



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315889-23

#### Development

Development of student accommodation and associated site works

#### Location

Rose Lodge, Main Street, Loughbeg, Ringaskiddy, Co. Cork

#### Planning Authority

Cork County Council

#### Planning Authority Reg. Ref.

22/4864

#### Applicant(s)

Patrick Byrne

#### Type of Application

Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party v. Refusal

#### Appellant(s)

Patrick Byrne

#### Observer(s)

- (1) Mary Lawler, Frank Foley and others
- (2) Pen Garcia, Grant & Jane Good and others
- (3) Jim Sheehan and Denis Sheehan

- (4) Patrick and Mary MacBride and others
- (5) Cllr. Jack White
- (6) Adrian Wall, Stephen Fallon and others
- (7) Frank Joyce
- (8) Kevin Barry
- (9) Ringaskiddy Residents Group

**Date of Site Inspection**

23 May 2024

**Inspector**

Cáit Ryan

## 1.0 Site Location and Description

- 1.1. The subject site located at Main Street, Ringaskiddy, approx. 12km south east of Cork city and approx. 4km east of Carrigaline. The village of Ringaskiddy is largely on the southern side of the N28. Main St. is partially separated from the N28 by a slip road which mostly serves terraced housing and some commercial properties near its western end. There is a small linear park on the opposite (northern) side of the N28 with mature planting along its northern boundary, which screens the Port of Cork lands to north. In addition to the primarily established residential areas on the southern side of Ringaskiddy village, the wider surrounding area is characterised by Port of Cork and marine related infrastructure and large industrial plants.
- 1.2. The site comprises 1.1ha and is largely a rectangular-shaped backland site. It has 14m roadside frontage to Main St., and extends approx. 148m to rear (south) of the existing houses on Main St. The existing recessed vehicular entrance to the site on Main St. is currently closed. The site entrance site is bounded by a vacant, single-storey shop to the west, previously occupied as a newsagent and post office. This former shop premises bounds Old Post Office Road, to the west of which is The Ferry Boat Inn. A pair of modest scale dormer dwelling houses (1 and 2 Laurel Ville) bound the site entrance to the east, and further east is Palmer's Terrace. This terrace bounds most of the site's northern boundary.
- 1.3. The site slopes from south to north. It is very overgrown to the rear of the vacant shop premises and there is extensive mature planting along site boundaries. The site is bounded -
- To the west by a small number of residential properties of various design and scale accessed from Old Post Office Road. A gated yard, indicated to be disused kennels on lodged drawings, was closed on date of inspection.
  - To the east by a field, east of which is a mature residential cul-de-sac
  - To the south by fields.
- 1.4. On site inspection I noted that some roadside frontage along both sides of Old Post Office Road a short distance south of the site has been removed, and new fencing

erected. The proposed landtake line of the M28 Cork to Ringaskiddy motorway scheme is approx. 35m south of the site, as outlined further under Planning History.

## 2.0 Proposed Development

2.1. The proposed development as originally lodged is for

- 26no. student halls of residence in 2- and 3-storey buildings containing 194 student bedsits, car and cycle parking, to serve the National Maritime College of Ireland students and other third level institutions in Ringaskiddy.
- 48 no. car parking spaces are proposed, comprising 40 no. for student use, 5no. for visitors and 3no. service/accessible spaces.
- 220 cycle parking spaces.
- Access to the site is from the existing entrance on Main St.

Plans and particulars on file indicate that the ruins of a Victorian villa near the southern end of the western boundary are proposed to be demolished.

2.1.1. Unsolicited Further Information (FI) reduces the number of bedspaces to 182.

2.1.2. The proposed development was subsequently amended by re-advertised Significant Further Information. The number of halls of residence is 24, and the number of student bedsits is 192. The halls of residence are described as 2-storey dormer roof. The overall site layout plan is substantially altered.

The table below summarises the proposed development as originally lodged and as amended by re-advertised FI:

	Halls of residence	Number of student bedspaces	Caretaker: No. of bedspaces	Car parking spaces	Cycle parking spaces
Original Proposal	26 no.	194no.	2no.	48 no. comprising: 40: students 5: visitors 3:service/accessible	220no: 194: students 26: visitors
FI Proposal Re-advertised	24no.	192no.	2no.	24no. comprising: 19: students 5: visitors	240no.: 192: students 48: visitors

## 3.0 Planning Authority Decision

### 3.1. Decision

Following a request for FI, the planning authority made a decision to refuse permission for 1 no. reason as follows:

Having regard to the characteristics of the proposed site and based on the information submitted, the Planning Authority is not satisfied that the proposed development could be accommodated without adversely affecting the ecological and biodiversity value of the site. Furthermore, having regard to the inadequate ecological assessment submitted, the loss of woodland area of biodiversity value, the encroachment of development into the Root Protection Zones of existing trees and the inadequate methodology employed in the Bat Survey, it is considered that the proposed development fails to protect and enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. The proposed development would therefore be seriously injurious to the biodiversity value of the area, would materially contravene policy objective BE 15-2 of the County Development Plan 2022-2028 which seeks to protect areas of biodiversity value and policy objective GI 14-2 which requires new development proposals to contribute to the protection, management and enhancement of the existing green and blue infrastructure of the local area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Basis for planning authority's decision:

**Area Planner** (13 June 2022, 26 January 2023)

First Area Planner's report includes scale of student accommodation could not be considered 'small' in context of SHD/LRDs, i.e., 200 bedspaces, no justification provided for number of bedspaces, limited functional open space, and only some areas of the site are suitable for 3-storey accommodation.

Recommendation for 16 no. items reflects Area Planner's report.

Second Area Planner's report notes significantly revised proposal largely addresses a number of concerns, considers information relating to student demand/accommodation is general but accepts that Ringaskiddy has a student population and that the proposal is intended to serve same, that reduced car parking provision can be considered, notes Ecology Section are not satisfied that adequate assessment of habitats and species were carried out, and that given that time period on FI has expired, seeking Clarification of Further Information (CFI) is not an option.

Recommends refusal on basis that proposed development fails to protect and enhance areas of local biodiversity value, and would be contrary to policy objectives BE 15-2 and GI 14-2 of the Development Plan.

**Senior Executive Planner (SEP)** (13 June 2022, 26 January 2023)

First SEP's report endorses Area Planner's report to request FI.

Second SEP's report endorses recommendation to refuse for 1 no. reason.

**Senior Planner report (26 January 2023)** endorses recommendation to refuse permission for 1 no. reason.

### 3.2.2. Other Technical Reports

**Area Engineer (19 December 2022)**

Report (on FI response) states level of parking proposed is not acceptable, notes the provision of storm water attenuation and considers calculations used unacceptable, and scheme should be designed for a 1 in 100 year storm event not a 30 year event. Recommends refusal on grounds of (1) inadequate off road parking and that traffic movements likely generated would endanger public safety and (2) seriously reduce parking space for adjacent premises, result in parking on adjoining public road and endangering public safety by reason of traffic hazard.

**Ecology Section** (8 June 2022, 25 January 2023)

First Ecology report states concerns relating to significant tree loss and potential to impact habitats and species of high natural value including bats and birds.

Recommends FI on 3 no. items relating to root protection zones (RPAs)/landscaping, tree survey and ecological impact assessment.

Second Ecology report seeks CFI, or if there is no time to seek same, then recommends refusal on grounds of inadequate ecological assessment, loss of woodland area of biodiversity value and proposal is contrary to Objective BE 15-2.

**Environment** (7 June 2022, 23 January 2023)

First Environment report: Concerns that upper floors units exposed to noise disturbance from port. Recommends FI for a conceptual noise impact assessment.

Second Environment report states no objection subject to 16 no. conditions.

**Estates** (9 June 2022): Apartments/similar units are not within remit of Cork County Council's taking in charge policy. Evidence of management company shall be submitted prior to occupation of any unit. No objection subject to 1no. condition.

**Public Lighting** (12 May 2022): Does not envisage that this development will be taken over by the Council. No objection subject to 2 no. conditions.

### 3.3. Prescribed Bodies

**Transport Infrastructure Ireland (TII)** letter dated 12 May 2022 states that it will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) subject to

- Any recommendations arising from the Road Safety Audit should be incorporated as conditions, if granted
- Proposal is in proximity to future national road scheme. Such schemes should be protected and kept free from any developments or accesses.
- TII will entertain no future claims in respect of impacts due to the presence of the existing road or any new road scheme.

A subsequent TII letter dated 21 December 2022 refers to the FI submitted, and advises that TII's position remains as set out in letter of 12 May 2022.

**Irish Water/Uisce Eireann** letter dated 8 June 2022 states that a Confirmation of Feasibility has issued. IW have no objection to the proposal subject to the constraints outlined in the CoF and 2 no. standard IW conditions.

**Inland Fisheries Ireland (IFI)** letter dated 5 May 2022 requests that Irish Water signifies that there is sufficient capacity in the public sewer so that it does not (a) either hydraulically or organically overload existing treatment facilities (b) result in polluting matter entering waters or (c) cause or contribute to non-compliance with existing legislative requirements.

### 3.4. **Observations to the Planning Authority**

6 no. observations were received by the planning authority on the application as originally lodged. Issues raised are summarised as incompatible density, insufficient screening and integrity of site boundaries, overlooking, anti-social behaviour, flooding, fire safety, traffic, lack of transport, car parking, archaeology, drainage, lack of evidence for student housing demand and contrary to Development Plan.

7 no. observations were received on the re-advertised FI, 6 no. of which are in support. Issues raised as summarised as no purpose built student accommodation (PBSA) in Ringskiddy, it equates to almost 50 houses being released onto market, strategic importance to marine education, sustainable proposal and creates footfall.

1 no. observation includes issues previously raised and outlines concern regarding the accuracy of NMCI student numbers.

## 4.0 **Planning History**

### Subject Site:

**ABP-319192-24 (P.A. Ref. 23/5067):** This is a concurrent case on the same site as the subject appeal. A decision to refuse permission was made by the planning authority in 2023 for 24 student housing units comprising 192 study bedrooms in 2-storey dormer housing units. The reason for refusal is that the proposed development would materially contravene Objective BE 15-2 of the Development

Plan which seeks to protect areas of biodiversity value and Objective GI 14-2 which requires new development proposals to contribute to the protection and enhancement of existing green and blue infrastructure.

**P.A. Ref. 24/4487:** A decision to refuse outline planning permission on this site was made by the planning authority on 14 May 2024 for 22 no. 8-bedroom 2-storey dormer student houses, improvements to existing entrance off Main St. and amenity facilities, services and utilities. Two no. refusal reasons are summarised as follows:

- Proposals fails to protect and enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. Proposal would be seriously injurious to the biodiversity value of the area, would materially contravene policy objective BE 15-2 of the County Development Plan 2022-2028 which seeks to protect areas of biodiversity value and policy objective GI 14-2 which requires new development proposals to contribute to the protection, management and enhancement of the existing green and blue infrastructure of the local area.
- The planning authority is not satisfied that access arrangement and on and off road parking are adequate and that the traffic movements likely to be generated would not interfere with free flow of traffic resulting in traffic hazard. Proposals would endanger public safety by reason of traffic hazard.

**ABP-312440-22 (P.A. Ref. 21/6748):** Refusal of outline permission in 2022 for construction of 56 no. residential units comprising 28 no. student accommodation units and 28 no. build to rent terraced dwelling houses. 3 no. refusal reasons are summarised as the Board is not satisfied:

- that the proposed development would contribute positively to a sense of place making, fails to respond to site context and lacks usable open space, and would seriously injure residential amenities of future occupants and result in visually discordant form of development.
- that the scheme could be accommodated on site without adversely affecting the amenity of neighbouring dwellings by overlooking and overbearing impact
- that access arrangement and parking are adequate and that traffic movements likely to be generated would not interfere with free flow of traffic

and that the proposed development would result in traffic hazard.

**PL 04.227267 (P.A. Ref. 07/10337):** Permission was granted to demolish 2 no. houses and construct 23 no. student apartments, 1 no. disabled person's apartment and 1 no. caretaker's/manager's apartment, surface and basement car parking, seminar room, playing pitches and sewage treatment plant.

I note that the Inspector's Report states that 71 study bedrooms were proposed. Approx. 54 no. car parking spaces were permitted in that case.

**P.A. Ref. 13/4983:** Permission granted to extend duration of permission granted by PL 04.227267 (P.A. Ref. 07/10337).

#### Planning Applications in the Vicinity

**ABP-307872-20 (P.A. Ref. 20/4747):** Permission granted for demolition of residential units and construction of 15 townhouses at Ring Port Business Park, approx. 0.4km from the subject site via Shamrock Place. Under construction.

**P.A. Ref. 20/6384:** Outline permission granted in 2021 for 2 no. dormer dwellings accessed from Old Post Office Road. This site adjoins the subject site's western site boundary at its southern end. No applications for permission consequent are indicated on the planning authority's planning enquiry mapping.

**P.A. Ref. 19/4640:** Planning permission was granted in 2019 for 30 no. houses at Barnahely, on a site accessed from Warren's Court. This site is approx. 0.6km from the subject site via Main St.

**P.A. Ref. 18/5545:** Permission was granted in 2019 for 30 dwelling houses at Barnahely, on a site approx. 0.45km from the subject site, via Priest's Avenue and St. Carthage Place. Permission was subsequently granted pursuant to **P.A. Ref. 22/5633** to amend this planning permission. A further planning application **P.A. Ref. 22/6675** to retain and complete 12 no. houses originally granted under P.A. Ref. 18/5545 was granted in 2023. These combined planning permissions have been implemented and this scheme, Port na Rinne, is substantially complete.

The separate **P.A. Ref. 19/4640** and **P.A. Ref. 18/5545** sites adjoin each other.

**M28 Cork to Ringaskiddy Motorway Scheme:** ABP decisions approving the scheme are -

**04.HA0053:** M28 Cork to Ringaskiddy Motorway Scheme

**04.MA0014:** Cork to Ringaskiddy Motorway Scheme, Protected Road Scheme and Service Area 2017.

I note that 04.HA0053 scheme (as viewed on [www.pleanala.ie](http://www.pleanala.ie)) includes a drawing showing the proposed landtake line of the M28 Cork to Ringaskiddy Project approx. 35m south of the subject site, as estimated from Drawing No. GA 0119; Rev. A (titled Road Layout G.A. Sheet 19 of 22).

## 5.0 Policy Context

### 5.1. Cork County Development Plan 2022-2028

***Vol. 1 (Main Policy Material) and Vol. 4 South Cork.***

Ringaskiddy is a Key Village in the Carriagline Municipal District.

The site is zoned **Objective ZU 18-17: Town Centres/ Neighbourhood Centres:**

a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.

b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.

Appropriate Uses under this land use zoning include residential.

The site forms part of a larger 19.88ha **Specific Development Objective RY-T-02** (Vol. 4): This area denotes the existing built footprint of Ringaskiddy and any proposals for development within this core area should comply with the overall uses acceptable in town centre areas and should complement/ reinforce the village's urban structure. Provision for small scale student accommodation will be considered within this area. Any future development should reflect the scale and character of the surrounding existing built up residential area.

The subject site is bounded to the south by lands (comprising 2.5ha) zoned **Objective ZU 18-13: Green Infrastructure** and subject of **Specific Development Objective RY-GC-07**: Open space that acts as a buffer between proposed industry and established uses. While the patterns of land use will remain largely unchanged, if the adjoining land designated for industry is developed, consideration will be given to landscaping including strategic tree planting on the land.

**Specific Development Objective RY-U-02** is shown to traverse these adjoining lands to the south, which is M28 Cork to Ringaskiddy Motorway Scheme as finalised.

Section 1.7 (Vol. 4) includes the following with regard to Ringaskiddy:

- Port of Cork is a port of national significance (Tier 1)
- New housing on a large scale is considered inappropriate in Ringaskiddy, but residential development could take place within the town centre zonings.
- A Part 8 will enhance the public realm and community amenities.
- It has a target of 45 housing units to be developed within the lifetime of the plan, and a population target of 698 by 2028.
- Both Shanbally and Ringaskiddy are located within the Strategic Employment Location/Key Village settlement of Ringaskiddy.
- While there may be opportunities for terraced and infill development in village core areas, most development will be in the form of clusters of dwellings of varying sizes and types. Student, staff and short term visitor accommodation associated with existing and future educational facilities in the area will be deemed appropriate within the town centre zoning.

- There is a need to promote and support the educational facilities available in Ringaskiddy by UCC. These facilities need increased provision for student accommodation and amenities. As UCC further develops its facilities, there will be increased demand for accommodation for students, researchers, and short term visitors. The only available student accommodation is linked to NMCI. Lack of suitable short term accommodation in Ringaskiddy area will restrict UCC's ability to attract post graduate researchers and visiting collaborative researchers/lecturers. Any student, staff and short term visitor accommodation should be catered for within the town centre of Ringaskiddy at an appropriate scale.
- Work has recently been completed of the national Beaufort Laboratory adjacent to the NMCI and this will be extended into a maritime energy, science campus. Additional suitable lands have been identified to allow for the possible expansion of these marine educational related facilities.
- Cork Harbour SPA (SPA-004030) is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl.
- Monkstown Creek (pNHA 001979) is a tidal inlet composed of mudflats which provide an important feeding area for waterfowl and it is a natural part of Cork Harbour which as a complete unit is of international importance for waterfowl.
- Ringaskiddy lies within landscape type City Harbour and Estuary, an area of very high landscape value, very high sensitivity, an area of national importance and its character area is Cork City and Harbour.

### ***Vol. 1: Main Policy Material***

#### **Chapter 3: Settlements and Placemaking**

##### **Objective PL 3-1: Building Design, Movement and Quality of the Public Realm**

includes (j) achieve permeability and connectivity in town centre/village locations which contributes to the 10 Minute Town Concept and Sustainable Neighbourhood Infrastructure.

#### **Chapter 4: Housing**

It is stated (at Section 4.6.17) that the National Student Accommodation Strategy (2017), the national Government strategy for meeting student housing demand to 2024 and beyond, projects that by 2024 demand in Cork for student accommodation will comprise 7,391 students, with an estimated supply of only 5,490 bed spaces to meet this. The strategy targets include delivery of a significant increase in new PBSA bed spaces (an additional 21,000 nationally by 2024) as well as increasing the number of students taking up 'digs' accommodation.

**Objective HOU 4-5: Student Accommodation** states proposals to change the use of student accommodation to any other type of accommodation will be discouraged unless shown that an overprovision of student accommodation exists in the whole county. Where such applications are given favourable consideration, obligations under Part V of the Planning Act 2000 (as amended) will apply.

#### Chapter 11: Water Management

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

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.

#### Chapter 14: Green Infrastructure and Recreation

##### **Objective GI 14-2: Green Infrastructure Objectives for Main Towns and Settlements**

- a) Ensure that all main towns have an adequate level of quality green and recreational infrastructure (active and passive) taking account of existing deficits, planned population growth as well as the need to serve their surrounding hinterlands. To ensure where possible that this green and blue infrastructure maximises its multifunctional capacity (ecosystem services).
- b) Promote the corridor concept, in particular using rivers and streams as one of the natural foundations for multi-functional green and blue infrastructure corridors.

c) Seek to create new and improved connections (physical/ecological corridors) between open spaces/ green infrastructure and other important destinations as part of the enhancement of the overall network.

d) Where other statutory plans/masterplans are being prepared it will be a requirement that they include detailed and integrated green and blue infrastructure proposals with a particular focus on nature based solutions to significant infrastructure and climate change challenges.

## Chapter 15: Biodiversity and Environment

### **Objective BE 15-2: Protect sites, habitats and species**

a) Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements.

Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas, proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan.

b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.

c) Protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 of the Plan.

d) Recognise the value of protecting geological heritage sites of local and national interest, as they become notified to the local authority, and protect them from inappropriate development

e) Encourage, pursuant to Article 10 of the Habitats Directive, the protection and enhancement of features of the landscape, such as traditional field boundaries,

important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.

#### Chapter 12 Transport and Mobility

**Objective TM 12-2: Active Travel** - TM 2-2-1 includes to deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten minute walk of one's home.

**Table 12.6** sets out car parking requirements for new developments (maximum per sq.m). No car parking standard for student accommodation is stated. **Table 12.8** sets out the following cycle parking requirements for student accommodation (min. requirements):

- 1 long stay parking space per 2 bedrooms
- 1 short stay (visitor) parking space per 5 bedrooms

#### Development Plan Mapping:

The site is located in a High Value Landscape.

The site is on Scenic Route S54 – Road between Passage West to Ringaskiddy.

The site is within Flood Zone C.

## 5.2. Guidelines and Circular Letters

The following is a list of guidelines and circular letters of relevance to the proposed development. Specific content is referenced in the assessment where appropriate:

- Sustainable Residential Development and Compact Settlements Guidelines, Department of Housing, Local Government and Heritage (2024)
- Guidelines on Residential Development for 3<sup>rd</sup> Level Students – Section 50 Finance Act 1999, Department of Education and Science, as amended by Matters arising in relation to the Guidelines on Residential Development for 3<sup>rd</sup> Level Students – Section 50 Finance Act 1999, July 2005.
- Circular PL 8/2016 APH 2/2016

- Circular Letter NRUP/05/2021

### 5.3. Natural Heritage Designations

The site is not located in or adjacent to a Natura 2000 site.

- The nearest parts of the Cork Harbour SPA (Site Code 004030) to the subject site are approx. 0.7km to the south and 1.3km to the north west.
- The Great Island Channel SAC (Site Code 001058) is approx. 5.5km to north.

Lough Beg pNHA (Site Code 001066) is approx. 0.5km to south.

Monkstown Creek pNHA (Site Code 001979) is approx. 1km to north west.

### 5.4. EIA Screening

- 5.4.1. See Form 1 (Appendix 1) and EIA Screening Determination (Appendix 2).
- 5.4.2. With regard to 'EIS', the First Area Planner's report states N/A.
- 5.4.3. 10(b)(i) of Part 2, Schedule 5, Planning and Development Regulations 2001, as amended, relates to construction of more than 500 dwelling units. The (FI) proposed development comprising 24no. student halls of residence (for 192no. student bedspaces and 2 no. caretaker bedspaces) is substantially below the 500 unit threshold set out in 10(b)(i).
- 5.4.4. The Planning Statement lodged with the application includes a section titled EIA Screening Report and Statement. It states that information required by Schedule 7A for purposes of screening sub-threshold development for EIA is provided. However, I note that Schedule 7A states *inter alia* that compilation of information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7. The information submitted on file refers to Schedule 7 criteria but does not outline in this section how these criteria have been taken into account.
- 5.4.5. The final section of the submitted EIA screening includes (at Residual Impacts) -
  - emissions from the development are predicted to have negligible effect on ecology and important bird populations

- there will be removal of area of habitat, but hedgerows and areas of semi-natural vegetation outside of development area will be retained. Biodiversity value in south east and west corners will be significantly increased
- no significant long-term impact on mammals will occur, and no significant cumulative impacts identified. Impacts on designated sites is predicted to be negligible.

5.4.6. The EIA Screening Determination set out in Appendix 2 concludes that having regard to the criteria set out in Schedule 7A of the Planning and Development Regulations, 2001, as amended, the information provided on file and having regard to:

1. the criteria set out in Schedule 7, in particular

(a) the limited nature and scale of the proposed development comprising a student accommodation scheme, which is below the thresholds in respect of Class 10(b)(i) of the Planning and Development Regulations 2001, as amended,

(b) the location of the site on lands to which ZU 18-17: Town Centre/Neighbourhood Centres land use zoning objective in the Cork County Development Plan 2022-2028 applies, and on which residential is an appropriate use,

(c) the location of the site in an area served by public infrastructure and the existing pattern of development in the vicinity,

(d) the absence of any significant environmental sensitivity in the vicinity,

(e) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).

2. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, in particular the Construction Management Plan and Construction Waste proposals lodged with the application and the Construction Management Plan and Operation Waste Management Plan lodged as Further Information

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

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first party's grounds of appeal are as follows:

- NMCI currently caters for 560 full-time degree students (capacity 750) and 3500 part-time students (mature mariners CPD courses). MaREI caters for 225 master degree students and PhD candidates/researchers.
- Application has been amended to 24 dwellings, and takes into consideration refused application P.A. Ref. 21/6748 and Inspector's report.
- Refusal reason focuses on ecology/biodiversity reports. It does not show Development Plan policies/objectives would be breached in significant way.
- The site is not a SAC or other site of ecological or scientific interest and is zoned town centre.
- New M28 motorway will isolate and disconnect site from hedgerow corridors.
- Site has no endangered flora or fauna with the exception of pipistrelle bats which do not roost on site but forage only.
- At two comparable residential developments (30 dwellings each) within 150m of site, 'Barahely Development' and 'Warren's Court', compliance conditions were adopted rather than clarifications.
- The methodology used in the Bat Survey is consistent with Best Practice in the situation where no bat roosts have been found on site – Bat Surveys for Professional Ecologists: Good Practice Guidelines 3<sup>rd</sup> edition
- No loss of woodland of biodiversity value. Trees being removed are predominantly self-seeded sycamore.
- Measures proposed for tree root protection use a proprietary system with European CE Certification.
- Proposals do not materially contravene policy objectives BE 15-12 nor GI14-2. 40% of area provides for green and recreational infrastructure both active and passive with boundary hedgerows of high biodiversity value.

- Council failed to obtain clarification when there was a 2-week period to do so. Decision is a failure to treat all 3 residential developments, Barnahely Development, Warren's Court and Rose Lodge in a fair, reasonable and consistent manner. Council failed to adhere to Section 28 Development Management Guidelines for Planning Authorities.
- The material contravention is not a departure from a fundamental provision of the development plan or that specific policies/objectives would be breached by the proposal in a significant way.
- Should the Board decide it appropriate to retain as many centrally located trees as possible, possible alternative layout is to omit Hebrides and Fair Isle on the South End/West Street corner. To maintain commercial viability -
  - Hebrides units could be relocated over new floor on Iceland & Portland
  - Fair Isle units could be redistributed over new floor of Forties & Fisher.
 Net effect of alteration will decrease number of student dwellings to 22 (comprising 18no. 2-storey dormer dwellings and 4 no. 3-storey dormer dwellings).

## 6.2. Planning Authority Response

The planning authority has confirmed that it has no further comment to make.

## 6.3. Observations

9no. observations have been received, 3 of which raise concerns/objections, and 6 are in support of the proposal. The main issues raised are summarised as follows:

### Concerns/Objections:

- Appeal is in essence the same as previous application ABP Ref. 312440 (P.A Ref. 21/6748) without the Build to Rent element.
- FI submission removes car parking, except for section on southern aspect. Most car spaces are to be replaced with e-bikes and scooters. There is no shop in Ringaskiddy village. Traffic survey carried out (by observer) would suggest that approx.155 car spaces required.

- Inadequate car parking will likely lead to conflict especially following completion of public realm project on Main St. Change of use application will compound this.
- Concern regarding change of use application. Accommodation in village must be readily adaptable to long-term housing accommodation.
- Limited ingress/egress from single entrance for emergency services vehicles.
- Density breaches Development Plan, with development limited to 50 units in village. Approval would result in one development exceeding total quota.
- Proposed height and density are out of character with surrounding built heritage. Site/area appears inadequate for scale of proposed development.
- Student accommodation model is dated, taken in context of Covid scenario. A student accommodation need in Ringaskiddy has not been demonstrated.
- Proposal would be detrimental to the community and village, which is surrounded by industry and ever-growing port.
- Proposal would result in overdevelopment, loss of residential amenity, loss of privacy, overlooking, domineering impact, overshadowing, overbearing impacts due to inadequate separation distances and oppressive built form, visual intrusion and noise. Height will obstruct line of sight for satellite signal.
- No objection to student accommodation for National Maritime College of Ireland (NMCI) provided that it is appropriate to scale and location, preferably within ownership/remit of NMCI.
- No off-base student accommodation requirement by Naval Service. Breakdown of student numbers and NMCI student accommodation requirement not included.
- Disturbance to wildlife and habitat loss. Significant bat population in locality.
- Failure by developer to maintain trees on-site has collapsed existing stone wall boundaries. Tree roots threaten to compromise block walls.
- No archaeological survey conducted.

- Belief that injunction is preventing sale of Rose Lodge lands prior to conclusion of planning process.
- No policing report/proposals to deal with anti-social behaviour provided.

In Support:

- Observer is advised that Council's Ecology assessment is incorrect regarding bat report and in questioning consultants' competence and qualifications. Questions statement that this is potentially contrary to Objective BE 15–2.
- Grant incorporating conditions to rectify biodiversity issues could have been made. Failure to seek clarification of further information (CFI). Council failed in duty of consistency, reasonableness and fair procedures to efficiently handle planning applications. Refusal reason was neither fair nor reasonable.
- Development Plan policies/objectives not breached in a significant way.
- There are no rivers, streams or wet ditches in or around Rose Lodge.
- It is zoned town centre and is an overgrown brownfield derelict site with self-seeded sycamores.
- When adjoining town centre zoned lands are developed it may be possible to connect immediate local open spaces.
- Rose Lodge is not a SAC, SPA, Marine Protected Area, NHA nor pNHA. No protected species on site. Bat report refers to Pipistrelle bat activity.
- Design aims to enhance traditional field boundaries. Site is isolated from County's ecological network.
- The modified site layout goes a long way to address the issues.
- This is of national importance, essential to the operation of Maritime University faculties MTU's - National Maritime College of Ireland (NCMI) and University College Cork's (UCC) - Marine Research Engineering Institute.
- No PBSA presently exists in Ringaskiddy Municipal District.
- Request Board to grant permission with amendments/conditions.
- Supports in principle effort to construct much needed accommodation for students and it would help release homes to the residential market.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider it appropriate in this case to assess this appeal *de novo*, and that the substantive issues to be considered in this appeal are as follows:

- Compliance with County Development Plan – Land Use Zoning and Principle of Development
- Ecology and Landscape
- Impacts on Residential and Visual Amenities – New Issue
- Traffic Safety and Transportation – New Issue
- Archaeology – New Issue
- Site Layout – New Issue
- Internal Unit Layout – New Issue
- Surface Water – New Issue
- Plans and Particulars – New Issue
- Procedural Issues
- Alternative Proposal – Appeal Submission
- Material Contravention
- Conclusion

### 7.2. **Compliance with County Development Plan – Land Use Zoning and Principle of Development**

7.2.1. I note the description of development and nature, scale and bulk of the scheme as originally lodged. Given that the scheme and particularly the overall site layout has been significantly revised in the FI response, and that revised public notices have

been submitted, I consider it appropriate in this instance to assess the proposed development with reference to primarily the FI revised scheme, and also with reference to various plans and particulars lodged with the original application where relevant. The applicant's further alternative modifications to the scheme as suggested in the appeal submission are discussed elsewhere.

- 7.2.2. The site is zoned Objective ZU 18-17: Town Centres/ Neighbourhood Centres, on which residential is an appropriate use. The proposed development would comply with the land use zoning objective in this regard.
- 7.2.3. The site also forms part of much larger (19.88ha) **Specific Development Objective RY-T-02** which states any proposals for development should comply with the overall uses acceptable in town centre areas and should complement/reinforce the village's urban structure, that provision for small scale student accommodation will be considered, and any future development should reflect the scale and character of the surrounding existing built up residential area. Given that the Development Plan also states (at Section 1.7.17) that student, staff and short term visitor accommodation associated with existing and future educational facilities in the area will be deemed appropriate within the town centre zoning, I consider that the provision of student accommodation on this site would be acceptable in principle.
- 7.2.4. In terms of scale, I note that 192 'student bedsits' would be only marginally below the threshold of 200 or more bed spaces for student accommodation vis-à-vis the large scale residential development (LRD) process, as per the Planning and Development Act 2000, as amended. In terms of the quantum of bedspaces proposed, I do not therefore consider that the proposed development would be 'small scale' and would not comply with this provision of the Development Plan. Refusal of permission is recommended on this basis. The matter of the nature and scale of the proposed development and any potential impacts arising from same on the residential amenities of the area are discussed elsewhere in this report.
- 7.2.5. The Development Plan also states (at Section 1.7.23 (Vol.4)) with reference to supporting the educational facilities in Ringaskiddy by UCC, that any student, staff and short term visitor accommodation should be catered for in the town centre at an appropriate scale. I consider that the principle of student accommodation on this site

would not be in conflict with this section of the Development Plan, but would not be acceptable in terms of scale.

- 7.2.6. For wider planning context, the Sustainable Residential Development and Compact Settlements Guidelines (2024), hereafter referred to as the 'Settlements Guidelines', states that when calculating net densities for shared accommodation such as student housing, 4 bedspaces shall be the equivalent of 1 dwelling. Given that 192 student bedspaces (excluding any caretaker unit) are proposed, this would equate to 48 dwelling units. For context, 48 dwellings units on this 1.1ha site would result in a density of 43.6uph.
- 7.2.7. The Development Plan has a target of 45 housing units for Ringaskiddy within the lifetime of the plan. The observations on file include that the proposed development would use up this quota. I consider the Settlements Guidelines calculation of 4no. student bedspaces to equate to 1no. dwelling to be a useful measurement to illustrate a notional approx. 48 houses on this site. However, while the proposed development would potentially increase the amount of residential accommodation available in the village, given that it is described as student halls of residence, I note that it would be distinct from the general housing market. In this regard therefore I do not consider that the 45-unit housing allocation for Ringaskiddy would be used up as a result of the proposed development. However, notwithstanding this, concerns remain as outlined above regarding the quantum of development proposed, which I do not consider to be 'small scale' as required by the Development Plan.
- 7.2.8. In terms of detail, I note that the description of development states that the student halls of residence are to serve the National Maritime College of Ireland and Marine Engineering Research Institute students and other third level institutions located in Ringaskiddy. In contrast, the National Maritime College of Ireland (Munster Technological University, Ringaskiddy) letter dated 22 March 2022 lodged with the application states that NMCI (or partners involved) cannot provide guarantees regarding level of accommodation take up of its students, but is confident of significant demand. It further states that NMCI has significant undergraduate student numbers, trains delegates on-site, regularly hosts research project activities involving teams spending days or weeks at NMCI, hosts conferences, and that all would benefit from local self-catering accommodation.

7.2.9. It would appear therefore based on the information on file that the subject scheme is not directly linked to NMCI nor to any other third level institution. I note that the NMCI and the separate Maritime Renewable Energy Ireland (MaREI) facility are both located approx. 0.95km east of the subject site. However, given that the proposed development is clearly described and designed as a student accommodation scheme, I consider that in the event the Board was minded to grant permission for the proposed development, it may consider attaching a condition confirming the use/occupation of the scheme. In this regard I note that Circular Letter PL 8/2016 APH2/2016 (Identifying Planning Measures to Enhance Housing Supply) includes sample student accommodation use conditions. Circular Letter NRUP 05/2021 (Temporary Change of Use of Student Accommodation) reiterates the advice of the previous circular.

### **7.3. Ecology and Landscape**

- 7.3.1. The planning authority's reason for refusal includes that the proposed development fails to protect and enhance areas of local biodiversity value, ecological corridors and habitats, would materially contravene objective BE 15-2 of the Development Plan which seeks to protect areas of biodiversity value and objective GI 14-2 which requires new development proposals to contribute to protection and enhancement of existing green and blue infrastructure of the local area.
- 7.3.2. I note that there is substantial mature tree planting along the site's boundaries and that the area at the site entrance is significantly overgrown. There are no Tree Preservation Orders on site. The site is essentially a greenfield site and some of the adjoining lands are similarly undeveloped.
- 7.3.3. The FI tree survey indicates that 118 no. trees were surveyed, that trees on site are Category B – Moderate, Category B1 and Category U – those that cannot realistically be retained as living trees in current land use context for longer than 10 years. 53 no. Category U trees are proposed to be removed. 2 no. B category trees (ash: 1781 and sycamore:1791) are proposed to be retained in the short term. Tree species on site are predominantly sycamore, ash and beech with some Corsican Pine and smaller numbers of other species.

- 7.3.4. I note the concerns of the planning authority that the proposed development fails to protect and enhance areas of local biodiversity value, ecological corridors and habitats. Having regard to the non-native tree species on site and the Category U condition of those to be removed, I consider that while the removal of same would be acceptable, I would however have concerns that any consequent potential impacts of tree removal on bats have not been adequately demonstrated, and I also consider the landscape proposals to be very limited. While the (unscaled) FI landscape plan references a very limited amount of planting, it does not identify the location of any proposed or retained tree species, nor is the RPA superimposed on same, and I consider the proposed landscape scheme to overall lack a sufficient level of detail. In terms of detail, while this drawing references shallow pond with aquatic planting, the location of same is not apparent.
- 7.3.5. The (un-scaled) FI biodiversity plan shows a large amount of planting. A range of plant species are listed on this plan with some references to different parts of the site. However, the various species are not clearly annotated on plan, nor are any trees to be retained shown.
- 7.3.6. The planning authority's refusal reason includes an inadequate methodology employed in the Bat Survey. I note the Bat Mitigation Guidelines for Ireland v2 (Irish Wildlife Manuals, No. 134, National Parks and Wildlife Service, 2022) includes (at Appendix 1) Recommended Bat Survey and Mitigation Report Structure. It states *inter alia* that it is important to provide clear plans and diagrams' showing the current situation and what is proposed, the front cover should show the author and revision history, and that not all sections of the recommended mitigation plan structure will be applicable in all cases. It also states (at Section 5.2) that the surveys are expected to present the qualifications and experience of the surveyors and authors.
- 7.3.7. The name of the person who prepared the FI Bat Survey is stated to be lead ecologist, although no qualifications and experience are presented in the survey, and reference is made to the surveyor. Accordingly, I note that the Bat Survey does not include some information as set out in Section 5.2 and Appendix 1 of the Bat Mitigation Guidelines for Ireland v2. The applicant's grounds of appeal state an arborist surveyed each tree, who I note is the author of the separate Tree Survey.

- 7.3.8. With regard to the results of the FI Bat Survey, it is stated that all visual observations of bats were made near the boundaries of the study area. I note however that the location of these observations is not mapped or otherwise stated. It states that no roosts or signs of historic roost usage were found in the villa ruins, and no trees with active roosts were identified. Of the 77 registrations recorded on the bat detector during the dusk survey, 69 of these relate to Common Pipistrelle, with the remainder being Soprano Pipistrelle. No reference is made to Lesser Horseshoe Bat at or in the vicinity of the subject site. I note that bats are not a qualifying interest of either Cork Harbour SPA (Site Code 004030) or Great Island Channel SAC (Site Code 001058).
- 7.3.9. The conclusion of the FI Bat Survey states that no foraging or social behaviour was recorded. Separately, the grounds of appeal include that Common Pipistrelle and Soprano Pipistrelle bats use the treelined boundaries to forage for insects. I consider that there appears to be some inconsistency in the information on file as to whether bats forage at the subject site. I note also that the FI Ecology Assessment, Biodiversity & Hedgerow Plan, Invasive Species document states bats, other mammals, etc., would be sensitive to any significant changes in lighting within the habitat within the site. It continues to state that strong lighting during construction and operation could impact species that use the site for foraging and commuting if not carefully controlled, and operational phase lighting should only be directional/cowled at 1-2m height. Notwithstanding that the findings of the FI Bat Survey indicate that no roosts or foraging were recorded, I am not satisfied on the basis of the information on file that the survey adequately demonstrates the extent of bat activity on site.
- 7.3.10. In addition, the Planning Statement lodged with the application outlines (at Landscape Design Rationale Report and Landscape Specification) that ecological enhancements include placing bat boxes within the existing trees and retained planting along site edges, and placing bat boxes into the mixed planted areas. These enhancements are not referenced/recommended in the FI Bat Survey.
- 7.3.11. In terms of detail, the FI Street Lighting drawing shows a lantern on 6m pole, and I consider that it is unclear based on the information on file as to whether it is intended to limit the height of lighting to substantially less than 6m.

- 7.3.12. With regard to the overall assessment relating to bats, I consider it relevant to also highlight that this is a site zoned Town Centre/Neighbourhood Centre, on which permission has been previously granted for a student accommodation scheme (PL 04.227267 (P.A. Ref. 07/10337) refers). While the backland nature of the site is currently largely bounded by undeveloped lands, the M28 motorway would be located a very short distance to the south, whereby the landtake for same is approx. 35m south of the site, as outlined under Planning History. As such, the overall site context to the south is anticipated to change due to the provision of this transportation infrastructure.
- 7.3.13. In terms of detail, the application originally lodged includes a drawing (not to scale) showing the M28 motorway layout which runs a short distance to the south of the site on a west/east axis, and it is elsewhere stated that this motorway will be 0.2km south of the subject site. However, as outlined above, I estimate that the motorway would be located much closer to the subject site. In addition, it was noted on site inspection that roadside boundary removal has taken place a short distance south of the subject site on Old Post Office Road, and that new fencing has been erected. The Two Year Progress Report on Cork County Development Plan Plan 2022-2028 (dated 12 April 2024) outlines the current status of M28 Cork to Ringaskiddy Route is that multiple advance works are underway and on track for the award of a main construction contract in 2024, and construction commencement in Q4 2024, subject to approval.
- 7.3.14. Having regard to the evolving context of transportation infrastructure in the vicinity of the site, I consider that the principle of development on this zoned, serviced site within Ringaskiddy village would be generally acceptable. In addition, I consider that the removal of Category U, non-native trees would be generally acceptable, subject to detailed landscape/planting proposals for the proposed development, demonstration of predicated impacts on bats, if any, and any mitigation measures as relevant. For completeness, I note that the Board's 3no. refusal reasons on ABP-312440-22 (P.A. Ref. 21/6748) did not include matters relating to ecology or impacts on bats. However, in the particular circumstances of the subject case, and noting in particular the content of the FI Bat Survey, I consider that having regard to all information on file it has not been adequately demonstrated that the proposed

development would not adversely impact on bats and that it has not been adequately demonstrated that the proposed development would be in compliance with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c). Refusal of permission is recommended on this basis.

- 7.3.15. With regard to invasive species, the FI Ecology Assessment, Biodiversity & Hedgerow Plan, Invasive Species document states *inter alia* that Japanese Knotweed, a scheduled invasive species, has recently been identified within the site. Options to control and prevent the spread of invasive species are set out, including biosecurity measures during works, off-site disposal of plant material and herbicide treatment. It recommends that the contractor prepares a specific Invasive Species Management Plan (ISMP). However, I note that the location of the invasive species is not shown on this FI document.
- 7.3.16. In the event that the Board was minded to grant permission for the proposed development, I consider that a condition requiring the submission of a site-specific ISMP, the recommendations of which shall be incorporated in a site-specific construction management plan (CMP) would adequately address the matter of dealing with invasive species on site. I note also that matters relating to invasive species are subject to a separate legal code namely European Communities (Birds and Natural Habitats) Regulations 2011.
- 7.3.17. With regard to construction management, the Planning Statement submitted with application originally lodged includes a Construction Management Plan and Construction Waste. No drawings indicating location of site compound, waste storage areas, etc. are provided. I note that having regard to the significant changes to the site layout as proposed in the FI response, that a detailed, revised construction management plan would in any event be required. In the event that the Board was minded to grant permission for the proposed development, it is considered that a condition requiring the submission of a site specific construction management plan and a construction and demolition waste management plan would be appropriate in this case, which incorporates the recommendations of the ISMP as discussed previously. Having regard to the matters outlined, I consider that matters relating to invasive species could be adequately addressed by way of condition.

7.3.18. In terms of detail, the Construction Management Plan at Table D refers to mitigation measures outlined in the NIS. For clarity, no NIS (Natura Impact Statement) has been lodged with this application.

#### **7.4. Impacts on Residential and Visual Amenities – New Issue**

- 7.4.1. The FI 'site metrics' site layout plan shows the two most northerly units, Irish Sea no. 24 Cluster B and Malin no. 1 Cluster A in the range of 15.5m to 26.5m respectively from the northern site boundary to the rear boundary to dwellings on Main St. Section D-D shows the site context to a dwelling on Main St., whereby a 26m separation distance between the proposed 2½ storey building and the rear site boundary of an existing dwelling is shown. This drawing does not appear to indicate the location to which Section D-D relates, although I note that it shows the two rows of car parking spaces to rear of Main St. dwellings. Grounds levels within the subject site are at least 4m above those at rear of Main St. dwellings. While the finished floor level of the proposed 2 ½ storey building is significantly higher than that of the existing Main St. dwelling houses, I consider that having regard to the approx. 26.5m separation distance, Malin no. 1 Cluster A would not adversely impact on these existing dwelling houses in terms of overlooking, overshadowing or overbearing impacts.
- 7.4.2. The Irish Sea no. 24 Cluster B contains 3 floor levels, has a parapet height of 7.4m, an overall ridge height of 9.2m and is indicated to be 15.5m from the rear boundary to properties on Main St. I note the substantially higher ground levels at this part of the site relative to finished floor level of Main St. dwellings. However, having regard to the 15.5m separation distance to the northern boundary, I consider that Cluster B would not result in serious overshadowing or overbearing impacts on these adjoining properties. Having regard to the location of windows at first and dormer level on the north elevation, and the roof indicated to include a sedum flat roof, I consider that this proposed structure would not result in undue overlooking of existing dwellings.
- 7.4.3. For comparison, I note that a slightly less 12m separation distance was indicated for the build-to-rent terraced houses proposed under ABP-312440-22 (P.A. Ref. 21/6748) from the northern site boundary. The houses in that (outline) case were shown to be in the range of approx. 5.8m to 8m in height.

- 7.4.4. Having regard to the separation distances between the proposed halls of residence and the adjoining western site boundaries which bound properties on Old Post Office Road, I consider that the proposed halls of residence would not adversely impact on the residential amenities of these adjoining properties in terms of overlooking, overshadowing and overbearing impacts.
- 7.4.5. I consider that the detailing of the northern site boundary is insufficient, particularly the lack of information regarding boundary heights and materials on FI Section D-D drawing. In the event that the Board was minded to grant permission for the proposed development, it may consider it appropriate to attach a condition requiring the submission of comprehensive details for the proposed northern site boundary, in order to prevent undue overlooking and protect the residential amenities of the dwellings on Main Street. In addition, details of treatment for other site boundaries would also be required to be addressed by way of condition.
- 7.4.6. Notwithstanding that the matter relating to overlooking impacts could, in the event of a grant, be addressed by way of condition, having regard to the substantive reasons for refusal set out in below, I consider in this particular case that this matter be included within the reasons for refusal. Refusal of permission is recommended on this basis. However, this is a new issue and the Board may wish to seek the views of the parties.
- 7.4.7. Matters relating to visual impact are not raised in the planning authority's reason to refuse permission, nor in the grounds of appeal, and it is discussed here for completeness. The site is located on Scenic Route S54 and in a High Value Landscape. No elevation drawings have been submitted showing the proposed development in the context of Main St., i.e., a contextual north elevation. I note that the higher ground levels within the subject site compared to Main St. would result in the scheme being visible in the wider area. However, having regard to the halls of residence as per FI site layout set back in the range of 15.5m to 26m from the northern boundary, and to the intervening houses on Main St., I consider that as viewed from the surrounding area, including from Main St. and from longer range views on the opposite (north) side of the N28, that the proposed development would not adversely impact on the visual amenities of the area.

## **7.5. Traffic Safety and Transportation – New Issue**

### Site Access

- 7.5.1. There is one single vehicular entrance to the proposed development, via the modified existing entrance on Main St. The site layout shows the vehicular entrance to comprise a forecourt plaza, indicated to be 12m wide on FI 'site metrics' drawing. The FI site layout references a traffic calming table at the entrance, but this is not delineated on this drawing. There is no existing footpath along the roadside frontage of this and adjoining properties on Main St. No footpath is shown from the existing public road to within the site, i.e., there is no footpath within the forecourt plaza. Some landscaping is proposed between the plaza forecourt and the communal parking area.
- 7.5.2. The (un-scaled) FI auto track drawing shows a one-way vehicular loop. It shows that where an in-coming and exiting vehicle meet, there is no pedestrian refuge. I highlight that this drawing may be cross-referenced with FI site layout, which shows landscaped/planted areas either side of this vehicular route at this point.
- 7.5.3. The communal car parking area comprises 24 no. spaces near the northern site boundary. No individual parking or set-down spaces are shown elsewhere on the FI site layout.
- 7.5.4. The FI Traffic & Transport Assessment Report includes a drawing relating to a Part 8 for Ringaskiddy public realm works. The submitted drawing showing the proposed works at the entrance to the subject site and its immediate vicinity are stated to be 'issued for Part 8 planning', and it is not stated as to whether it relates to the Part 8 as proposed, as distinct from an approved Part 8.
- 7.5.5. The Area Engineer's report (on FI response) recommends refusal of permission for 2 no. reasons based on (1) inadequate off road parking and traffic movements likely generated would endanger public safety and (2) proposal would seriously reduce parking space for adjacent premises, result in parking on adjoining public road and endangering public safety by reason of traffic hazard. I note that the First Area Planner's report includes an image (not to detail) of public realm layout as permitted, and subsequent report on the FI response considers that with public realm improvements the access arrangement would be acceptable, and having regard to

town centre zoning, location of the site and nature of proposed development that a reduced car parking provision can be considered in this instance.

- 7.5.6. In terms of access to the site from the adjoining public road, I note that the planning authority references public realm improvements and does not raise any issues with regard to access as outlined above.
- 7.5.7. Separately, I note also that the Board refused outline permission on this site in 2022 for construction of 56 no. residential units comprising 28 no. student accommodation units and 28 no. build to rent terraced dwelling houses for 3 no. reasons. Reason 3 is that the Board was not satisfied that access arrangement and parking are adequate and that traffic movements likely to be generated would not interfere with free flow of traffic and that the proposed development would result in traffic hazard; ABP-312440-22 (P.A. Ref. 21/6748) refers. 122no. car parking spaces were proposed in that case, as stated on planning application form.
- 7.5.8. I note that the nature of the subject case differs significantly from that refused by ABP-312440-22 (P.A. Ref. 21/6748). However, I would have concerns that the pedestrian safety and safety of other vulnerable road users has not been adequately provided for in the current proposal, including as previously outlined that a traffic calming table referenced is not delineated on drawing. I would have concerns that the forecourt plaza area and access route to the proposed student housing units does not sufficiently provide for pedestrian priority. Notwithstanding that this area is described as a shared surface in the FI Traffic & Transport Assessment Report, on the basis of the information on file, I consider that the proposed development would give rise to traffic movements which would endanger public safety by reason of traffic hazard, particularly pedestrians and other vulnerable road users. Refusal of permission is recommended on this basis. However, this is a new issue and the Board may wish to seek the views of the parties.
- 7.5.9. For clarity, I note the content of the 2 no. TII letters on file. With regard to the Road Safety Audit (RSA) referred to in the TII letter dated 12 May 2022, there does not appear to be a specific RSA document lodged with the subject application.
- 7.5.10. Separately, with regard to permeability, I note that Objective PL 3-1: Building Design, Movement and Quality of the Public Realm includes (j) achieve permeability and connectivity in town centre / village locations which contributes to the 10 Minute

Town Concept and Sustainable Neighbourhood Infrastructure. Objective TM12-2-1 includes the aim to deliver a high level of priority and permeability for walking and cycling to promote accessible and safe settlements to work and live, within a ten minute walk of one's home.

- 7.5.11. The site is bounded to the east by undeveloped lands which are similarly zoned Town Centre/Neighbourhood Centre. No information has been provided on file regarding any planning applications on this adjoining site. With regard to connectivity, the FI site plan does not indicate any potential permeability to this site. I note the backland character of both the subject site and adjoining site to the east. However, notwithstanding the backland nature of both sites/lands, I consider it reasonable that potential permeability, at a minimum for pedestrian access, from the subject site to the adjoining site to the east be indicated. I note that there may limited destination routes between the two sites, but nevertheless I consider that a more strategic overview regarding permeability and access for this site and its relationship to the adjoining site to the east would be required to be addressed.
- 7.5.12. I note that there may be a potential permeability access point directly east of the proposed car parking area. However, no pedestrian priority route or footpath is shown at this location, and having regard to the relatively limited overall extent of the car parking area, I do not consider that the provision of a footpath in this context, to facilitate potential permeability, could be adequately addressed by way of condition.
- 7.5.13. While the planning authority's refusal Reason refers to GI 14-2, which includes (c) seek to create new and improved connections (physical/ecological corridors) between open spaces/ green infrastructure and other important destinations, the Reason does not specifically refer to permeability. I consider that the matter of permeability has not been adequately addressed in the proposed development in terms of overall site access, and that the proposed development does not comply with Objective PL 3-1: Building Design, Movement and Quality of the Public Realm of the Development Plan. Refusal of permission is recommended on this basis. However, this is a new issue and the Board may wish to seek the views of the parties.

#### Internal Vehicular Circulation

- 7.5.14. The FI Vehicle Circulation Route shows an auto-track drawing for a refuse vehicle and fire appliance along the internal loop route. No dedicated lay-by/drop-off areas are indicated along this route.
- 7.5.15. The FI Traffic & Transport Assessment Report states (at Section 12.0 Management of Site Access During Term Start/End) that the management company will have a booking system to control the arrival of vehicles at term start/end dates, and that 5 no. parking spaces opposite the management suite will provide the initial set down area. As discussed further under Site Layout – New Issue, I note that no management suite is indicated on the FI site layout (nor on the original site layout), and it is unclear where the 5 no. spaces referred to are. It is further stated (at Section 13.0 Site Servicing) that servicing requirements are expected to be limited to refuse collection and small deliveries, and that excluding refuse collection, the number of servicing movements is expected to be 3 or 4 across the course of the day. Access to a servicing set down area will be facilitated through the management suite.
- 7.5.16. I consider that these access/servicing proposals described in the FI Traffic & Transport Assessment Report are not clearly shown on the FI site layout. Having regard to all information on file, I consider that the overall internal access arrangements, including in particular the lack of any demarcated set down areas for service/delivery vehicles, would result in a poor overall site configuration that would be deficient in facilities and amenities to serve future occupiers of the student accommodation scheme. Refusal of permission on this basis is recommended. However, this is a new issue and the Board may wish to seek the view of the parties.

#### Parking and Mobility

- 7.5.17. The Development Plan does not include a car parking standard for student accommodation. Of the proposed 24no. car parking spaces, 3no. are intended for cater for disabled users and visitors, as stated in the FI Traffic & Transport Assessment Report. It is stated that 4 no. motorbike parking spaces are proposed, and it is proposed to establish a car club. No parking spaces for visitors, disabled users, car club or motorbikes are shown on the FI site plan. I note also that no electric vehicle charging space is indicated.
- 7.5.18. 24 no. parking spaces would equate to 1 per 8 bedspaces, based on 194 no. bedspaces (including 2 no. bedspaces in caretaker's unit).

- 7.5.19. Mobility management proposals in the FI Traffic & Transport Assessment Report states that student timetables do not always follow the typical 9-5 working day and often start after/finish before normal peak commuting hours. A summary of key local bus services includes the 223 route from Cork city centre to Ringaskiddy, Haulbowline, NMCI/MaREI, stated to be an hourly service of 35 minutes duration. While the start/finish times of the bus services are not stated, I note that the Bus Éireann website [www.buseireann.ie](http://www.buseireann.ie) (accessed on 11 June 2024) shows the outward bound Monday – Friday timetable runs from 06:50hrs - 23:20hrs, and there is a reduced weekend timetable from 07:20hrs – 23:20hrs. The 223 journey to Cork city runs from 06:42hrs - 22:22hrs Monday-Friday (during college term only), 07:22hrs-22:22hrs on Saturdays and 08:22 – 22:22hrs on Sundays.
- 7.5.20. The 225 route (Kent Rail Station to Haulbowline via Cork Airport and Carrigaline) extends from 05:20hrs – 22:20hrs Monday to Sunday. The in-bound journey runs from 06:25hrs – 23:25hrs Monday to Sunday.
- 7.5.21. I note also that Cork Metropolitan Area Transport Strategy (CMATS) 2040 (NTA, in collaboration with TII and Cork City Council and Cork County Council, 2019) states (at Chapter 15 Supporting Measures) that both local authorities should seek to translate the overarching objectives through the use of Local Transport (Implementation) Plans. It states that these plans should set ambitious targets to prioritise active and sustainable transport mode shares that reduce local private motor trips over the short, medium and long term, that Cork County Council are currently progressing a LTIP at Little Island and future LTPs are envisaged for areas including Ringaskiddy.
- 7.5.22. On the basis of the information viewed on the Bus Éireann website indicating the level of bus services to Cork city, I consider that the provision of a student accommodation scheme in Ringaskiddy village would be adequately served by bus services. In addition, the preparation of a LTP for Ringaskiddy as set out in CMATS would further prioritise sustainable transportation for this area in the future. In terms therefore of the quantum of car parking spaces proposed to serve 194no. bedspaces, I consider this to be acceptable. However, I consider that the detailing of the parking layout as shown on the FI site plan to be inadequate, including for example the lack of clarity as where the 4 no. motorbike spaces are to be located.

- 7.5.23. With regard to cycle parking, 240no. cycle spaces are stated to be proposed, comprising 1 space per student bedspace and 48 no. visitor spaces. Development Plan minimum cycle parking requirements for student accommodation are 1 long stay parking space per 2 bedrooms, and 1 short stay (visitor) parking space per 5 bedrooms. This equates to 136no. spaces, comprising 97no. long stay spaces, and 38.8no. visitor spaces (incl. 2 no. caretaker bedspaces). The provision of 240no. cycle spaces exceeds the minimum requirement and is considered acceptable. However, while 8 no. cycle spaces are indicated within the foyer at ground floor level of each hall of residence, it does not appear to be shown as to where the remaining 48 no. spaces are to be provided.
- 7.5.24. The shared surface area including car parking area on the FI site layout drawing is relatively limited in extent. Given that a revised site plan would be required to demarcate all car parking spaces, including accessible and car club spaces, the provision of an EV parking space, 4 no. motorbike spaces and 48 no. covered cycle spaces, I consider that these additional parking areas may not be easily accommodated within the shared surface area currently shown without impacting on open space/landscaped areas. In terms of detail, I note that the FI Operational Waste Management Plan states that the waste storage area for specialist waste will be located close to maintenance yard on the eastern boundary. However, as the FI site plan does not show any waste storage area or maintenance yard at this location, it is unclear based on the information on file as to where the intended location of the referenced maintenance yard is. In particular, I consider that provision of same could not be easily accommodated in the vicinity of the shared surface/parking area in the northern part of the site based on the current (FI) site layout.
- 7.5.25. Accordingly, I am not satisfied on the basis of information on file that the proposed parking arrangements on site would be acceptable. Refusal of permission is recommended on this basis. However, this is a new issue and the Board may wish to seek the views of the parties.

## **7.6. Archaeology – New Issue**

- 7.6.1. The Planning Statement lodged with the original application includes Archaeological Assessment. It states that there are no archaeological remains within the curtilage of

the development site, and that five archaeological sites are recorded to the west and three to east. As the site is very overgrown, it is not possible to ascertain if there are any previously unrecorded archaeological sites, and recommends archaeological monitoring takes place during the groundworks phase of the development.

- 7.6.2. The FI response includes a letter from a firm which carries out geophysical surveys, stating that the site is unlikely to be suitable for such a survey due to mature trees and burnt rubble on site, and recommends that an archaeological impact assessment be undertaken.
- 7.6.3. The planning authority considers that the FI response (to Items 9 and 10) requesting an archaeological impact assessment and strategy to mitigate adverse effects on archaeological heritage is not adequately addressed. It notes that if permission is to be granted, that archaeological testing would be required by condition.
- 7.6.4. I note that the content of the information on file relating to archaeology is relatively limited, insofar as no archaeological impact assessment (AIA) has been submitted. However, I consider that in the event that the Board was minded to grant permission, that this matter could be addressed by attachment of a condition requiring that archaeological assessment be carried out.
- 7.6.5. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be necessary to pursue this matter.

## **7.7. Site Layout – New Issue**

### **Open Space**

- 7.7.1. With regard to open space provision generally, the Development Plan does not specify a minimum requirement for student accommodation schemes. It does however emphasise that provision for small scale student accommodation will be considered within this land use zoning in Ringaskiddy, which should reflect the scale and character of the surrounding existing built up residential area.
- 7.7.2. The FI landscape plan does not indicate any restriction on access to the open space area to rear of the 2no. southern halls of residence (Hebrides and Fair Isle). While this open space area would have some limited passive surveillance from the rear of

these halls of residence, the overall open space configuration at this part of the site, due to its location to rear of these units, would not lend itself to being a functional open space. This open space area to the rear of the southern block, excluding open space to the each side of this building, comprises approx. 1197sqm. In the event that the Board was minded to grant permission, it may consider that the omission of these 2no. halls of residence would be appropriate in this case, in order to provide a functional open space of more open character, and this matter could be addressed by way of condition.

- 7.7.3. For completeness, I note that the western halls of residence back onto a separate central open space area which is also overlooked by the eastern units. A swale on this open space is delineated but the area of same is not stated, and this would not be included in open space calculations. The configuration of this central open space and the provision of a swale on same would, I consider, give further weight to the desirability of providing a larger, functional open space to the south of the site.
- 7.7.4. However, this is a new issue and the Board may wish to seek the views of the parties.

#### Caretaker Accommodation/Management Pavilion

- 7.7.5. The amended FI site layout indicates 192 student bedspaces, plus 2no. caretaker bedspaces, a total of 194no. bedspaces. There does not appear to any units/bedspaces specific to caretaker occupation on the FI floor plans. The FI site layout legend includes (2) management pavilion, although this is not specifically identified on the drawing. I note that south of the forecourt plaza, near the western boundary, an un-named plan form is indicated. In the absence of any drawings on file relating to a separate management pavilion, in the event that the Board was minded to grant permission, it may consider it appropriate to confirm by way of condition the extent of any such planning permission, whereby no detached structure/management pavilion is permitted.
- 7.7.6. However, having regard to the nature of the student accommodation scheme, I consider that the provision of a caretaker unit/management unit would be an integral part of the occupation type proposed. In the event that the Board was minded to grant permission, it may consider that this matter could be addressed by condition

requiring the submission of revised drawings showing part of the halls of residence to be modified to incorporate caretaker accommodation/management area.

- 7.7.7. However, notwithstanding that this matter may potentially be addressed by way of condition, I consider that having regard to the other substantive reasons for refusal set out below, the lack of detailed caretaker accommodation/management area is a significant given the nature of the proposed development as a student accommodation scheme, and refusal of permission is recommended on this basis. This is a new issue and the Board may wish to seek the views of the parties.

#### **7.8. Internal Unit Layout - New Issue**

- 7.8.1. The gross internal area for kitchen/living area of the halls of residence is stated to be 18.72sqm in each of Cluster Types A, B and C. In terms of detail, the FI Student Management Plan states each bedroom will have a breakfast bar and each student house has a ground floor shared living room with access to an external patio.
- 7.8.2. I note that the Development Plan does not contain specific standards relating to student accommodation, such as minimum room sizes. Based on the plans and particulars on file, I consider that the provision of an approx. 18sqm kitchen/living/dining area inadequate to serve an 8-bedspace residential unit.
- 7.8.3. In this regard I note the Guidelines on Residential Development for 3<sup>rd</sup> Level Students 1999, Department of Education and Science (updated 2005), states that planning authorities are asked to have regard to these guidelines. It includes that the provision of a shared kitchen/dining/living room space shall be based on minimum 4sqm per bedspace in the unit, and this shall be in addition to shared circulation. This would equate to a minimum 24sqm kitchen/dining/living area.
- 7.8.4. I note that this matter has not been raised in the grounds of appeal or observations, nor is it included in the planning authority's decision to refuse permission. I consider that in the event the Board was minded to grant permission for the proposed development, the matter of increasing the kitchen/living/dining area for each Cluster Type could be addressed by omitting the adjoining 18.72sqm bedroom unit and extending the kitchen/living/dining area into this space. This would result in the number of bedroom spaces in each hall of residence being reduced by 1no., i.e., based on the FI response drawings, the omission of 24 no. bedspaces.

7.8.5. While this matter could be addressed by condition, I consider that having regard to the other substantive reasons for refusal, the matter of inadequate kitchen/living/dining areas as currently proposed, resulting in substandard residential accommodation for future occupiers of the scheme, be included as grounds for refusal of permission. This is a new issue and the Board may wish to seek the views of the parties.

#### **7.9. Surface Water - New Issue**

7.9.1. The subject site is largely a greenfield site, and no streams or other watercourses are indicated.

7.9.2. The (unscaled) FI amended drainage plan shows the attenuation tank at a revised location set back a short distance from the northern site boundary, to the rear of dwelling houses on Main St. Based on the information on the FI metrics plan, I estimate that the attenuation tank is approx. 2.5m from this boundary. It would be in the approximate location of the landscaped area shown forward (north) of the car parking area on FI Section D-D, i.e., between the parking area and the rear gardens/yards of houses on Main St. As outlined previously, there is a substantial difference in ground levels between the subject site and the rear curtilage of these dwellings, which I estimate to be at least 4m as measured from section drawing.

7.9.3. FI Section D-D shows a wall/boundary detail minimally visible above ground level at the northern site boundary, and a separate apparent wall set a short distance off this boundary within the site. There are no annotations outlining these boundary/demarcation details, such as information relating to height, materials and retaining walls, if any existing or proposed. Having regard to proximity of the attenuation tank to the northern site boundary, at a higher level than the rear curtilage of dwellings on Main St, and in the absence of detailed boundary treatment proposals along the northern site boundary, I consider that the suitability of this location for the attenuation tank has not been adequately demonstrated.

7.9.4. In terms of tank design and capacity, the FI amended drainage plan states attenuation storage volume is 135m<sup>3</sup>, and plan area is 90sqm. While this drawing is unscaled, I consider that the plan area of the attenuation tank would be substantially

less than 90sqm. Separately, I note that a larger attenuation area of 90sqm was originally proposed along the access road near the site entrance.

- 7.9.5. The FI site plan shows central square and SuDS swale to later detail. The swale would appear to be delineated on FI site layout, but the area of same is not specified. Notwithstanding the reference to swale to later detail, I consider that the provision of a swale would form part of an overall surface water management proposal, and that in order to assess the swale as part of an overall surface water management scheme, detailed proposals for same would be required.
- 7.9.6. The Area Engineer's report (on FI response) states that calculations used for stormwater attenuation are unacceptable and should be designed for a 1 in 100 year storm event and not a 1 in 30 year storm event. The Area Planner notes *inter alia* Section 11.10.3 of the Development Plan includes that while engineered attenuation in underground tanks may be necessitated in limited circumstances, a range of solutions should be considered in a SuDS scheme which manage, treat and make best use of surface water, prioritising nature-based solutions, and states that this may be taken into account by way of condition.
- 7.9.7. The FI amended drainage plan states surface water discharge from the site to be limited to a greenfield rate of 6l/s for a return period of 30 years. The Planning Statement lodged with the application states that the Greater Dublin Strategic Drainage Study (GDSDS) advises that run-off should be limited to 2l/s/ha, and for the 1.1ha catchment allowable greenfield runoff was set at 2.2l/s.
- 7.9.8. Having regard to the information on file, I consider that the provision of the attenuation tank as proposed in the FI response has not been accurately detailed. I consider that it has not been adequately demonstrated that the surface water discharge at a greenfield rate of 6l/s would be sufficient to address surface water management requirements to serve the proposed development.
- 7.9.9. With regard to the Development Plan, I note Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design of the Development Plan includes (c) that 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. While the FI site layout includes a swale and reference to porous surface (with regard to car parking lane widths) I consider that it has not been

demonstrated that due consideration has been given to nature based solutions as set out in Objective WM 11-10 in this instance.

7.9.10. Having regard to all information on file, including the limited SuDS proposals and the lack of detailed design for the proposed attenuation tank and detailed northern site boundary proposals, I consider that it has not been demonstrated that the location of the proposed attenuation tank proximate to and at a higher level than the adjoining residential properties to the north would be a suitable location for this element of the surface water management infrastructure. In addition, I consider that the proposed development is deficient in terms of lack of nature based SuDS solutions proposed, and would not be in compliance with Objective WM 11-10 of the Development Plan in this regard. On the basis of the information on file, I consider that it has not been demonstrated that the surface water management proposals would be adequate to serve the proposed scheme and also that these matters could not be adequately addressed by way of condition. Refusal of permission on this basis is recommended.

7.9.11. This is a new issue and the Board may wish to seek the views of the parties..

#### **7.10. Plans and Particulars – New Issue**

7.10.1. A number of drawings lodged with the FI response are un-scaled or are indicated to be not to scale (NTS). In this regard I would have concerns that these drawings would not be in compliance with Article 23 of the Planning and Development Regulations 2001, as amended. For example, Art. 23(1)(a) requires site or layout plans to be drawn to a scale which shall be indicated thereon of not less than 1:500 or as otherwise agreed with the planning authority. In the event that the Board was minded to grant permission based on the FI proposal, it may consider that revised scaled drawings would be required to be submitted.

7.10.2. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue this matter.

#### **7.11. Procedural Issues**

7.11.1. The applicant's grounds of appeal include the way in which the application was handled by the planning authority, particularly that it did not seek CFI nor address

matters by way of a grant of permission subject to conditions. The planning authority's decision on the application, pursuant to receipt of (re-advertised) Further Information, was to refuse permission. The decision-making processes of the planning authority are outside the remit of this appeal. They are matters for the planning authority.

7.11.2. With regard to matters raised that this application has not been treated in a fair and consistent manner, and is compared to two other residential schemes in Ringaskiddy, it is not demonstrated as how these other applications are comparable to the subject case. In this regard I note that each case is assessed on its merits, with reference to *inter alia* the operative Development Plan at time of decision.

## **7.12. Alternative Proposal – Appeal Submission**

7.12.1. The applicant's appeal submission suggests an alternative design option

- to omit Hebrides and Fair Isle at South End/West Street corner, and
- to retain this floorplate as part of the proposed central park.
- To maintain commercial viability,
  - Hebrides units could be relocated over new floor on Iceland & Portland
  - Fair Isle units could be redistributed over new floor of Forties & Fisher
- Net effect will decrease number of student dwellings to 22 (comprising 18no. 2-storey dormer dwellings and 4 no. 3-storey dormer dwellings).

7.12.2. I note the detail of the suggested alternative proposals. However, these are suggestions only and in the event that the Board was minded to grant permission for the proposed development, including the alternative proposals suggested in the appeal, the Board may consider that circulation to the parties would be required.

7.12.3. With regard to the nature of the alternative proposals, I note that no drawings/contextual drawings showing the amendments have been provided. While the proposal to omit the block comprising Hebrides and Fair Isle would by itself reduce the overall quantum of development proposed and would increase the extent of open space, it would not significantly alter the overall site layout. I consider that the alternative modifications suggested would not address the substantive reasons

for refusal set out below, and accordingly, I do not consider that further assessment of the alternative proposal is required.

### 7.13. Material Contravention

7.13.1. While this report recommends refusal of permission on grounds relating to

- (1) proposal not demonstrated to be in compliance with Objectives GI 14-2 (b) and BE 15-2 (b) and (c) of the Development Plan
- (2) Non-compliance with Specific Development Objective RY-T-02 and Objectives PL 3-1 and TM12-2-1 of the Development Plan, overall site configuration resulting in substandard residential accommodation for future occupiers, and serious overlooking impacts on Main St. residential properties.
- (3) traffic hazard
- (4) deficiencies in surface water management proposals and non-compliance with Objective WM 11-10 of the Development Plan,
- (5) inadequate size of shared kitchen/living/dining areas, resulting in substandard residential accommodation and residential amenities for future occupiers.

in the event that the Board was minded to grant permission for the proposed development, the matter of material contravention of the Development Plan is set out below.

7.13.2. The planning authority's refusal Reason 1 states that the proposed development would materially contravene Objectives BE 15-2 and GI 14-2 of the Development Plan. These objectives are outlined in full in Section 5 of this report and are summarised below as follows:

**Objective BE 15-2:** (b) provide protection to species listed in Annexes of the Habitats and Birds Directives and Wildlife Acts and (c) protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the county's ecological network.

**Objective GI 14-2:** (a) Ensure main towns have adequate quality green and recreational infrastructure; (b) Promote the corridor concept; (c) Seek to create new

and improved connections between open spaces and (d) Require statutory plans/masterplans to include integrated green and blue infrastructure proposals.

7.13.3. I have noted the content of these objectives in full in the assessment of this case. I consider that having regard to existing site context, which includes a large number of non-native tree species indicated to be of Category U condition to be removed, and to the absence of information to adequately demonstrate impacts of the proposed development on bats, I consider that on the basis of the information on file that it has not been demonstrated that the proposed development would not adversely impact on areas of local biodiversity value, ecological corridors or habitats, would not adversely impact on the promotion of the corridor concept, and that it has therefore not been demonstrated that the proposed development would be in compliance with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c) of the Development Plan.

7.13.4. As per my assessment above, I consider that it has not been demonstrated that the proposed development would be in compliance with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c) of the Development Plan.

7.13.5. Notwithstanding the matters outlined above, in the event that the Board was minded to grant permission and considers that a material contravention arises in this instance, one or more of the criteria as set out in Section 37(2)(b) of the Act must be met. Section 37(2)(a) and (b) of the Act state the following:

*(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.*

*(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—*

*(i) the proposed development is of strategic or national importance,*

*(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

*(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

7.13.6. The criteria set out under Section 37(2)(b) are assessed as follows:

***(i) the proposed development is of strategic or national importance,***

Having regard to the nature and scale of the proposed development, this development is not considered to be strategic or national importance.

***(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or***

The Development Plan includes a range of objectives relating to the protection, management and enhancement of the natural environment and biodiversity.

Objectives BE 15-2 and GI 14-2 of the Development Plan are summarised as relating to the protection and enhancement of biodiversity and the natural environment, including in the context of statutory plans/masterplans.

In addition, other Development Plan objectives directly relevant to the assessment of the proposed development include:

- the land use zoning which applies to the subject site is **Objective ZU 18-17: Town Centre/Neighbourhood Centre**;
- **Specific Development Objective RY-T-02 (Vol. 4)** comprising 19.88ha of which the subject site forms a part. Any proposals for development within this core area should comply with the overall uses acceptable in town centre areas and should complement/reinforce the village's urban structure. Provision for small scale student accommodation will be considered within this

area. Any future development should reflect the scale and character of the surrounding existing built up residential area.

For context, it is stated (at Section 1.7.17; Vol. 4) that student, staff and short term visitor accommodation associated with existing and future educational facilities in the area will be deemed appropriate within the town centre zoning.

Having regard to the land use zoning Objective ZU 18-17: Town Centre/Neighbourhood Centre and Specific Development Objective RY-T-02, I consider that these Development Plan objectives clearly allow for the provision of student accommodation on Town Centre/Neighbourhood Centre zoned lands. While the principle of student accommodation may be considered acceptable on these lands, the Development Plan also requires such development to be 'small scale'. Given the quantum of development proposed in this case, I do not consider this proposal to be 'small scale'.

However, the Development Plan also identifies the suitability of extending the third level educational campuses at two separate sites at the eastern end of Ringaskiddy (Vol. 4), as set out under **Specific Development Objectives RY-I-09** (10.19ha) and **RY-1-16** (9.5ha). For each of these sites it is stated *inter alia* that they are suitable for extension of (adjacent) third level educational campus and enterprise related development including marine related education, enterprise, research and development. Each site is considered inappropriate for any short or full time residential accommodation.

Having regard to the content of Specific Development Objectives RY-I-09 and RY-1-16, which include that student accommodation is considered inappropriate on these sites, this gives further weight to Section 1.7.23 which states that there is a need to promote and support the educational facilities available in Ringaskiddy by UCC, and these facilities need increased provision for student accommodation and amenities.

Accordingly, if the Board consider that the matter of material contravention arises with reference to either of the 2 no. objectives stated in the planning authority's refusal Reason No. 1, I would highlight to the Board that

- the land use zoning Objective ZU 18-17: Town Centre/Neighbourhood Centre and Specific Development Objective RY-T-02 allow for residential use and consideration of small scale student accommodation respectively, and

- Specific Development Objectives RY-I-09 and RY-1-16 which identify areas suitable for extension of third level educational campuses

may be considered conflicting objectives in this regard.

***(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or***

The Regional Spatial and Economic Strategy (RSES) for the Southern Assembly outlines that strategic locations and drivers for economic growth in the metropolitan area will include intensification of employment in *inter alia* Ringaskiddy. It is described as specialist employment area for life sciences, significant IDA enterprise assets and world leading marine research and innovation centres. The proposed development would not be in conflict with the RSES.

***(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.***

Cork County Development Plan 2022-2028 came into effect on 6 June 2022.

The grounds of appeal refer to two residential sites in close proximity, subject of P.A. Ref. 19/4640 (Warren's Court – 30 houses) and of P.A. Ref. 18/5545 and P.A. Ref. 22/5633 (Barnahely - 33 houses).

I note that the P.A. Ref. 19/4640 grant of permission in 2019 pre-dates the current County Development Plan and is therefore not considered applicable.

The housing estate permitted in 2019 pursuant to P.A. Ref. 18/5545 was amended by permissions granted in 2023, namely P.A. Ref. 22/5633 and P.A. Ref. 22/6675.

While I note the nature and scale of the developments permitted in 2023, I consider that these are largely amendments to a previously permitted housing scheme.

Having regard to the nature and scale of the proposed development, I consider that these two 2023 planning permissions would not meet the test that permission should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. Accordingly, I do not consider

that it has been demonstrated that the proposed development meets the criteria set out under Section 37(2)(iv) of the Act.

7.13.7. Having considered the file, and the provisions of the Development Plan, in the event that the Board considers that the matter of material contravention arises, it is considered that the criterion set out under Section 37(2)(b)(ii) of the Act would be grounds for the Board to grant permission, with regard to conflicting objectives in the Development Plan outlined above.

#### **7.14. Conclusion**

7.14.1. Having inspected the site in Ringaskiddy, a Key Village, and having regard to the planning context of the site and surrounding area, particularly

- ZU 18-17: Town Centre/Neighbourhood Centres land use zoning under which 'residential' is an appropriate use, and
- Specific Development Objective RY-T-02 which states that provision of small scale student accommodation will be considered within this area and future development should reflect the scale and character of the surrounding area,

I consider that the principle of a student accommodation scheme would be in compliance with the land use zoning objective and Specific Development Objective RY-T-02.

7.14.2. In terms of the immediate environs of the site, I note that the approved M28 Cork to Ringaskiddy motorway scheme will run on a west/east axis a short distance to the south and it is therefore anticipated that the environs of the site will be altered due to this new transportation infrastructure. In addition, information on file indicates that public realm works (pursuant to Part 8) have been approved on Main St. As such it is expected that there will also be changes to the site's environs to the north. Accordingly, on the basis of the information on file there would appear to be an evolving context to the built environment in the vicinity of the site.

7.14.3. While noting the land use zoning objective and Specific Development Objective RY-T-02 which applies to the subject site, and noting also the anticipated transportation/mobility/public realm improvements in the vicinity of the site, I consider

however that the subject proposal for a student accommodation scheme is deficient on a range of issues, which in the main cannot be adequately addressed by way of condition. These matters are summarised below:

- Impacts of the proposed development on bats have not been adequately demonstrated, and it has not been demonstrated that the proposal would comply with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c).
- The FI landscape plan and FI biodiversity plan are deficient with the regard to the level of information provided.
- The quantum of accommodation proposed would not be in compliance with Specific Development Objective RY-T-02, as it is not considered 'small scale'.
- As no potential permeability to adjoining lands are indicated, the proposed development would not comply with Objectives PL 3-1 and TM12-2-1.
- The overall site configuration would be deficient in facilities and amenities, due to lack of caretaker's accommodation and management area, dedicated lay-bys/set down areas on the internal circulation route, demarcated visitor cycle spaces, motorbike parking, and adequate functional open space. I note that while some of these elements are referenced in the plans and particulars on file, they are not shown on the FI site plan or on planning drawings.
- Undue overlooking of Main St. properties due to limited boundary treatment details to northern site boundary.
- Concerns that shared surface access arrangements, particularly the configuration of the access route from Main St. and lack of footpaths along same, and car parking layout are inadequate and that traffic movements likely to be generated would endanger public safety by reason of traffic hazard, particularly pedestrians and other vulnerable road users.
- Lack of detailed surface water management proposals particularly with regard to limited SuDS proposals, and proposal would not comply with Objective WM 11-10. Lack of sufficient detail relating to the proposed attenuation tank.

- The shared kitchen/living/dining areas would be of inadequate floor area, and disproportionate to the number of student bedspaces they are intended to serve.

7.14.4. Having regard to all information on file, I consider that while the principle of a student accommodation scheme on this site would be acceptable in principle, there are a range of issues which I consider have not been adequately addressed in the subject case. Notwithstanding therefore that the principle of a student accommodation scheme would be acceptable, based on the nature, scale, ecology impacts, access/mobility, site servicing and other matters outlined above, I recommend that permission for the proposed development be refused for 5 no. reasons.

## 8.0 Recommendation

8.1. It is recommended that permission be refused for the reasons set out below.

## 9.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development, and notwithstanding the site's location on lands zoned ZU 18:17 Town Centre/Neighbourhood Centres in Cork County Development Plan 2022-2028, on which residential is an appropriate use, the Board is not satisfied on the basis of the information on file that it has been adequately demonstrated that the proposed development would not adversely impact on the ecology of the area, particularly bats, and accordingly, it has not been demonstrated that the proposed development would comply with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c) of the Development Plan. The proposed development would therefore be contrary to the provisions of the Development Plan and to the proper planning and sustainable development of the area.
2. Having regard to the nature and scale of the proposed development, the quantum of residential accommodation proposed on site would not be in compliance with Specific Development Objective RY-T-02 of the Cork County Development Plan 2022-2028, which states *inter alia* that small scale student accommodation in this area will be considered. Having regard also to the

overall site layout, whereby no potential permeability to adjoining lands is indicated, the proposed development would not be in compliance with Objectives PL 3-1 and TM12-2-1 of the Development Plan. In addition, the overall site configuration would be deficient in facilities and amenities to serve future occupiers of the student accommodation scheme, such as lack of proposals for caretaker's accommodation and management area, dedicated lay-bys/set down areas on the internal circulation route, demarcated visitor cycle spaces, motorbike parking, and adequate functional open space, thereby resulting in a substandard level of residential amenities for future occupiers. Furthermore, having regard also to the detailing of the northern site boundary indicated, the proposed development would result in serious overlooking impacts on residential properties on Main Street, Ringaskiddy, thereby adversely impacting on the residential amenities of area. The proposed development would therefore be contrary to provisions of the County Development Plan and to the proper planning and sustainable development of the area.

3. The proposed development would be served by a shared surface route accessed from the adjoining public road at Main Street, Ringaskiddy. The Board is not satisfied on the basis of the information on file that access arrangements and car parking layout, particularly the configuration of the shared surface access route and lack of footpaths, are adequate and considers that traffic movements likely to be generated would endanger public safety by reason of traffic hazard, particularly pedestrians and other vulnerable road users.
4. Having regard to the nature and scale of the proposed development, and on the basis of the information on file including the revised surface water management arrangements proposed in the plans and particulars lodged as Further Information on 29 November 2022, the Board considers that the surface water management proposals to serve the proposed development are deficient, particularly with regard to the limited SuDS proposals and would not comply with Objective WM 11-10 of the Cork County Development Plan 2022-2028, and also with regard to the lack of sufficient detail relating to the proposed attenuation tank. The proposed development would therefore be

contrary to the provisions of the County Development Plan and to the proper planning and sustainable development of the area.

5. Having regard to the internal layout of the halls of residence, the shared kitchen/living/dining areas would be of inadequate floor area, and disproportionate to the number of student bedspaces they are proposed to serve. The proposed development would, if permitted, result in substandard residential accommodation and residential amenities for future occupiers of the proposed development, and would therefore, be contrary to the proper planning and sustainable development of the area.

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

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Cáit Ryan  
Senior Planning Inspector

2 July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-315889-23		
<b>Proposed Development Summary</b>	Permission to develop 26 no. student halls of residence comprising 194 student bedsits, in 2- and 3-storey buildings, to serve National Maritime College of Ireland students and other third level institutions in Ringaskiddy.		
<b>Development Address</b>	Rose Lodge, Main Street, Loughbeg, Ringaskiddy, Co.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>	No further action required
<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>			EIA Mandatory EIAR required
<b>No</b>	X	Class 10(b)(i) construction of more than 500 dwelling units.	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>		Class 10(b)(i) construction of more than 500 dwelling units.	As the proposed development is for 26 no. student halls of residence Proceed to Q.4

			comprising 194 student bedsits, this is substantially below the stated threshold.	
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	X	Screening Determination required

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



## **Appendix 2**

### **EIA Screening Determination**

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	ABP-315889-23	
<b>Development Summary</b>	<p>26 no. student halls of residence containing 194no. student bedsits, cycle and car parking, at Rose Lodge, Main St., Loughbeg, Ringaskiddy, Co. Cork.</p> <p>Halls of residence are described as 2 and 3-storey.</p> <p>Significant Further Information (FI) was re-advertised for 24 no. student halls of residence containing 192no. student bedsits, cycle and car parking. Halls of residence are described as 2-storey dormer roof.</p> <p>The FI site layout shows a significantly revised site configuration, and states 2no. caretaker bedspaces proposed.</p> <p>This EIA Screening determination is based on the revised FI proposal, with reference also to various plans and particulars lodged with the original application.</p>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>Class of Development, Schedule 5</b>	<b>Yes</b>	
<b>Development for the Purposes of Part 10</b>	<b>Yes</b>	10(b)(i) of Part 2, Schedule 5, Planning and Development Regulations 2001, as amended, relates to construction of more than 500 dwelling units. The (FI) proposed development comprising 24no. student halls of residence is substantially below the 500 unit threshold set out in 10(b)(i).
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>No</b>	

2. Has Schedule 7A information been submitted?	<b>Yes</b>	<p>The Planning Statement lodged with the application includes a section titled EIA Screening Report and Statement. It states that information as required by Schedule 7A for the purposes of screening sub-threshold development for EIA is provided. However, I note that Schedule 7A states <i>inter alia</i> that the compilation of information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.</p> <p>While the information on file refers to criteria set out in Schedule 7, it is not outlined in that section how these criteria have been taken into account.</p>
3. Has an AA screening report or NIS been submitted?	<b>No</b>	<p>The FI Ecology Assessment, Biodiversity &amp; Hedgerow Plan, Invasive Species document states (at Section 3.2.4 Designated Areas) that a dedicated Appropriate Assessment Screening was undertaken. It refers to a 15km pathway consideration zone as an adequate assessor for potential effects, that any impacts caused by the proposed development have no valid impact pathway to transfer along to reach any receptor interest features, and that these sites are screened out.</p> <p>No NIS has been submitted.</p>
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	<b>No</b>	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	<b>Yes</b>	SEA and AA carried out for Cork County Development Plan 2022-2028.

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	<p>The site outlined in red comprises 1.1ha. It is largely a greenfield site and contains the ruins of an old dwelling house, which is proposed to be demolished.</p> <p>The scale of the FI proposal (2 storey plus dormer level) is in keeping with the scale of the surrounding land uses along Main St., and Old Post Office Road, Ringaskiddy. There is some variation in height of dwelling houses on and in the vicinity of Old Post Office Road, generally comprising a mix of single- and 2-storey dwelling houses of various design.</p> <p>The site forms part of a larger area comprising 19.88ha zoned Objective ZU18-17 Town Centre/Neighbourhood Centres in the Cork County Development Plan 2022-2028, much of which has already been developed. Lands directly to the east of the site and some minor areas to the west along Old Post Office Road are undeveloped.</p>	No

	<p>Lands to the south of the site are zoned Objective ZU18-13 Green Infrastructure. The M28 Cork to Ringaskiddy Motorway Scheme as finalised (Specific Development Objective RY-U-02) is indicated to traverse these lands.</p> <p>The FI Construction Noise &amp; Vibration Impact &amp; Assessment Report states that the site is approx. 0.2km north of the proposed M28 motorway. However, I estimate that the landtake for the proposed motorway would be approx. 35m to the south of the site.</p> <p>Having regard to the nature and scale of existing and permitted development in the area, the project is not significantly different in character or scale to the existing surrounding or environment.</p>	
<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The site is largely a vacant, greenfield site. The proposed development comprising (as per FI) 24 no. students halls of residence would result in a change of the landuse and cause physical changes to the locality. The plans and particulars lodged with the application outline that the ruins of Rose Lodge, a former Victorian villa, are to be demolished, photographs of which are on file.</p> <p>There are no streams/watercourses on site. The FI site plan shows a swale and attenuation tank are proposed. The scheme would be served by public wastewater infrastructure.</p> <p>The Construction Waste section (in Planning Statement) states that it is not anticipated that bedrock will be encountered during the excavation phase, as it was not encountered during site investigation works.</p>	No

	<p>Given that a swale and attenuation tank are proposed, and that the scheme would be served public wastewater infrastructure, I consider that the construction and operation of the proposed development would cause physical changes to the locality, but would not give rise to significant effects on the environment.</p>	
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>The construction will use a greenfield site.</p> <p>Construction Waste section (in Planning Statement) states</p> <ul style="list-style-type: none"> <li>- Principal contractor will prepare a project specific Soil Management Plan</li> <li>- the estimated volume of soil to be reused on site is 1,046m<sup>3</sup>.</li> </ul> <p>The Building Lifecycle Statement (in Planning Statement) states the proposed BER target for the hall of residence is A2/A3, (is to achieve) a reduction in energy consumption and running costs.</p> <p>Irish Water/Uisce Eireann letter dated 8 June 2022 states that a Confirmation of Feasibility has issued, and that IW have no objection to the proposal subject to the constraints outlined in the CoF and 2 no. standard IW conditions.</p> <p>The Development Plan states (at Section 1.7.59) that drinking water is supplied by the Cork Harbour City Water Supply Scheme and there is adequate storage from a reservoir at Strawhall.</p>	<p>No</p>

	I consider that the quantities of construction materials will be relatively small given scale of the project. Having regard to the matters outlined above including the IW/UE letter on file and the Development Plan content relating to water supply, I consider that the project's use of natural resources would not result in significant effects on the environment.	
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<p>The proposed development comprises the provision of 26 no. student halls of residence.</p> <p>Construction Waste section (in Planning Statement) states</p> <ul style="list-style-type: none"> <li>- Any contaminated material will be segregated from clean/inert material, and classified as either non-hazardous or hazardous.</li> <li>- Any fuel/oils will be banded (or stored in double-skinned tanks) and located in a secure area on site, and subject to adherence to these requirements and site crew being trained in appropriate refuelling techniques, it is not expected that there will be any fuel/oil wastage on site.</li> </ul> <p>Having regard to the nature of the proposed residential use of the subject site, and the information on file relating to waste management at construction stage, I consider that the proposed development would not be harmful to human health or the environment.</p>	No
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	The Construction Waste section (in Planning Statement) includes -	No

	<ul style="list-style-type: none"> <li>- Any contaminated material will be segregated from clean/inert material, and classified as either non-hazardous or hazardous</li> <li>- Any fuel/oils will be banded (or stored in double-skinned tanks), located in a secure area on site, and subject to adherence to these requirements and site crew being trained in appropriate refuelling techniques, it is not expected that there will be any fuel/oil wastage on site.</li> <li>- Paints, glues, adhesives and other known hazardous substances will be stored in designated areas, and will generally be present in small volumes only.</li> <li>- In the event that hazardous soil or historically deposited hazardous waste is encountered the contractor must notify Cork County Council and produce a Hazardous/Contaminated Soil Management Plan.</li> <li>- For each waste stream classified, the principal contractor shall <i>inter alia</i> identify and document a suitable waste collection contractor in possession of a valid Waste Collection Permit.</li> <li>- A programme of air quality monitoring at the site boundaries for the duration of the excavation and construction activities to ensure that the air quality standards set out in Air Quality Standards Regulations 2011 relating to dust deposition and specifically PM10 levels are not exceeded. Technical monitoring reports detailing all measurement results shall be maintained on site.</li> </ul> <p>The FI Operational Waste Management Plan includes:</p> <ul style="list-style-type: none"> <li>- Each individual housing unit will be required to sort their waste into 3 categories – dry</li> </ul>	
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	<p>mixed recycling, mixed non-recycling and organic: food and garden waste.</p> <p>As it is stated that <i>inter alia</i> a suitable waste collection contractor in possession of a valid Waste Collection Permit shall be identified and documented, I consider that the matter of appropriate waste disposal for the proposed development would be adequately addressed.</p> <p>I consider that having regard to the nature of the proposed development and the information on file that the proposal would not result in significant effects on the environment regarding works/processes relating to solid waste or due to release of pollutants or substances.</p>	
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>There are no streams/watercourses on site.</p> <p>Construction Waste section (in Planning Statement) includes -</p> <ul style="list-style-type: none"> <li>- Any fuel/oils will be banded (or stored in double-skinned tanks), located in a secure area on site, and subject to adherence to these requirements and site crew being trained in appropriate refuelling techniques, it is not expected that there will be any fuel/oil wastage on site.</li> <li>- (at Table D) Unnecessary clearance of vegetation should be avoided, only areas necessary for building works should be cleared and this will help retain storm water runoff from the site during construction and operation.</li> </ul>	No

	<ul style="list-style-type: none"> <li>- (at Table D) Strict controls of erosion, sediment generation and other pollutants associated with the construction process should be implemented including the provision of attenuation measures, silt traps or geotextile curtain to reduce and intercept sediment release into any local watercourses.</li> </ul> <p>For clarity, I note that some of the content of Table D (Mitigation Measures as Outlined in the NIS for the Proposed Development) is erroneous and unrelated to the subject case, including that no NIS has been lodged with this application.</p> <p>Irish Water/Uisce Eireann letter dated 8 June 2022 states that a Confirmation of Feasibility has issued, and that IW have no objection to the proposal subject to the constraints outlined in the CoF and 2 no. standard IW conditions.</p> <p>The Development Plan states (at Section 1.7.58) that Ringaskiddy wastewater discharges through two sewerage systems. The sewer which serves the village is a combined sewer served by the Lower Harbour Sewerage Scheme.</p> <p>Having regard to the information provided on file and the matters outlined above, I consider that the measures outlined during construction would be satisfactory. Having regard to the IW/UÉ letter on file, the Development Plan content relating to wastewater infrastructure, and noting that the proposed development would be served by public surface water and waste water infrastructure, and noting also that a swale and an attenuation tank are proposed as part of the project, I consider that the proposed</p>	
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	development would not result in significant effects from releases of pollutants.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<p>The CMP &amp; Construction Waste (lodged with original application) includes:</p> <ul style="list-style-type: none"> <li>- exhaust and silencer systems on plant will be maintained in a satisfactory condition, and defective silencers will be immediately replaced.</li> <li>- Diesel generators will be enclosed in sound proofed containers</li> <li>- Plant and machinery with low inherent potential for generation of noise and/or vibration will be selected. Plant with potential for generating noise or vibration will be placed as far from sensitive properties as permitted by site constraints.</li> </ul> <p>Building Life Cycle Statement (in Planning Statement) states energy efficient external lighting will be provided to provide a safe environment for pedestrians, cyclists and moving vehicles and to limit impact of artificial lighting on existing flora and fauna. Each light fitting shall be controlled by individual Photoelectric Control Unit (PCEU), the operation of which shall be on a dawn-dusk profile.</p> <p>The FI Construction Noise and Vibration Impact &amp; Assessment Report includes:</p> <ul style="list-style-type: none"> <li>- The most significant potential sources of ground borne vibrations that may be generated during the construction phase are:</li> </ul>	No

	<ul style="list-style-type: none"> <li>• Ground preparation excavation activities requiring use of pneumatic rock breakers;</li> <li>• Movement of bulldozers, tracked excavators and dump trucks</li> <li>• Hard core surfaces and haul road compaction with vibro-rolling vehicles</li> <li>• Road construction surface vibro-rolling</li> </ul> <p>- The nearest existing residential receptors are located to the north and east which at the closest will be c.24m from construction works. There is the possibility of construction related vibration impacts on human beings as a result of ground preparation and concrete foundation excavation activities, which shall be temporary and intermittent. It is highly unlikely that any construction vibration impacts on humans would be either measurable or perceptible beyond a 20m distance.</p> <p>- With regard to noise, it is predicted that construction phases shall result in a short term increase in noise levels and will introduce tonal and impulsive noise as a result of construction activities such as pneumatic breaking, cutting, excavating, vehicle movements and general manual construction activities.</p> <p>- Nearest residential receptors are to north and east which at the closest will be c.24m from construction works.</p> <p>- The construction works noise mitigation measures include the provision of a 3m high acoustic screen along the northern and western site boundaries where any existing houses are located, and also along the southern aspect where the existing Laurel Ville and Palmer's Terrace houses are located.</p> <p>For clarity, I note that the Laurel Ville and Palmer's Terrace dwellings on Main St. are located east of the site entrance,</p>	
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	<p>and directly north of the main part of the subject site, i.e., not the southern aspect.</p> <p>With regard to lighting, a FI Street Lighting drawing has been submitted. The FI Ecology Assessment, Biodiversity &amp; Hedgerow Plan, Invasive Species states –</p> <ul style="list-style-type: none"> <li>- Strong lighting during construction and operation could impact species that use the site for foraging and commuting if not carefully controlled. Controls needed as a matter of good practice include <ul style="list-style-type: none"> <li>• Implementation of lights out when construction is not active (evening and night hours)</li> <li>• Operational phase lighting should only be directional/cowled at 1-2m height</li> <li>• UV levels of lighting installed. Very low level of zero UV is preferential.</li> </ul> </li> </ul> <p>For clarity, I note the reference to operation phase lighting being at 1-2m height. This is inconsistent with detail shown on FI Street Lighting drawing, which shows a lantern on 6m pole. I consider that based on the information on file that it has not been adequately demonstrated that the proposed development would not result in impacts, if any, on bats. The matter of bats is discussed further at 2.1 and 2.2 of this EIA Screening Determination.</p> <p>With regard to potential noise and vibration impacts, I note the various mitigation measures outlined. However, the FI drawings do not show the location of, for example, acoustic screens. I consider that in the event the Board was minded</p>	
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	<p>to grant permission, that this matter could be addressed by way of a site specific construction management plan.</p> <p>Having regard to the information on file and the matters outlined above, and noting that the detailing of some matters could be adequately addressed by way of condition in the event of a grant, I consider that the project would cause some noise and vibration and release of light during the construction and operational phases, and do not consider that these would be significant impacts.</p>	
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>With regard to protection of water quality, the EIA screening statement (in Planning Statement) states –</p> <ul style="list-style-type: none"> <li>- A holding tank for construction foul effluent will be constructed and effluent will be regularly disposed of off-site by tanker by licensed contractor.</li> <li>- Stormwater will be infiltrated to ground via silt traps and managed soakaways. Areas for storage of fuel and refuelling will be paved and bunded and hydrocarbon interceptors will be installed to ensure no spillages will get into surface water or groundwater.</li> </ul> <p>Separately, at operation stage, I note that the proposed development would be served by public water and wastewater infrastructure. The IW/UE letter of file states no objection subject to constraints outlined in the CoF.</p> <p>Construction Waste section (in Planning Statement) includes –</p> <ul style="list-style-type: none"> <li>- A programme of air quality monitoring at the site boundaries for the duration of the</li> </ul>	<p>No</p>

	<p>excavation and construction activities to ensure that the air quality standards set out in Air Quality Standards Regulations 2011 relating to dust deposition and specifically PM10 levels are not exceeded. Technical monitoring reports detailing all measurement results shall be maintained on site.</p> <p>With regard air quality, the EIA screening statement (in Planning Statement) states:</p> <ul style="list-style-type: none"> <li>- A dust minimisation plan will be prepared which shall include a range of measures including surrounding roads used by trucks to/from the site will be cleaned regularly, and wheel wash runoff will be stored in an onsite storage tank and disposed of by permitted waste haulage company.</li> </ul> <p>The FI Ecology Assessment, Biodiversity &amp; Hedgerow Plan, Invasive Species states with regard to air quality, dust and emissions that measures to be employed include the dampening of the site in the event of dry weather.</p> <p>Having regard to the proposed mitigation measures during the construction phase outlined, the nature of the emissions generated during operation phase, the Irish Water/Uisce Eireann letter on file and as the proposed development would be served by public wastewater infrastructure, I consider that the proposed development would not be likely to result in significant effects on human health.</p>	
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<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>The Construction Management Plan &amp; Construction Waste (in Planning Statement) includes</p> <ul style="list-style-type: none"> <li>- With regard to installation of services and connections to residential units, drawings for existing services shall be sought from relevant bodies, i.e., ESB, Gas Networks Ireland, Eir, Cork County Council.</li> <li>- Perimeter fencing will be provided to prevent unauthorised access.</li> </ul> <p>The FI Ecology Assessment, Biodiversity &amp; Hedgerow Plan, Invasive Species (at CMP) includes that any waste oils or hydraulic fluids will be collected, stored in appropriate containers and disposed of offsite in an appropriate manner.</p> <p>Separately, the Development Plan (Vol.1) contains Objective EC: 8-11 Proposed Development Adjacent to Existing Establishments which includes (a) Have regard to the advice of the Health &amp; Safety Authority when proposals for development within the consultation zone of a SEVESO site are being considered.</p> <p>The Development Plan includes the following Seveso sites in the Ringaskiddy/Currabinny area:</p> <p>Table 8.8 - Lower Tier Seveso Sites</p> <ul style="list-style-type: none"> <li>• Carbon Chemical Group Ltd Raheens Industrial Estate, Ringaskiddy</li> <li>• Hovione Ltd. Loughbeg, Ringaskiddy</li> </ul> <p>Table 8.9 - Upper Tier Seveso Sites</p>	<p>No</p>
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	<ul style="list-style-type: none"> <li>• Novartis Ringaskiddy Ltd.</li> <li>• Pfizer Ireland Pharmaceuticals, Ringaskiddy</li> <li>• Thermo Fisher Scientific Cork Ltd. Currabinny</li> </ul> <p>In terms of detail, I note that Section 1.7.54 (Vol. 4) states that two major employers within the Ringsaskiddy development boundary are designated under the Major Accidents (Seveso) Directive, namely Pfizer and Thermo Fisher outlined above. While there would appear to be an inconsistency between the Seveso sites listed in different sections of the Development Plan for Ringaskiddy/Currabinny, I do not consider that this materially impacts on the EIA screening for the proposed development.</p> <p>Separately, I note also that a more updated list of Upper Tier establishments includes Sterling Pharma Ringaskiddy Ltd. (formerly Novartis), as viewed on the HSA website on 24 June 2024 (list dated 8 May 2024).</p> <p>I note that the information on file does not indicate consultation distances from the existing SEVESO establishments. In this regard I note that as viewed from aerial imagery (source: Google Maps) and from the planning authority's planning enquiry mapping tool, that these 5no. establishments are in the range of 0.9km to 1.07km from the subject site.</p> <p>The nearest of these is Sterling Pharma (formerly Novartis), located approx. 0.9km to the south east of the site. This measurement is estimated from the northeastern corner of the overall (former Novartis) premises, on the planning authority's online mapping tool.</p> <p>As outlined, no consultation distances from SEVESO sites have been provided on file. I note the content of the</p>	
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	<p>Inspector's reports on HA 0053 and MA0014 (relating to M28 Cork to Ringaskiddy motorway scheme) which states that the HSA has established a consultation distance of 1000m for the Upper Tier establishments, including Novartis Ringaskiddy Ltd.</p> <p>It would therefore appear that the subject site is within 1km of an overall site of an Upper Tier establishment (albeit noting that the facility name has changed).</p> <p>However, having regard to the nature and scale of the proposed development, the location of the subject site on Town Centre/Neighbourhood Centres zoned lands within Ringaskiddy village, and the information provided on the Construction Management Plan &amp; Construction Waste proposals (in Planning Statement), and the FI CMP, which outline a number of measures relating to site security and fuel/oil spillage prevention, and notwithstanding the subject site's distance to the nearest SEVESO establishment, I consider that the proposed development would have no direct effect on this SEVESO establishment, and therefore I do not consider that the proposed development would give rise to risk of major accidents that could significantly affect human health or the environment.</p>	
<b>1.10</b> Will the project affect the social environment (population, employment)	<p>I consider that the proposed development would have potential positive benefits on the social environment:</p> <ul style="list-style-type: none"> <li>- in terms of potential employment, primarily during the construction stage</li> </ul>	No

	<ul style="list-style-type: none"> <li>- in terms of increasing the population of Ringaskiddy, due to the residential nature of a student accommodation scheme.</li> </ul>	
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>The project relates to the provision of a student accommodation scheme on a 1.1ha site only.</p> <p>For wider context, other existing/permitted development in the vicinity includes the following:</p> <p><u>ABP-307872-20 (P.A. Ref. 20/4747)</u>: Permission granted for demolition of residential units and construction of 15 townhouses on a site approx. 0.4km from the subject site via Shamrock Place.</p> <p><u>P.A. Ref. 20/6384</u>: Outline permission granted in 2021 for 2 no. dormer dwellings accessed from Old Post Office Road. This site adjoins the subject site's western site boundary at its southern end. No applications for permission consequent are indicated on the planning authority's planning enquiry mapping.</p> <p><u>P.A. Ref. 19/4640</u>: Planning permission was granted in 2019 for 30 no. houses at Barnahely, on a site accessed from Warren's Court. This site is approx. 0.6km from the subject site via Main St.</p> <p><u>P.A. Ref. 18/5545</u>: (Subsequent amending permissions are P.A. Ref. 22/5633 and P.A. Ref. 22/6675)</p>	No

	<p>Permission was granted in 2019 for 30 dwelling houses at Barnahely, on a site approx. 0.45km from the subject site. This development is substantially complete.</p> <p>ABP decisions approving the M28 Cork to Ringaskiddy Motorway Scheme are:</p> <p><u>04.HA0053</u> – M28 Cork to Ringaskiddy Motorway Scheme  <u>04.MA0014</u> – Cork to Ringaskiddy Motorway Scheme, Protected Road Scheme and Service Area 2017.</p> <p>On site inspection I noted roadside boundaries on Old Post Office Road have been removed a short distance south of the site, and new fencing erected. The Two-Year Progress Report on Cork County Development Plan 2022-2028 (12 April 2024) states with regard to M28 Cork to Ringaskiddy route that multiple advance works underway and on track for the award of a main construction contract in 2024 and construction commencement in Q4 2024, subject to approval.</p> <p>I note the proximity of the subject site to the approved M28 motorway scheme (the landtake for which is estimated to be approx. 35m south of the site), and the other planning permissions/construction sites elsewhere in Ringaskiddy. However, 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, and the nature and scale of the proposed development, I consider that the proposed development does not form part of a wider large scale change that could result in cumulative effects on the environment.</p>	
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2. Location of proposed development		
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>a) European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> <li>d) Designated refuge for flora or fauna</li> <li>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<p>The applicant's EIA screening statement includes a list of designated sites (SACs, SPAs, pNHAs) within 20km of the subject site.</p> <p><u>With regard to (a)</u> the proposed development is not located in or adjoining a European site. The nearest parts of Cork Harbour SPA (Site Code 004030) to the site are approx. 0.7km to south and 1.3km to north west. The Great Island Channel SAC (Site Code 001058) is approx. 5.5km to north.</p> <p>I have carried out separate Appropriate Assessment (AA) screening of the proposed development. The conclusion is summarised as 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. This conclusion is based on:</p> <ul style="list-style-type: none"> <li>- Nature and scale of the project which would be served by public wastewater infrastructure;</li> <li>- Standard pollution controls and best practices including relating to management of invasive species would be employed regardless of proximity to a European site and effectiveness of same;</li> <li>- Distances from European Sites</li> <li>- Absence of any streams/watercourses on site and the absence of direct hydrological link between the subject site and European Sites.</li> </ul>	<p>No</p>

	<p>No measures intended to avoid or reduce harmful effect on European sites were taken into account in reaching this conclusion.</p> <p><u>With regard to (b)</u> Lough Beg pNHA (Site Code 001066) is approx. 0.5km to south. Monkstown Creek pNHA (Site Code 001979) is approx. 1km to north west.</p> <p>Having regard to the nature and scale of the proposed development and the nature of the receiving environment, I consider that the proposed development would not have the potential to impact on any NHAs or pNHAs.</p> <p><u>With regard to c) and d)</u>, the EIA screening statement refers to RAMSAR sites, i.e., the Convention on Wetlands, a non-statutory designation. It states a key commitment of Ramsar Contracting Parties is to identify and place suitable wetlands onto the List of Wetlands of International Importance, and that Cork Harbour is listed as a RAMSAR site.</p> <p>With regard to bats, refer to Section 7.3 (Ecology and Landscape) of this report. Having regard to all information on file, I consider that it has not been adequately demonstrated that the proposed would not adversely impact on bats. However, having regard in particular to the nature and scale of the proposed development, I consider that for the purposes of this EIA screening determination, that the scale of the proposed development is not of a magnitude that would result in significant effects on the environment that warrant the preparation of an EIAR.</p> <p><u>With regard to e)</u>, the EIA screening statement states that the site is located in the town centre of Ringaskiddy, that a high proportion of the area is covered in agricultural</p>	
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	<p>grassland and the site is overgrown with scrub, native hedgerows and mature treelines.</p> <p>I note that the subject site is not a place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan.</p> <p>Having regard to the location of the subject site and the Town Centre/Neighbourhood Centres land use zoning objective which applies to the site, and having regard in particular to the nature and scale of the proposed development, I consider that the proposed development would not result in significant effects on a place, site or feature of ecological interest, the preservation/conservation/protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan.</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The EIA screening statement includes -</p> <ul style="list-style-type: none"> <li>- Site is located within OS 10km square W76, in which 4no. protected plant species are noted on the NPWS rare plant database. These species were not recorded on site.</li> <li>- The study area does not support a community of birds or individual species that would be considered significant conservation priorities.</li> <li>- There are no badgers on site or in immediate area.</li> </ul> <p>Having regard to the information on file, the nature and scale of the proposed development and the nature of the receiving environment, and noting that matters relating to bats are discussed further below, I consider that the</p>	No

	<p>proposed development would not give rise to significant effects on any protected, important or sensitive species of flora or fauna.</p> <p>As per 2.1 above, with regard to bats, refer to Section 7.3 (Ecology and Landscape) of this report. Having regard to all information on file, I consider that it has not been adequately demonstrated that the proposed would not adversely impact on bats. However, having regard in particular to the nature and scale of the proposed development, I consider that for the purposes of this EIA screening determination, that the scale of the proposed development is not of a magnitude that would result in significant effects on the environment that warrant the preparation of an EIAR.</p>	
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Archaeological Assessment (in Planning Statement) includes –</p> <ul style="list-style-type: none"> <li>- Site was part of Rose Lodge which appears to have been a two-storey house with other buildings to the south recorded on First Edition (1842) OS map, and is now ruinous.</li> <li>- there are no archaeological remains within the curtilage of the development site</li> <li>- five archaeological sites are recorded to the west and three to the east.</li> <li>- A Martello Tower (RMP CO087-053) is located to the east.</li> <li>- Proposed development will have no visual impact on surrounding archaeological landscape.</li> </ul>	No

	<p>I note the information on file relating to archaeology is relatively limited, insofar as the archaeological impact assessment (AIA) requested by way of FI has not been submitted, and the FI response <i>inter alia</i> reiterates that the site is very overgrown. However, in the event that the Board was to consider a grant of permission for the proposed development, I consider that the matter of archaeological assessment could be addressed by condition, and that significant effects on archaeological features are not likely.</p> <p>I note that the site is located on Scenic Route S54 and is in a High Value Landscape. A Martello Tower is located approx. 550m to east of the subject site. It is a protected structure (RPS ref. 575) and recorded monument (SMR ref. CO087-053). Having regard to the distance of the subject site to the Martello Tower, I do not consider that the proposed development would at either construction or operational stage result in significant effects on this feature.</p> <p>Having regard to all information on file, I consider that the proposed development would not result in significant effects on features of landscape, historic, archaeological or cultural importance.</p>	
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>The EIA screening statement states that the site is located in the town centre of Ringaskiddy, that a high proportion of the area is covered in agricultural grassland and the site is overgrown with scrub native hedgerows and mature treelines.</p> <p>Having regard to the location of the site on lands zoned Town Centre/Neighbourhood Centres, accessed from Main St., Ringaskiddy, and having regard to the overgrown nature of the site, I consider that there are no important,</p>	No

	high quality or scarce resources which could be affected by the proposal.	
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Site is not located within a flood zone. No surface water features in the vicinity of the site.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<p>The EIA screening statement states that a high proportion of the area is covered in agricultural grassland and the site is overgrown with scrub, native hedgerows and mature treelines.</p> <p>I note that the site slopes from south to north. There does not appear to be any information on file to indicate that the site location is susceptible to subsidence or landslides. Having regard to the nature and scale of the proposed development, and the submitted Construction Management Plan &amp; Waste Management proposals on site, I consider that the location would not be susceptible to subsidence or landslides. Therefore while the site is sloped in nature this can be managed during construction and operation.</p>	No
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<p>The N28 Cork to Ringaskiddy national primary route is located a short distance north of the site, just north of the slip road at Main St., Ringaskiddy.</p> <p>The approved M28 Cork to Ringaskiddy motorway scheme will run in a west/east direction a short distance south of the subject site, the landtake for which is estimated to be approx. 35m south of the site.</p>	No

	<p>I consider that while the proposed development will result in additional traffic movements on the N28 during the construction phase, this would however be a short term impact. I consider that the 24 no. car parking spaces and 4no. (not shown) motorbike spaces proposed at FI stage would not be of a quantum that would affect the N28.</p> <p>While the approved M28 route would be located a short distance south of the site, I consider that the proposed development would not affect this approved key transport route.</p>	
<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>There are community facilities in Ringaskiddy in the wider environs of the site, but none in close proximity. Currently, land uses to the north and west of the site are primarily residential, with a vacant former shop located directly west of the site entrance.</p> <p>Having regard to the location of the proposed development and the receiving environment, I consider that the proposed development would not significantly affect any existing sensitive land uses or community facilities.</p>	No
<p><b>3. Any other factors that should be considered which could lead to environmental impacts</b></p>		
<p><b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>The EIA screening statement (in Planning Statement) includes</p> <ul style="list-style-type: none"> <li>- cumulative impacts on fauna chiefly relate to increased noise and activity levels. Although increases in noise/disturbance could occur from several different projects in-combination, the impact is likely to be most pronounced during construction. Significant impacts during operation are unlikely.</li> </ul>	No

	<ul style="list-style-type: none"> <li>- Give the distance between the wind turbines (nearest being 400m to south), at Whitegate Power Station Stack (6km to east) and proposed Indaver stack the cumulative collision risk or disturbance risk is low.</li> <li>- Increased noise levels could arise due to the proposed M28 Cork to Ringaskiddy motorway scheme particularly during construction. The cumulative impact is not considered to be significant.</li> </ul> <p>In terms of detail, the applicant refers to a proposed Indaver stack. While no planning ref. no. is stated, I note that there is a current proposal for a resource recovery centre (including waste-to-energy facility) approx. 350m east of the site as viewed on the ABP website <a href="http://www.pleanala.ie">www.pleanala.ie</a>; PA04.318802 refers. Given that this is not an approved development, I am of the view that this should not be included in the assessment of potential cumulative effects.</p> <p>With regard to the content of the submitted EIA screening report relating to the proposed M28 Cork to Ringaskiddy motorway scheme, I note that this is of a different nature to the subject proposal given that it is a transportation infrastructure scheme. I consider that construction impacts of same would be suitably mitigated by design measures and conditions of that approved scheme.</p> <p>With regard to other existing and permitted developments in the vicinity of the site, these are set out under 1.11 of this EIA Screening Determination. Having regard to the nature and scale of these other residential schemes in the wider vicinity of the subject site, I consider that this project</p>	
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	together with existing and/or approved development would not result in cumulative effects during the construction or operation phase.	
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No transboundary considerations arise.	No
<b>3.3</b> Are there any other relevant considerations?	No	
<b>C. CONCLUSION</b>		
<b>No real likelihood of significant effects on the environment.</b>	<input checked="checked" type="checkbox"/>	<b>EIAR Not Required</b>
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
<p>Having regard to the criteria set out in Schedule 7A of the Planning and Development Regulations, 2001, as amended, the information provided on file and the following:</p> <p>Having regard to: -</p> <ol style="list-style-type: none"> <li>1. the criteria set out in Schedule 7, in particular <ol style="list-style-type: none"> <li>(a) the limited nature and scale of the proposed development comprising a student accommodation scheme, which is below the thresholds in respect of Class 10(b)(i) of the Planning and Development Regulations 2001, as amended,</li> <li>(b) the location of the site on lands to which ZU 18-17: Town Centre/Neighbourhood Centres land use zoning objective in the Cork County Development Plan 2022-2028 applies, and on which residential is an appropriate use,</li> <li>(c) the location of the site in an area served by public infrastructure and the existing pattern of development in the vicinity,</li> <li>(d) the absence of any significant environmental sensitivity in the vicinity,</li> <li>(e) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).</li> </ol> </li> </ol>		

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, in particular the Construction Management Plan and Construction Waste proposals lodged with the application and the Construction Management Plan and Operation Waste Management Plan lodged as Further Information

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

## **Appendix 3 – 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 site is not located in or adjacent to a Natura 2000 site. The subject site is located

- approx. 0.7km north of the Cork Harbour SPA (Site Code 004030) and 1.3km to its south west.
- Approx. 5.5km south of the Great Island Channel SAC (Site Code 001058)

1.1.2. The proposed development comprises construction of 24 no. student halls of residence comprising 192 student bedsits, as per amended FI proposal. The scheme would be accessed from the existing, modified vehicular entrance at Main Street, Ringaskiddy, and would include car and cycle parking. It is currently largely a greenfield site, with mature tree planting along south, west and east site boundaries, and with some areas along the northern boundary near the vehicular entrance also noted to be substantially overgrown. The entrance on Main St. provides access to this backland site. The site slopes from south to north. The site is bounded to the east and south by fields. A small number of houses and a yard bound the site to the west along Old Post Office Road.

1.1.3. No streams/watercourses have been identified on the site.

1.1.4. A Planning Statement document was lodged with the application, which includes an ecology & biodiversity statement, ecological impact assessment (EclA), tree survey, construction management plan & construction waste, and Services Report, Water, ESB and SuDS.

1.1.5. The construction management plan and construction waste content is described as a Construction and Environmental Waste Management Plan (CEMP). A temporary site compound is proposed, although this is not shown on a drawing. The CEMP states

that no invasive species (listed under Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011) were recorded within the development site, and that an invasive species survey will be carried out prior to commencement.

1.1.6. Documentation lodged as FI includes Bat Survey, Tree Survey, Tree Protection & Root Protection Areas (RPA) document, and an Ecology Assessment, Biodiversity & Hedgerow Plan, Invasive Species document. It states (at Section 3.2.4) that a dedicated Appropriate Assessment Screening was undertaken and refers to a 15km pathway consideration zone as an adequate assessor for potential effects, and that

- all other Natura 2000 sites beyond 15km are considered to be sufficient distance from the site,
- no significant effects could be caused either directly or indirectly or in combination with other plans or projects to their interest features,
- any impacts have no valid pathway to transfer along to reach any receptor interest features. These sites are screened out.

1.1.7. This document includes an Invasive Species Management Options Report, which outlines that Japanese Knotweed, a scheduled invasive species, has recently been identified within the site. Section 5.1.9 states that all works which may impact on the invasive species are to be undertaken in compliance with best practice and national legislation, including best practice management guidelines. It is also stated (at Section 5.1) that the Construction Management Plan (CMP) contains details to minimise effects to a range of environmental factors including invasive species.

1.1.8. With regard to the Bat Survey, no details are presented as to who carried out the bat survey, save for the name of the lead ecologist of the ecology firm. With regard to the results of the Bat Survey, of the 77 registrations recorded on the bat detector during the dusk survey, 69 of these relate to Common Pipistrelle, with the remainder being Soprano Pipistrelle. No reference is made to Lesser Horseshoe Bat at or in the vicinity of the subject site. Bats are not a qualifying interests of either Cork Harbour SPA (Site Code 004030) or Great Island Channel SAC (Site Code 001058).

- 1.1.9. With regard to **surface water**, the FI amended drainage plan states surface water discharge from the site to be limited to a greenfield rate of 6l/s for a return period of 30 years. The attenuation storage volume is stated as 135m<sup>3</sup>, and plan area as 90sqm. The attenuation tank is located close to the northern site boundary to the rear of Main St. properties. The FI site plan shows central square and SuDS swale to later detail. There are no surface water features in the vicinity of the site. The site is not located within a flood zone.
- 1.1.10. With regard to **wastewater**, **Irish Water/Uisce Eireann** letter dated 8 June 2022 states that a Confirmation of Feasibility has issued. IW have no objection to the proposal subject to the constraints outlined in the CoF and 2 no. standard IW conditions, one of which is that where connection is directly or indirectly to a public water/wastewater network operated by IW, the applicant must sign a connection agreement with IW prior to commencement of development. (Documentation lodged with the application includes an IW letter dated 18 July 2021 relating a separate proposed development for 56 units at Rose Lodge. With regard to wastewater connection, it states feasible without infrastructure upgrade by IW). **Inland Fisheries Ireland (IFI)** letter dated 5 May 2022 requests that Irish Water signifies that there is sufficient capacity in the public sewer so that it does not (a) either hydraulically or organically overload existing treatment facilities (b) result in polluting matter entering waters or (c) cause or contribute to non-compliance with existing legislative requirements.
- 1.1.11. The Development Plan states (at Section 1.7.58; Vol. 4) that Ringaskiddy wastewater discharges through two sewerage systems. A combined sewer serves the village and is served by the Lower Harbour Sewerage Scheme.
- 1.1.12. In terms of **water supply**, as outlined previously, the IW/UE letter dated 8 June 2022 states that that there is no objection to the proposal subject to constraints outlined in the CoF. The Development Plan states (at Section 1.7.59) that drinking water is supplied by the Cork Harbour City Water Supply Scheme and there is adequate storage from a reservoir at Strawhall.

1.1.13. In terms of flood risk, the site is located within Flood Zone C. The nearest Flood Zones A and B are approx. 260m north west of the site. Having regard to the distance of the subject site to Flood Zones A and B, and the topography of the site which slopes from south to north, the site is not considered to be at risk of flooding.

Potential Impact Mechanisms from the Project

1.1.14. **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.

1.1.15. The subject site is located

- approx. 0.7km north of the Cork Harbour SPA (Site Code 004030) and 1.3km to its south west.
- approx. 5.5km south of the Great Island Channel SAC (Site Code 001058)

1.1.16. No streams/watercourses run through the site, and there are no rivers in the vicinity of the site. There is no hydrological or other pathway from this site to either Cork Harbour SPA (Site Code 004030) or Great Island Channel SAC (Site Code 001058). I consider therefore that there is no potential indirect hydrological connection in the form of surface water run-off via land at the construction or operational stage.

1.1.17. For completeness, with regard to proposed storm water disposal, I consider that there are some deficiencies in the level of detail provided regarding the disposal and attenuation of surface water at operational stage in the FI documentation. However, standard urban drainage solutions could serve the proposed development, serviced by public wastewater infrastructure.

1.1.18. In the event that surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of the Cork Harbour SPA can be excluded given the separation distances, the nature and scale of the development and the volume of the receiving waters within Cork Harbour (dilution factor).

1.1.19. An invasive species, Japanese Knotweed, and two other non-Third Schedule invasive species were identified on the subject site. The location of Japanese Knotweed on site is not provided.

1.1.20. I consider that potential indirect effects on the Cork Harbour SPA (Site Code 004030) or Great Island Channel SAC (Site Code 001058) relate to spread of invasive species Japanese Knotweed. This matter is discussed further in the following section.

#### European Sites at Risk

1.1.21. The NPWS Site Synopsis for **Cork Harbour SPA (Site Code 004030)** includes that Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra, and the SPA site comprises most of the main intertidal areas of Cork Harbour. The site is a Special Protection Area (SPA) under the E.U. Birds Directive of special conservation interest for 25 no. stated species. Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank.

S.I. No. 391 of 2021 relates to European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021 and lists 25 no. Bird Species protected under Article 4(1) and (2) of the Birds Directive as follows:

Little Grebe	<i>Tachybaptus ruficollis</i>
Great Crested Grebe	<i>Podiceps cristatus</i>
Cormorant	<i>Phalacrocorax carbo</i>
Grey Heron	<i>Ardea cinerea</i>
Shelduck	<i>Tadorna tadorna</i>
Wigeon	<i>Anas penelope</i>
Teal	<i>Anas crecca</i>
Mallard	<i>Anas platyrhynchos</i>
Pintail	<i>Anas acuta</i>
Shoveler	<i>Anas clypeata</i>
Red-breasted Merganser	<i>Mergus serrator</i>

Oystercatcher	<i>Haematopus ostralegus</i>
Golden Plover	<i>Pluvialis apricaria</i>
Grey Plover	<i>Pluvialis squatarola</i>
Lapwing	<i>Vanellus vanellus</i>
Dunlin	<i>Calidris alpina</i>
Black-tailed Godwit	<i>Limosa limosa</i>
Bar-tailed Godwit	<i>Limosa lapponica</i>
Curlew	<i>Numenius arquata</i>
Redshank	<i>Tringa totanus</i>
Greenshank	<i>Tringa nebularia</i>
Black-headed Gull	<i>Chroicocephalus ridibundus</i>
Common Gull	<i>Larus canus</i>
Lesser Black-backed Gull	<i>Larus fuscus</i>
Common Tern	<i>Sterna hirundo</i>

Article 3(3) of S.I. No. 391 of 2021 states that particular attention shall be paid to the protection of the wetlands included in the area identified in Schedules 1 and 2.

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 spread of invasive species Japanese Knotweed <i>Fallopia japonica</i> during construction	Given the absence of watercourses on site, no hydrological pathway is identified. As this invasive species can spread by rhizomes and small	Cork Harbour SPA (Site Code 004030)	Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck Wigeon Teal Mallard

resulting in habitat degradation.	pieces of plant fragment, it can quickly establish and dominate in new areas. (National Biodiversity Data Centre; <a href="http://www.invasives.ie">www.invasives.ie</a> ; accessed on 13 June 2024)		Pintail Shoveler Red-breasted Merganser Oystercatcher Golden Plover Grey Plover Lapwing Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Greenshank Black-headed Gull Common Gull Lesser Black-backed Gull Common Tern
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1.1.22. Great Island Channel SAC (Site Code 001058) is approx. 5.5km to the north of the subject site. S.I. No. 206 of 2019 European Union Habitats (Great Island Channel Special Area of Conservation 001058) Regulations 2019 relates to this SAC. Schedule 3 of this S.I. lists the protection of the following natural habitat type:

- 1140 Mudflats and sandflats not covered by seawater at low tide
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)

The conservation objectives for the Qualifying Interests for this site are as follows:

1140 Mudflats and sandflats not covered by seawater at low tide: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC.

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*): To restore the favourable conservation condition of Atlantic salt meadows (*Glauco-Puccinellietalia*

*maritimae*) in Great Island Channel SAC.

1.1.23. The NPWS site synopsis state that the Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. Owing to the sheltered conditions, the intertidal flats are composed mainly of soft muds which support a range of macro-invertebrates. The saltmarshes are scattered through the site and are all of the estuarine type on mud substrate. The site is extremely important for wintering waterfowl and is considered to contain three of the top five areas within Cork Harbour, namely North Channel, Harper's Island and Belvelly-Marino Point. The site is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports.

1.1.24. I am satisfied that the potential for impacts on Great Island Channel SAC can be excluded at preliminary stage due to separation distances between the European site 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 hydrological pathways and the conservation objectives of the designated site.

1.1.25. 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'

1.1.26. 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 area around Ringaskiddy is heavily industrialised, with substantial port-related infrastructure in the vicinity.
- Japanese Knotweed is listed in the Third Schedule of EC (Birds and Habitats) Regulations 2011 and it is an offence to disperse, spread or otherwise grow them in any place. It is noted that there are no watercourses or drains on site that could act as a conduit for the spread of these species into the nearby Cork Harbour SPA.

- No significant disturbance impacts have been identified, and no significant in-combination disturbance is therefore predicted to occur.
- Further investigation is required to examine potential in-combination impacts on qualifying species via spread of invasive species within the Cork Harbour SPA (Site Code 004030)

1.1.27. I consider that having regard to the nature, scale and location of the proposed development that conservation objectives of Cork Harbour SPA (Site Code 004030) 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: Spread of invasive species Japanese Knotweed
Cork Harbour SPA (Site Code 004030)		
Little Grebe <i>Tachybaptus ruficollis</i>	Maintain	N
Great Crested Grebe <i>Podiceps cristatus</i>	Maintain	N
Cormorant <i>Phalacrocorax carbo</i>	Maintain	N
Grey Heron <i>Ardea cinerea</i>	Maintain	N
Shelduck <i>Tadorna tadorna</i>	Maintain	N
Wigeon <i>Anas penelope</i>	Maintain	N
Teal <i>Anas crecca</i>	Maintain	N
Mallard <i>Anas platyrhynchos</i>	Maintain	N
Pintail <i>Anas acuta</i>	Maintain	N

Shoveler <i>Anas clypeata</i>	Maintain	N
Red-breasted Merganser <i>Mergus serrator</i>	Maintain	N
Oystercatcher <i>Haematopus ostralegus</i>	Maintain	N
Golden Plover <i>Pluvialis apricaria</i>	Maintain	N
Grey Plover <i>Pluvialis squatarola</i>	Maintain	N
Lapwing <i>Vanellus vanellus</i>	Maintain	N
Dunlin <i>Calidris alpina</i>	Maintain	N
Black-tailed Godwit <i>Limosa limosa</i>	Maintain	N
Bar-tailed Godwit <i>Limosa lapponica</i>	Maintain	N
Curlew <i>Numenius arquata</i>	Maintain	N
Redshank <i>Tringa totanus</i>	Maintain	N
Greenshank <i>Tringa nebularia</i>	Maintain	N
Black-headed Gull <i>Chroicocephalus ridibundus</i>	Maintain	N
Common Gull <i>Larus canus</i>	Maintain	N
Lesser Black-backed Gull <i>Larus fuscus</i>	Maintain	N
Common Tern <i>Sterna hirund</i>	Maintain	N
* Wetlands	Maintain	N

\* Article 3(3) of S.I. No. 391 of 2021 states that particular attention shall be paid to the protection of the wetlands included in the area identified in Schedules 1 and 2.

1.1.28. With regard to **potential impacts for the spread of invasive species**, I note the location of Japanese Knotweed on site is not identified. The FI Ecology Assessment, Biodiversity and Hedgerow Plan, Invasive Species documentat outlines that a species specific control plan for Japanese Knotweed includes three options (1) chemical treatment by herbicide (2) excavation and burial on site and (3) excavation and disposal off-site. This document does not purport to be an Invasive Species Management Plan (ISMP) and it recommends that a specific ISMP is prepared prior to commencement of development. With regard to a construction management plan, it states that temporary

on-site storage of spoil material (topsoil and subsoil) will be as far away from watercourses/drains as possible and will be clearly indicated on the CMP. As outlined previously however, no streams/watercourses are indicated on the subject site.

1.1.29. The Invasive Species Management Options Report section of this document includes a range of biosecurity measures. These include isolating the infected areas with secure fencing and warning signs, undertaking toolbox talks with relevant site personnel and ensuring clothing and equipment is cleaned before leaving the site.

1.1.30. I note the range of site hygiene measures set out, and the reference preparing an ISMP prior to commencement of development. I consider that

- the range of measures relating to management of Japanese Knotweed set out in the FI documentation would be generally acceptable, but would however be required to be augmented, to include *inter alia* drawings showing the location of this invasive species and final methodology to treat same to be agreed with the planning authority, and
- subject to implementation of stated measures, the proposed development would not be likely to negatively impact directly or indirectly on any species or habitat listed as features of interest for the SAC.

I consider that the measures outlined under the Invasive Species Management Options Report 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.

1.1.31. In terms of detail, as outlined previously in this report, a CEMP was lodged with the original application. In the event that the Board was minded to grant permission, it is recommended that in addition to a condition requiring an ISMP, a condition is also attached which requires the submission of a site specific CEMP which incorporates the relevant measures of the ISMP. This would be a standard construction measure.

1.1.32. 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 Cork Harbour SPA (Site Code 004030). Further AA screening in-combination with other plans or projects is required.

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

1.1.33. 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.

1.1.34. The FI Ecology Assessment, Biodiversity & Hedgerow Plan, Invasive Species document does not list plans/projects which may give rise to in-combination impacts. The site is located on serviced lands zoned Town Centre/Neighbourhood Centre in the Development Plan, on which there are no streams/watercourses. The wider surrounding area is characterised by industry including substantial port-related development and some third level education campuses. As no significant disturbance impacts have been identified, no significant in-combination disturbance is predicted to occur.

1.1.35. For completeness, information provided elsewhere on file relating to an EIA screening statement (lodged with original application) includes M28 Cork to Ringaskiddy Motorway Scheme. This and other projects/plans are outlined in Table 3 below.

Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.	
Plan/Project	Effect Mechanism
<p><b>Cork County Development Plan 2022-2028</b></p> <p>Development Plan Objectives include:</p> <p><u>Vol. 1:</u></p> <p><b>Objective BE 15-7: Control of Invasive Alien Species:</b> Implement best practice to minimise the risk of spread of invasive</p>	<p>FI response proposes that Invasive Species Management Plan (ISMP)</p>

<p>alien species, on Council owned or managed land, and require the development and implementation of Invasive Alien Species Management Plans for new developments where required.</p> <p><u>Vol. 4:</u></p> <p><b>RY-GO-04:</b> Transport and Transportation - Facilitate the proposed M28 and protect the route corridor from inappropriate development.</p> <p><b>RY-GO-07:</b> Water Services - All new development is to be connected to the public water supply, the public waste water treatment system and should make adequate provision for storm water disposal.</p>	<p>will be prepared prior to commencement of development.</p> <p>The M28 route was approved by An Bord Pleanála pursuant to 04.HA0053 (M28 Cork to Ringaskiddy Motorway Scheme) and 04.MA0014 (Cork to Ringaskiddy Motorway Scheme, Protected Road Scheme and Service Area 2017). The landtake for the M28 motorway, a scheme which included an EIAR and NIS, is estimated to be approx. 35m south of the site.</p> <p>The proposed development would be connected to the public water supply and served by public waste water treatment system. With regard to proposed storm water disposal, I consider that there is a lack of detail regarding the disposal and attenuation of surface water.</p> <p>No surface water features in the vicinity of the site.</p>
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(Subsequent amending permissions are P.A. Ref. 22/5633 and P.A. Ref. 22/6675)	<p>subject site. This development is substantially complete.</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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1.1.36. 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 Development Plan	Effect B - Permitted Developments
Cork Harbour SPA (Site Code 004030)			
Little Grebe <i>Tachybaptus ruficollis</i>	Maintain	N	N
Great Crested Grebe <i>Podiceps cristatus</i>	Maintain	N	N
Cormorant <i>Phalacrocorax carbo</i>	Maintain	N	N

Grey Heron <i>Ardea cinerea</i>	Maintain	N	N
Shelduck <i>Tadorna tadorna</i>	Maintain	N	N
Wigeon <i>Anas penelope</i>	Maintain	N	N
Teal <i>Anas crecca</i>	Maintain	N	N
Mallard <i>Anas platyrhynchos</i>	Maintain	N	N
Pintail <i>Anas acuta</i>	Maintain	N	N
Shoveler <i>Anas clypeata</i>	Maintain	N	N
Red-breasted Merganser <i>Mergus serrator</i>	Maintain	N	N
Oystercatcher <i>Haematopus ostralegus</i>	Maintain	N	N
Golden Plover <i>Pluvialis apricaria</i>	Maintain	N	N
Grey Plover <i>Pluvialis squatarola</i>	Maintain	N	N
Lapwing <i>Vanellus vanellus</i>	Maintain	N	N
Dunlin <i>Calidris alpina</i>	Maintain	N	N
Black-tailed Godwit <i>Limosa limosa</i>	Maintain	N	N
Bar-tailed Godwit <i>Limosa lapponica</i>	Maintain	N	N
Curlew <i>Numenius arquata</i>	Maintain	N	N
Redshank <i>Tringa totanus</i>	Maintain	N	N
Greenshank <i>Tringa nebularia</i>	Maintain	N	N
Black-headed Gull <i>Chroicocephalus ridibundus</i>	Maintain	N	N
Common Gull <i>Larus canus</i>	Maintain	N	N
Lesser Black-backed Gull <i>Larus fuscus</i>	Maintain	N	N
Common Tern <i>Sterna hirund</i>	Maintain	N	N
* Wetlands	Maintain	N	N

1.1.37. 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.

1.1.38. 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.

1.1.39. This conclusion is based on:

- Nature and scale of the proposed development which would be served by public wastewater infrastructure;
- 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;
- Distances from European Sites
- Absence of any streams/watercourses on site and the absence of direct hydrological link between the subject site and European Sites.

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