Reason: In the interest of public health, roadside drainage, and traffic safety, and to prevent pollution, flooding of the public road, and overloading of the sewer.</p>
18.	<p>Public lighting within the development shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>

19.	<p>The following shall be complied with:</p> <p>(a) The measures recommended within the Stage 1 &amp; 2 Road Safety Audit submitted as part of the response to Further Information shall be undertaken by the Developer at the Developer's expense unless the planning authority approves a departure in writing. In this regard, the visibility splays at the entrance to the development shall be maintained unobstructed, and no vegetation or structure within the visibility splays shall exceed 1m in height.</p> <p>(b) A Stage 3 Road Safety Audit report shall be submitted for the written agreement of the planning authority prior to the occupation of the development. A Stage 4 Road Safety Audit report shall be submitted for the written agreement of the planning authority within 3 months of the occupation of the development. Any deficiencies identified by the Stage 3 &amp; 4 Road Safety Audits shall be resolved in full by the Developer at the Developer's expense and to the written satisfaction of the planning authority unless the planning authority approves a departure in writing.</p> <p>Reason: In the interest of traffic safety.</p>
20.	<p>The following shall be complied with:</p> <p>(a) All road modifications and improvements, including the proposed new zebra crossing on the R616, shall be carried out by the Applicant at the Applicant's expense, to the detail agreed in writing with Cork City Council.</p> <p>(b) The development shall not conflict with the Kilcully and Upper Glanmire Pedestrian Safety Scheme. Any works not hereby permitted shall not take place in the lands required for the Scheme, and there shall be no deposition of material arising from the development hereby permitted on lands within the Scheme area.</p> <p>Reason: In the interests of clarity, road safety and the proper planning and sustainable development of the area.</p>
21.	<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.</p>

The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

*-I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.-*

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D. Aspell  
Inspector  
28<sup>th</sup> June 2024

# APPENDIX 1

## Form 1

### EIA Pre-Screening [EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>		315255-22	
<b>Proposed Development Summary</b>		Demolition of sheds and construction of 20 no. semi-detached dwellings	
<b>Development Address</b>		Ballinvriskig, Upper Glanmire, Cork	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)			<b>Yes</b> X  <b>No</b> <del>No further action required</del>
<b>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?</b>			
<b>Yes</b>	X	Class.....	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	X	Class/Threshold.....	Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>	X	Preliminary Examination required	
<b>Yes</b>		Screening Determination required	

Inspector: \_\_\_\_\_

Date: \_\_4<sup>th</sup> May 2024\_\_

**Form 2**  
**EIA Preliminary Examination**

<b>An Bord Pleanála</b> <b>Case Reference</b>	315701-23		
<b>Development Summary</b>	Demolition of sheds and construction of 20 no. semi-detached dwellings.		
<b>Examination</b>			<b>Yes / No / Uncertain</b>
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
<b>Comment (if relevant)</b>			
<b>Conclusion</b>			
<b>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</b>			
There is no real likelihood of significant effects on the environment	EIAR not required	Yes	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	No	

**Inspector** \_\_\_\_\_ **Date:** \_\_27<sup>th</sup> June 2024\_\_\_\_\_

**DP/ADP** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where EIAR/ Schedule 7A information is being sought)