



An
Bord
Pleanála

Inspector's Report ABP-316858-23

Development	Construction of 10 houses and all associated site works as part of an independent living scheme. A Natura Impact Statement (NIS) was submitted to the planning authority with the application.
Location	Johnstown, Glounthaune, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/5899
Applicant(s)	Glounthaune Homes Trust
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Grant
Appellant(s)	Bluescape Limited
Observer(s)	None
Date of Site Inspection	23 May 2024
Inspector	Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located in Glounthaune, approx. 5km east of Cork city. It is a corner site comprising 1.21ha, fronting a road to the south known locally as The Terrace (L-2970) and bounding Priest's Hill (L-6999) to the west. It is approx. 350m walking distance to Glounthaune rail station. The site is roughly rectangular-shaped, with approx. 230m roadside frontage to Priest's Hill, and ranges from approx. 42m to 65m wide along its southern and northern site boundaries respectively. The site slopes from north to south.
- 1.2. Priest's Hill is a narrow, hedgerow-lined road which also slopes from north to south. For most of its length, lands either side of Priest's Hill are largely undeveloped. There is a slight bend on this road on approach to its junction with The Terrace. The site is within the 50kph speed limit, save for most northerly approx. 65m stretch of its western roadside frontage which is within the 80kph speed limit. Approx. 500m further north of the site, Priest's Hill connects to an established residential area of Glounthaune in the vicinity of its junction with L-2969.
- 1.3. The site is bounded to the east by the entrance to The Woods, an established housing development and further east by Johnstown Close, which comprises detached houses. There are significant differences in ground levels between the subject site and its treelined eastern boundary to The Woods, and between the site and Priest's Hill to the west, whereby the subject site is at a lower ground level. There are also differences in grounds levels within the subject site. There is dense vegetation on site including trees, gorse and rushes. The site boundary between the subject site and The Woods comprises some relatively dense tree planning.
- 1.4. On the opposite (western) side of Priest's Hill junction with The Terrace is a single-storey cottage. Within the curtilage of this cottage is a detached 1½ storey structure which appears to be multi-unit residential building. Ashbourne House, a protected structure, is located on large, mature grounds on the opposite (southern) side of The Terrace. The grounds are partially visible as viewed from The Terrace. A stream at the site's The Terrace roadside frontage continues under the road to an open concrete channel on the southern side of this road.

2.0 Proposed Development

- 2.1. Permission is sought for 10no. 2-bedroom single storey/dormer bungalow dwelling houses as part of an independent living scheme. The development is to include landscape and amenity spaces, a vehicular road and pedestrian path with street lighting, a new vehicular and pedestrian access to The Terrace road and all ancillary works. A Natura Impact Statement (NIS) has been submitted with the application.
- 2.2. Three different house types are proposed, of which House Types 1 and 2 are single storey, and Type 3 is 1½ storey. The floor area of the 3no. house types are:
- House Type 1 (2no.): 110sqm
 - House Type 2 (5no.): 110sqm
 - House Type 3 (3no.): 140sqm
- 2.3. The submitted Planning Report outlines that the scheme is to be developed as part of a housing trust, a not-for-profit organisation, whereby senior members of the community upon selling their dwelling would buy a private dwelling in the scheme. This is refunded to them on sale of the dwelling at minimum loss.
- 2.4. Other documentation lodged with the application includes an Ecological Impact Assessment (EclA), Stream Realignment Plan, tree survey, Landscape Design Rationale, an engineering report, a soakaway test, outdoor lighting report, Construction and Environmental Management Plan (CEMP) and an Uisce Éireann/Irish Water (UÉ/IW) letter dated 7 December 2020.

A Watercourse Enhancement Plan was submitted as Further Information (FI).

3.0 Planning Authority Decision

3.1.1. Decision

Following a request for Further Information, the planning authority made a decision to grant permission subject to 45no. conditions. Conditions of note are as follows:

Condition 1: Accord with plans and particulars lodged on 17 August 2022, as amended on 7 February 2023, save where amended by conditions.

Condition 2: Require Section 47 Agreement restricting use of units as independent living scheme in perpetuity as per details of 7 February 2023.

Condition 3: Require Section 47 Agreement that restricts units to first occupation by individual purchasers, except where after not less than two years from completion, it has not been possible to transact units for use by individual purchasers/those eligible for social/affordable housing, including cost rental.

Condition 5: Finished floor levels shall accord with details submitted on 7 February 2023 unless otherwise agreed. Submit details of fencing on external site boundaries.

Condition 7: Submit landscaping details and protective measures for tree/vegetation, including retention and augmentation of western site boundary.

Condition 14: Surface water shall be disposed of with soakaways.

Condition 18: Stormwater system shall be as submitted on 7 February 2023. Properties shall have soakaways separate to road and footpath system.

Condition 23: Open space at north shall be maintained by developer and/or residents, regardless of whether development may be taken in charge.

Condition 24: Developer shall be responsible for maintenance of roads, footpaths, open spaces, site boundaries and other services until taken in charge by Council and/or Irish Water (IW) at discretion of planning authority.

Condition 32: Accord with mitigation measures in EclA and conditions. Submit compliance monitoring report at end of main construction period.

Condition 33: Accord with NIS and conditions. Submit compliance monitoring report at end of main construction period.

Condition 34: Accord with Construction Method Statement.

Condition 36: Accord with Watercourse Enhancement Plan. Submit compliance report at end of main construction period.

Condition 37: Submit Invasive Species Management Plan.

Condition 42: Enter into Section 96 agreement for 20% of site (to include areas of dwelling No.s 6 and 9 on Part V compliance drawing submitted 17 February 2022*).

Condition 43: Provide bond as security until taken in charge.

Condition 44: Development contribution of €8877.26.

Condition 45: Supplementary development contribution of €21,267.46 in respect of Cobh/Midleton – Blarney Suburban Rail Project.

*This would appear to be a typographical error. Part V proposals were included with application lodged on 17 August 2022. FI response date is 17 February 2023.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis for the planning authority's decision include:

Area Planner report (10 October 2022) considers density is low at 8.5(uph) but accords with Objective HOU 4-3 Housing for Older People, and notes internal reports. Recommendation to request FI on 11 items reflects report.

First Senior Executive Planner (SEP) report (11 October 2022) endorses Area Planner's report and recommends FI on 14no. items.

Second SEP report (31 March 2023) notes FI response and recommends grant subject to 43no. conditions.

3.2.2. Other Technical Reports

Area Engineer (15 September 2022, 13 February 2023)

First report notes stormwater drains in this area are at capacity. Developer is not permitted to discharge to existing system or open drain. Sight distance at proposed entrance is good. Recommends FI for a revised stormwater management plan.

Second report: No objection subject to 13no. conditions.

Estates (28 September 2022, 30 March 2023)

First report recommends FI including relating to open space and applicant to advise if management company will be formed.

Second report states no objection subject to 7no. conditions.

Public Lighting (12 September 2022, 17 February 2023)

First report recommends FI on 6no. items.

Second report states no objection subject to 4no. conditions.

Housing Officer (13 September 2022): No objection on basis that units will be made available for acquisition under Part V.

Ecology (29 September 2022, 23 March 2023)

First report concurs with conclusions of the NIS that the proposal does not pose a risk of having a negative impact on water quality and is satisfied that the proposed development alone or in combination with other plans or projects does not pose a risk of having significant effects on designated sites.

Recommends FI for a detailed watercourse enhancement plan to include biodiversity enhancement to existing eastern channel and proposed realigned watercourse section, and a revised landscape plan.

Second report: No objection subject to 10no. conditions.

Water Services (3 October 2022): Applicant has a pre-connection agreement with IW under CDS 20007504. No objection subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann/Irish Water letter dated 23 September 2022 states no objection subject to standard conditions. These include applicant to sign connection agreement, all development to be carried out in compliance with IW standards and any proposals to divert or building over existing water or wastewater services to be submitted to IW.

Inland Fisheries Ireland (IFI) letter dated 14 September 2022 states IFI would ask that Irish Water signifies there is sufficient capacity so that it does not overload either hydraulically or organically existing treatment facilities, result in polluting matter entering waters or cause non-compliance with existing legislative requirements.

Gas Networks Ireland email dated 13 September 2022 states no comment to make.

3.4. Observations to the Planning Authority

2no. observations were received by the planning authority. The matters raised are summarised as concerns relating to trees on boundary, impacts on wildlife arising from interference with stream, haphazard development, potentially sterilises lands west of Priest's Hill and inhibits delivery of future road projects.

4.0 Planning History

One no. planning application is outlined in the Area Planner's report:

P.A. Ref. 21/4622: Planning application for 12no. 2-bed dwelling houses as part of independent living scheme withdrawn.

Sites in Vicinity:

I note the An Bord Pleanála website contains the following:

APB-313739-22 and P.A. Ref. 21/5072: Permission was refused in 2023 for 94no. residential units, provision of café in extended lodge and revised vehicular entrance at Ashbourne House, a protected structure, including conversion of Ashbourne House to apartments. This substantial site is on the opposite (southern) side of The Terrace to the subject site.

Permission was refused for 3 no. reasons, on grounds that the proposal would (1) contravene policy objectives relating to seeking a high density on 1 hectare of the site in such a way as protects the woodland setting and champion trees, (2) would give rise to inefficient use of zoned residential land and infrastructure supporting it and (3) would have detrimental and irreversible impact on the character, special cultural interest and setting of the protected structure and would directly conflict with Development Plan policy objectives.

ABP-312222-21: Permission was refused in 2022 for 289 residential units (201no. houses, 88no. apartments) on a 13.87ha site, on lands north and south of public road L-2970, (The Terrace), at Lackenroe and Johnstown (townlands), Glounthaune.

The 2no. refusal reasons are summarised as:

- (1) increased demand would result in future residents walking and cycling along local roads and would lead to conflict between vehicular traffic, pedestrians and cyclists, thereby endangering public safety by reason of traffic hazard

(2) the provision of suitable pedestrian and cyclist facilities cannot be achieved to an acceptable level, road network in vicinity is not capable of accommodating safely significant traffic volume due to the restricted width and capacity of L-2968 local road and restricted capacity of its junction at Dry Bridge with L-2970 local road. Proposed development would give rise to traffic congestion and would endanger public safety by reason of traffic hazard.

The red line boundary of this extensive site includes lands to south of The Terrace and also this public road itself, including where it bounds the subject appeal.

Drawings viewed online indicate upgrade of storm and foul sewer network along the Terrace. The bulk of the ABP-312222-21 site is generally approx. 160m west of the subject site, i.e., west of Priest's Hill.

ABP-314947-22 and P.A. Ref. 21/6851: Permission granted in 2024 for demolition of farm buildings and derelict house and construction of 21no. dwelling houses, on a site accessed via The Cedars. This site is approx. 1.4km north west of the subject site. The Cedars is a recently completed housing development located on L-2968. Commentary on the planning history relating to this housing estate is outlined below.

Commentary: The Cedars

There have been a number of planning applications granted on The Cedars site. The 'parent' permission is ABP-300128-17 (P.A. Ref. 17/5699) whereby 40no. houses were proposed, and 9no. houses were omitted by condition. Permission was granted in 2018. The 3.93ha site area including extending to the opposite site of L-2968 local road. A subsequent application (P.A. Ref. 18/6312) for 7no. houses resulted in 38no. permitted on the overall site. A further 2no. houses were subsequently constructed (P.A. Ref. 21/6082) on a slightly larger The Cedars scheme.

While The Cedars housing scheme has been implemented under the various planning permissions outlined above, I highlight the decision on ABP-305398-19 (P.A. Ref. 19/5659). Permission was refused by the Board in 2020 for 55no. dwelling houses, on the same site as the 'parent' permission for The Cedars outlined (ABP-300128-17 (P.A. Ref. 17/5699), for 2no. reasons.

Reason 1 was on the basis of prematurity pending the determination by the planning authority of a road improvement works scheme for the area.

Reason 2 was the proposed development would not be of sufficiently high density to provide for an acceptable efficiency in serviceable land usage, would be contrary to Section 28 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and contrary to National Planning Framework.

Current Case(s)

ABP-319336-24 and P.A. Ref. 23/6560: Planning authority made a decision to refuse permission for construction of four storey apartment building providing 26 no. apartments, demolition of shed structure and reconfiguration of pedestrian/ cycle route on Johnstown Close to the south to facilitate access. The site was formerly within Ashbourne garden and considered to be within curtilage and attendant grounds of Ashbourne House, a protected structure (Ref 00498) at Lackenroe.

This site near the old N25 is approx. 650m (walking distance) southwest of the subject site. The 3no. refusal reasons relate to net biodiversity loss, adverse impact on Ashbourne House a protected structure and traffic hazard.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Glounthaune is a key village within Cobh Municipal District, and is also located within Metropolitan Cork. The development boundary of Glounthaune can be described as a roughly C-shaped form.

Volume 1 – Main Policy Material

The site is zoned Existing Residential/Mixed Residential and Other Uses. The site's northern boundary forms part of Glounthaune's development boundary at this location. Given the irregular form of Glounthaune's overall development boundary, similarly zoned lands are located approx. 500m further north of the site in a roughly linear format along L-2969.

Chapter 18: Zoning and Land Use

Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses *

includes the scale of new residential and mixed residential developments within the

Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

*Note: This is based on Existing Residential/Mixed Residential and Other Uses applying to main towns and to key villages with a population of over 1500 or a population expected to grow to over 1500 in the lifetime of the Plan.

Appropriate Uses under this zoning include residential development, residential care, sheltered housing and specialised housing.

Chapter 5: Rural and Chapter 14: Green Infrastructure and Recreation

Extensive areas to east and west of Priest's Hill outside the development boundary are **Metropolitan Greenbelt** in terms of Rural Housing Policy Area. In brief, **Objective RP 5-3: County Metropolitan Cork Strategic Planning Area** states Metropolitan Cork Greenbelt is under strongest urban pressure for rural housing. Much of these lands are also designated **Prominent and Strategic Metropolitan Green Belt**, although some Metropolitan Greenbelt lands further west of Priest's Hill are not.

Objective GI 14-16: Prominent and Strategic Metropolitan Greenbelt Map

includes protect prominent open hilltops, valley sides and ridges that define the character of Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between main Greenbelt settlements, shown at Figure 14-3, and it is an objective to preserve them from development.

Objective GI 14-9: Landscape includes discourage proposals necessitating removal of extensive amounts of trees and hedgerows.

Chapter 4: Housing

It is stated (at Section 4.9.5) that Key Villages with a population >1,500 will have a density approach similar to smaller towns, and generally focus on application of Medium B density thresholds within centrally located sites and Medium C for all other greenfield lands.

Approach to Density within lands zoned Existing Residential/Mixed Residential and Other Uses states (at Section 4.9.8) the Plan generally supports proposals for increased densities within this category to optimise development of lands within the built envelope of a settlement, subject to protecting existing residential amenities and adhering to proper planning and development standards.

It outlines (at Section 4.9.9) the design approach should be guided by the site's location relative to town centre and access to good quality public transport links as set out in *Guidelines, as well as requirements of other policies in relation to building heights etc., and normal proper planning and sustainable development criteria.

(*Note: Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009).

Objective HOU 4-7: Housing Density on Residentially Zoned Land includes the density range for Medium B is 20-35uph, and Medium C is 5-20uph.

Objective HOU 4-3: Housing for Older People a) Encourage provision of housing suitable for older people in all residential schemes of 10 units or more. b) Support delivery of housing suitable for older people on infill, opportunity and regeneration sites within town and village centres.

Chapter 6: Social and Community

Objective SC 6-11: Accommodation for Older Persons Support provision of residential care, assisted living, group/community housing and other forms of accommodation for older persons.

Chapter 12: Transport and Mobility

Objective TM 12-2: Active Travel TM12-2-1 includes prioritise development in settlements that is well located and designed to facilitate walking, cycling and public transport trips. New development areas will be permeable for walking and cycling, and retrospective implementation shall be undertaken where practicable. All new developments are to be designed to latest DMURS standards, unless precluded by space or other constraints, to be accessible and permeable for pedestrians, cyclists and those of reduced mobility. Applications for all new developments are to be accompanied by a statement of how enhanced and inclusive permeability will be achieved, to include a statement of compliance with DMURS (2020 or later revision)

and a quality audit (as referred to in DMURS).

Objective TM 12-2: Active Travel; TM12-2-5: includes new paths and cycleways/greenways and upgrades to existing paths and cycleways/greenways will be sensitively designed having regard to environmental, nature conservation, landscape and other heritage considerations.

Chapter 16: Built and Cultural Heritage

Objectives HE 16-21: Design and Landscaping of New Buildings includes to require appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows and historic boundaries in rural areas.

Volume 4 - South Cork

Section 2.10 includes the following:

- Glounthaune is a key village within Metropolitan Cork
- Strategy for Glounthaune provides for population growth to 2,432 persons, from 1,440 (2016 estimate). An additional 379 housing units will be required.
- Glounthaune development boundary is tightly drawn to protect the strategic gap between Glanmire to west and Carrigtwohill to east, to be sensitive to topography and avoid areas of visual amenity. The development boundary has been amended relative to the 2017 LAP to exclude visually prominent land to east and land to west that is not required to deliver planned growth to 2028 and that is remote and disconnected from the rail station.
- Permission secured in 2020 for 7.7km pedestrian and cycle route from Bury's Bridge, Kilcoolishal to Carrigtwohill via Glounthaune and is underway.
- Glounthaune has capacity in wastewater treatment to accommodate growth. IW is working to resolve compliance issues with Carrigrennan WWTP.
- There are problems with storm water. All new development will be required to demonstrate application of Sustainable Urban Drainage Systems (SuDS).

Objective GN-GO-02: All development to contribute to improved pedestrian and cyclist connectivity and permeability, particularly to rail station and village centre areas.

Objective GN-GO-03 includes Glounthaune's green infrastructure, biodiversity and landscape assets include hedgerows, mature trees, woodlands and other habitats.

Specific Development Objective GN-R-01 High density residential development to be sensitively designed to complement significant existing woodland setting. Site character and biodiversity value to be protected as much as possible through retention of trees. Site contains high concentration of champion trees and trees of special heritage value to be protected. Development of the site is to include recreation or small scale community use. * (*Flood Risk Obj.)

Specific Development Objective GN-R01 is a large site on the opposite (southern) side of The Terrace to the subject site. In terms of detail, while stated to comprise 1ha, I estimate from online Development Plan mapping that it is approx. 3.2ha.

Development Plan Mapping

The site is located within a High Value Landscape. The site fronts onto Scenic Route S41: Road from Dunkettle to Glanmire and eastwards to Caherlag and Glounthaune. Further to the north, Priest's Hill intersects with Scenic Route S42: Road at Cashnagariffe, N.W. Carrigtwohill and Westwards to Caherlag.

Two-Year Progress Report on the Cork County Development Plan; April 2024

Table 5.5: Sustainable Travel Projects Cork County includes that in 2023, 5.45km of shared pedestrian and cycle paths were completed connecting Dunkettle to Glounthaune. A further 1.9km under construction continues to Carrigtwohill as part of Cork to Waterford Greenway – East Cork Sustainability Corridor. Further phases are at construction, tendering and design stage.

5.2. National Planning Framework

The site is within the Southern Regional Assembly area identified in the National Planning Framework (NPF). The NPF anticipates a population of almost 2 million in the overall region by 2040. National Policy Objectives (NPOs) include:

NPO 11 states a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages.

NPO 27 seeks to ensure integration of safe and convenient alternatives to the car

into design of communities, by prioritising walking and cycling accessibility to existing and proposed developments, and integrating physical activity facilities for all ages.

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

5.3. Cork Metropolitan Area Transport Strategy 2040

5.3.1. Cork Metropolitan Area Transport Strategy 2040 (CMATS) represents a coordinated land use and transport strategy for the Cork Metropolitan Area (CMA). It sets out a framework for planning and delivery of transport infrastructure and services to support the CMA's development up to 2040. With regard to rail at Glounthaune, the following implementation elements are outlined (Chapter 16: Implementation):

- Medium term: Signalling improvements likely required at Glounthaune Junction
- Long term: Existing single track between Glounthaune and Midleton will be required to be upgraded to double track, and also long term consideration for electrification of commuter rail lines between Mallow, Cobh and Midleton.

5.4. Section 28 Guidelines and other Guidance

5.4.1. Section 28 Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

The guidelines set out policy and guidance in relation to planning and development of urban and rural settlements. The guidelines outline key priorities for city and metropolitan growth include strengthening city, town and village centres, protecting and enhancing amenity and biodiversity, and realising opportunities for incremental brownfield and infill development. Density ranges for towns and villages in metropolitan areas and outside the city and suburbs are set out in Table 3.3:

- Metropolitan Towns (>1,500 population) – Centre and Urban Neighbourhoods: Densities in the range 50 dph to 150 dph (net) shall generally be applied.
- Metropolitan Towns (>1,500 population) – Suburban/Urban Extension: Suburban areas are low density residential areas at edge of town. Urban extension refers to

greenfield lands at edge of existing built-up footprint that are zoned for residential or mixed-use (including residential) development. A 35-50 dph (net) density range shall generally be applied. Densities up to 100 dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations (as defined in Table 3.8).

- Metropolitan Area – Village (>1,500 population) These are small in scale with limited infrastructure and services provision. They are identified for incremental growth that takes account of capacity of existing services and infrastructure. Density should reflect existing density/built form but should not generally fall below 25dph.

Policy and Objective 3.1 It is a policy and objective that recommended residential density ranges set out in Section 3.3 are applied in development plans and in consideration of planning applications, and are refined further at local level using criteria set out in Section 3.4 where appropriate.

Section 5.3.3 states that all residential developments are required to make provision for a reasonable quantum of public open space, to focus on overall quality, amenity and biodiversity values, including seating and provision for children's play.

Policy and Objective 5.1 - Public Open Space outlines that development plans include an objective(s) relating to public open space provision in new residential developments, of not less than minimum of 10% of net site area and not more than minimum 15% save in exceptional circumstances. Different minimum requirements (within 10-15% range) may be set and should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.

- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021)

5.4.2. Other Guidance

- Quality Housing for Sustainable Communities (2007)
- Design Manual for Urban Roads and Streets (DMURS), revised 2019.

5.5. **Natural Heritage Designations**

The site is not located in or adjacent to any European site. The nearest European

sites are Cork Harbour SPA (Site Code 004030) approx. 164m to south and Great Island Channel SAC (Site Code 001058) approx. 164m to south.

Great Island Channel pNHA (Site Code 001058) is approx. 164m to south.

Rockfarm Quarry, Little Island pNHA (Site Code 001074) is approx. 2.5km to south west.

5.6. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been received on behalf of Bluescape Limited. The grounds of appeal may be summarised as follows:

- Third party is owner of lands to west and has no objection in principle.
- Subject site is separated from third party's lands by L-6999, locally known as Priests Hill, and other agricultural lands. This area is located within a short walking/cycling distance of Glounthaune village centre and train station.
- Proposed development may hinder the future sustainable growth of Glounthaune and inhibit future delivery of road improvements.
- An Bord Pleanála refused permission to Bluescape Limited in 2022 for 289no. residential units, primarily due to deficiencies in existing local road network and provision of appropriate pedestrian and cycle connections to village core and train station. The lands were zoned for residential development in the 2011 Blarney Electoral Area Local Area Plan (LAP) and were zoned 'within existing built-up area' of Glounthaune in 2017 Cobh Municipal District LAP.

The lands were de-zoned in County Development Plan 2022.

Contrary to Cork County Development Plan

- Proposal fails to comply with Development Plan Objective GN-GO-02 and constitutes a traffic hazard. It states all development shall contribute to improved pedestrian and cyclist connectivity and permeability, particularly to rail station and village centre areas.
- Council's assessment of third party observation cannot be disregarded on basis of current zoning.
- Objectives TM 12-2-1 and TM 12-2-2 - Active Travel highlight the Council's objective to deliver a high level of priority and permeability for walking and cycling. Objective TM 12-2-2 aims to promote an active travel culture. Development Plan identifies that all new development in Glounthaune should contribute to providing these improvements.
- Glounthaune is served by both Cork-Midleton and Cork-Cobh rail services which provide a rail service approx. every 15 minutes.
- Development Plan recognises that road network in Glounthaune is generally poor. As future development (zoned and unzoned lands) are located to north of train station the existing road network needs to be improved to ensure improved connectivity.
- Through recent SHD decision it is obvious that connectivity improvement to train and town centre will require upgrade of L-2970 and Priest's Hill. Upgrades with footpaths required to improve facilities for existing residents.

Traffic

- Due to existing vehicular entrances, an additional vehicular entrance is inappropriate on road safety grounds. Access should be from Priest's Hill.
- Significant road upgrades would be required to accommodate potential future access to lands west of Priest's Hill and north of The Terrace.
- Accompanying 'Proposed Road Realignment' drawing details scope of necessary works which include road realignment for road widening and footpath infrastructure, and footpath provision along both sides of Priest's Hill.

6.2. Applicant Response

Applicant requests the Board to uphold the decision to grant permission.

6.3. Planning Authority Response

The planning authority's response may be summarised as follows:

- Proposal does not contravene Objectives TM 12-2-1 and TM 12-2-2.
- Proposal makes provision for public footpath across full length of site frontage with pedestrian priority measures to be included across site entrance.
- Area Engineer is satisfied with proposed site entrance arrangements.
- Any future upgrade proposals for road network/footpath provision in the area would be subject to a separate relevant consent process.
- Planning authority outlined preference for retention of existing western site boundary to be augmented to form a feature and to protect biodiversity. Condition 7 recommended that final landscaping details and protective measures for existing trees/vegetation on site be agreed.

6.4. Observations

None

7.0 Assessment

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

- Access and Traffic Safety
- Density – New Issue
- Nature of Proposed Development – New Issue
- Site Layout – New Issue

7.2. Access and Traffic Safety

Access and Footpath Infrastructure – Priest's Hill

- 7.2.1. The site is bounded to the west by Priest's Hill, which slopes from north to south, and contains a slight bend near its approach to the T-junction with The Terrace. It is relatively narrow and has hedgerow along both sides, giving this road a rural character. Two residential entrances are located on the western side of this road. The western roadside frontage is approx. 230m in length. There are no existing footpaths on either side of this road. The site is within the 50kph speed limit, save for the most northerly 65m stretch of the site's road frontage to Priest's Hill, which is within the 80kph zone.
- 7.2.2. The site's northern boundary adjoins the development boundary to the north. Lands on the western side of Priest's Hill, north of the existing houses bound the development boundary in a staggered manner. Lands approx. 500m further north on Priest's Hill, that is, north of the greenbelt lands, are zoned Existing Residential/Mixed Residential and Other Uses, and these zoned lands generally follow an east/west alignment along L-2969 and primarily comprise ribbon development. I note that the most direct access from some parts of this road to Glounthaune rail station is via Priest's Hill, as opposed to the more westerly road L-2968 via 'Dry Bridge' (Lacken Roe Bridge Over Road; RPS Ref. 2987).
- 7.2.3. The Development Plan does not include a specific development objective for the subject site. Development Plan Active Travel **Objectives TM12-2-1** and **TM12-2-5** are outlined in Section 5.0 of this report, and I note also that **Objective GN-GO-02** (Vol. 4) states all development shall contribute to improved pedestrian and cyclist connectivity and permeability, particularly to the rail station and village centre areas.
- 7.2.4. I note that the proposed development would not create permeability, given that no 'through-route' to/from Priest's Hill is provided for in the proposed development.

- 7.2.5. Given that no footpath is proposed along the approx. 230m western roadside frontage, the proposed development does not provide for improved pedestrian connectivity to existing zoned lands approx. 500m north of the greenbelt lands. I consider that the footpath provision of adequate width along this roadside boundary would require hedgerow removal to accommodate same.
- 7.2.6. I note that the planning authority's Condition 7 seeks the retention, protection and augmentation of the hedgerow along the western site boundary. Accordingly, with regard to Development Plan **Objectives GI 14-9: Landscape** and **Objective HE 16-21: Design and Landscaping of New Buildings**, retention of this hedgerow would comply with these Development Plan objectives.
- 7.2.7. On balance, and while noting **Objectives TM12-2-1, TM12-2-5** and **Objective GN-GO-02**, and the Existing Residential/Mixed Residential and Other Uses land use zoning objective approx. 500m to the north, I consider that having regard in particular to the greenbelt designation which applies to large areas of lands either side of Priest's Hill to the north of the subject site, and the extensive hedgerow removal along the western boundary which would be required to be removed to facilitate a footpath, I consider that the non-provision of a footpath along this roadside boundary would be acceptable in this case.
- 7.2.8. For completeness, I have noted the appellant's drawing titled Proposed Road Realignment – Priest's Hill in the assessment of this matter. In terms of detail, it annotates a 11.5m wide roadway including footpaths on the southern stretch of this road. Notwithstanding this, and having regard to the land use zoning objectives and greenbelt designations which apply in the vicinity of the site, I consider that the retention of hedgerow along the western site boundary would be acceptable in this case, as outlined above.

Site Entrance and Sightlines

- 7.2.9. With regard to sightlines, a new vehicular entrance is proposed on The Terrace (L-2970). The Entrance Design (Drawing No. LAG PA 01) lodged with the application shows a 59m and a 70m sightline arc. The consultant engineer's report lodged with the application states Design Manual for Urban Roads and Streets, 2019 (DMURS) requires 59m Safe Stopping Distances (SSDs) for applications within cities, towns and villages, and Transport Infrastructure Ireland (TII) publication DN-GEO-03031 requires a 70m SSD for a rural road.

- 7.2.10. The first Area Engineer's report states sightlines are good. No matters relating to sightlines or traffic/mobility are raised in the FI request. FI Item 7 requested an elevation of the proposed entrance.
- 7.2.11. FI Entrance Details & Elevations (Drawing No. DR 03B) states existing boundary set back c.3m from road edge, and proposed front boundary to be set back 8.5m. In terms of detail, this drawing is indicated to be at scale 1:00 at A2. As this drawing on file is A3 size, the stated annotations do not scale at 1:100.
- 7.2.12. This drawing annotates a 70m sightline arc in both directions, measured 2.4m from road edge, although the full extent of 70m sightlines is not shown. This entrance is annotated as 10m wide and includes footpaths along the new roadside boundary and to access the subject site. The context to the existing entrance and roadside frontage to The Woods to south east is not shown.
- 7.2.13. While the submitted report on file states roads are speed limited to 60kph, I noted on site inspection that 50kph speed limit signs are in place on Priest's Hill. DMURS Table 2.4 (SSD Standards) states a 45m SSD for 50kph design speed.
- 7.2.14. Having inspected the site, and having regard also to the 50kph design speed, I consider that sight distances in both directions at the proposed entrance at The Terrace would be acceptable.
- 7.2.15. In terms of detail, the FI Entrance Layout (Drawing No. DR 03C) does not show any new or existing planting between the new front boundary wall and the road edge. In contrast, the FI Landscape Master Plan shows 5no. trees forward of the proposed roadside boundary, comprising 3no. street trees to north west of proposed entrance, and 1no. street tree and tree to be retained to the south east. There would therefore appear to be an inconsistency between the detailing on the FI Entrance Layout and the FI Landscape Master Plan. I note that the planning authority's Condition 11 states that vegetation or any structure shall not exceed 1m in height within the sight distance triangle. In the event the Board was minded to grant permission, it is recommended that a condition is attached stipulating that trees shown forward of the roadside boundary to The Terrace be omitted.
- 7.2.16. In addition, I consider the tie-in of the proposed footpath to Priest's Hill, i.e., in the vicinity of the existing 'yield' sign shown to west of the site, is not adequately detailed on FI Entrance Details & Elevations. In the event that the Board was minded to grant permission, I consider that revised drawings showing this detail would be required,

and it is recommended that this matter could be adequately addressed by condition.

7.2.17. Furthermore, on site inspection I noted that there is an existing footpath at the south eastern side of The Woods entrance, and a tree-planted landscaped area at the north western side of same, adjacent to the subject site. This landscaped area extends approx. 17m along its roadside frontage, and is of varying depth due to the angle of The Woods' high front boundary wall. There is no existing footpath at this location between The Woods entrance and the subject site, i.e., there is no tie-in from the proposed footpath to any existing footpath. In this regard I note that The Woods residential development is outside the red line boundary of the subject site.

7.2.18. While noting the absence of a continuous footpath over an approx. 17m length between the subject site and the entrance to The Woods, I consider that having regard to the subject site's location on zoned lands within Glounthaune development boundary and within the 50kmph speed limit, that a residential development would be acceptable in principle at this location in terms of access.

7.3. Density– New Issue

7.3.1. The matter of density in the subject appeal is assessed with reference to Development Plan provisions, Sustainable and Compact Settlement Guidelines for Planning Authorities (hereafter referred to as the Settlement Guidelines), the site context and the planning history in the vicinity.

7.3.2. The proposed development comprising 10no. houses on a 1.21ha site results in a density of approx. 8.3uph. The site is approx. 350m and 740m walking distance to Glounthaune rail station and the nearest neighbourhood centre respectively. In addition to existing and future rail infrastructure/services discussed in the following sections, I consider it relevant to note also that there is an evolving context with regard to other transportation/mobility infrastructure in the vicinity, such as the recent and ongoing greenway infrastructure provided approx. 240m south east of the site, linking Dunkettle to Glounthaune and continuing to Carrigtwohill.

Development Plan

7.3.3. The current Development Plan identifies Glounthaune as a Key Village in the Metropolitan area. As it is projected to grow to over 1,500 people during the lifetime of the Plan it is treated in a similar manner as regards zoning and land-use to the other main settlements which are over 1,500 people. It states (at Section 4.9.5 – Vol.

1) that Key Villages with a population >1,500 will have a density approach similar to the smaller towns, and that this will generally focus on the application of Medium B (20-35uph) density thresholds within centrally located sites and Medium C (5-20uph) for all other greenfield lands.

- 7.3.4. Objective HOU 4-7: Housing Density on Residentially Zoned Land includes Medium C (5-20uph) which relates to a limited number of sites at the edges of the smaller towns (<5,000 population) as an alternative to one-off housing in the countryside, normally requires broad housing mix including detached/serviced sites, and this category cannot exceed 20% of new housing requirements.
- 7.3.5. I note that the subject site is a greenfield site, and that the proposed 8.3uph density would comply with the quantitative criterion of the Medium C density. However, given that the proposed development is for an independent living scheme and would therefore differ from a housing mix including detached/serviced sites as an alternative to one-off rural housing, I do not consider that the nature of the proposed development would comply with Medium C density criteria.
- 7.3.6. In addition, given that the subject site is zoned Existing Residential/Mixed Residential and Other Uses, I note that (at Section 4.9.8 – Vol.1) proposals for increased densities are generally supported within this category to optimise the development of lands within the built envelope of a settlement, subject to protecting existing residential amenities and adhering to proper planning and development standards. Having regard to the site's context and separation distances to the nearest dwellings on the western side of Priest's Hill and to the east at The Woods and Johnstown Close, I consider that the proposed development would not result in adverse impacts on the residential amenities of these properties in terms of overlooking, overshadowing or visual overbearance. While I note this site context, I do not consider that the 8.3uph density proposed would be consistent with this Development Plan content to generally support proposals for increased densities.
- 7.3.7. Having regard to the matters outlined above, I consider that the proposed development would not comply with Development Plan Objective HOU 4-7: Housing Density on Residentially Zoned Land, and specifically Medium B and Medium C density categories set out therein. Refusal of permission is recommended on this basis.
- 7.3.8. For completeness, I highlight two further matters for the Board's information for a

broader overview of density, as it relates to the Development Plan. These relate to changes to the Glounthaune development boundary, and population changes in Glounthaune since 2016.

- 7.3.9. The current County Development Plan (Section 2.10.10 – Vol. 4) states that the development boundary of Glounthaune has been amended relative to that of the 2017 LAP to exclude land to the east and west that is not required to deliver planned growth to 2028 and that is remote and disconnected from the rail station. The previous Cobh Municipal District Local Area Plan 2017 (Cobh MD LAP 2017) included a substantial landbank partially adjoining Priest's Hill, but primarily set back approx. 175m west of this road. I consider the amendments to the development boundary of Glounthaune to be relevant to note in the assessment of density in the current appeal, insofar as it reduces the quantum of land available for development in the wider area over that provided for in the previous Cobh MD LAP 2017.
- 7.3.10. In my opinion, this current Development Plan context further emphasises the importance of ensuring that remaining undeveloped zoned lands are developed at appropriate densities.
- 7.3.11. With regard to population figures, I note that the Development Plan 1,440 population figure for Glounthaune is estimated based on Geodirectory Data for Q2 2016. Having regard to the timeframe since 2016, the completion of the 40-unit The Cedars, and occupation of a substantial number of residential units occupied at Harper's Creek Strategic Housing Development (SHD) housing scheme at the eastern end of the village, I consider it reasonable to conclude that the population of Glounthaune has exceeded 1,500 persons. Furthermore, I have viewed Census 2022 information on the Central Statistics Office website (www.cso.ie; accessed on 13 November 2024), namely Small Areas data for the Glounthaune area. Based on the Small Areas viewed, I conclude that their combined population is 2055 persons. (For completeness, the Small Areas of Census 2022 viewed are A047064027 (239 persons); A047064026 (270 persons); A047064024 (253 persons); A047064025 (171 persons); A047077001/02 (219 persons); A047077001/03 (328 persons); A047077001/01 (208 persons) and A047077012 (367 persons).
- 7.3.12. I highlight this matter of Glounthaune's more recent Census 2022 population figures, as distinct from the 2016 (Geodirectory) estimate, given that the Settlements Guidelines specifically reference villages of less than 1,500 population located within

a metropolitan area, as discussed in the following sections.

Sustainable and Compact Settlements Guidelines for Planning Authorities

7.3.13. I note that the Settlement Guidelines were issued in January 2024. These Guidelines set out at Table 3.3 density ranges for all towns and villages within Metropolitan areas, in which Glounthaune is located. Of the 3no. categories outlined in Table 3.3,

- Metropolitan Towns (>1,500 population) – Centre and Urban Neighbourhoods
- Metropolitan Towns (<1,500 population) – Suburban/Urban Extension
- Metropolitan Area – Village (>1,500 population)

I do not consider that Glounthaune, being a Key Village stated in the Development Plan to be less than 1,500 population, but to be treated in a similar manner as regards zoning and land-use to the other main settlements which are over 1,500 people, fits precisely into any one of these three categories.

7.3.14. Having regard to the Development Plan content, I do not consider it appropriate to treat Glounthaune, although a Key Village, as 'Metropolitan Area – Village (>1,500 population).

7.3.15. Given the site's location adjoining the development boundary, and Glounthaune's population increase since 2016, I consider that of the three categories in Table 3.3, the site would tend to align most closely to Metropolitan Towns (<1,500 population) – Suburban/Urban Extension.

7.3.16. As the Guidelines state that densities in the range 35-50dph (net) shall generally be applied at these locations, and densities of up to 100dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations (as defined in Table 3.8: Accessibility), the proposed 10no. units on a 1.21ha site resulting in 8.3uph would be substantially below the lower density range in this category.

7.3.17. With regard to accessibility, I note that Table 3.8 includes 'High Capacity Public Transport Node or Interchange' to be lands within 1km walking distance of an existing or planned high capacity urban public transport node or interchange, which includes high frequency commuter rail. High frequency is stated as 10-15 minute peak hour frequency.

7.3.18. I have viewed Iarnród Éireann's website (www.irishrail.ie; accessed on 13 November 2024) and note that the Cobh-Midleton-Cork-Mallow timetable indicates that the

Monday-Friday service from Glounthaune to Cork (Kent) begins at 06:13hrs, with a further 2no. trains before 07:00hrs. Thereafter there are 4no. trains per hour until 19:55hrs, after which there are 8no. services, the final train being at 23:43hrs. While the timetable indicates frequency at slightly above or below 15 minutes at peak hour, I consider that 4no. trains per hour approximates to this timeframe and can be considered to come within the meaning of 'high frequency'.

- 7.3.19. The reverse route (Monday-Friday) indicates service commences at 05:30hrs, with a number of trains until 07:00hrs, after which there are 4no. trains per hour until 19:00hrs. There are a further 9no. trains thereafter, the final being at 23:00hrs.
- 7.3.20. In addition to existing rail services outlined above, I note the Development Plan states that Cork Metropolitan Area Transport Strategy (CMATS) sets out a series of strategic transport enablers to accommodate the uplift in the Cork Metropolitan Area's population to 2040 include higher frequency inter-urban rail services of 10 minutes for Cobh, Carrigtwohill, Midleton, Little Island and Glounthaune.
- 7.3.21. Having regard to the existing rail service to/from Glounthaune, future improvements to this service, and the subject site's proximity at approx. 350m walking distance to the rail station, I consider that the site comes within the meaning of 'High Capacity Public Transport Node or Interchange' lands and is highly accessible. As densities of up to 100dph (net) shall be open for consideration at such locations, I note that the proposed 8.3uph density would be significantly below this.
- 7.3.22. With regard to the proposed density relative to the 35-50dph and 100dph density ranges outlined above, I note also that the Guidelines state (at Section 2.1.2) that when making a decision on a planning application, the planning authority is required to have regard to the policies and objectives of the guidelines and to apply the specific planning policy requirements (SPPRs). In this regard I note the content of Policy and Objective 3.1, and in particular that the density ranges are not SPPRs. Accordingly, I consider that a density range less than 35uph may be considered at the subject site.
- 7.3.23. However, notwithstanding this, I consider that having regard to the site's proximity to a rail station and a greenway, the proposed density of 8.3uph would give rise to an inefficient use of zoned urban land and the infrastructure supporting it. I consider that the proposed development would not comply with Policy and Objective 3.1 which states *inter alia* that it is a policy and objective of the Guidelines that the

recommended residential density ranges set out in Section 3.3 are applied in the consideration of individual planning applications. Refusal of permission is recommended on this basis.

Planning History in Vicinity

- 7.3.24. With regard to the recent planning history in the immediate vicinity of the site, I consider it relevant to note ABP-313739-22 (P.A. Ref. 21/5072). I draw the Board's attention to the recent 2023 decision to refuse permission for a residential development at the Ashbourne House site (ABP-313739-22 and P.A. Ref. 21/5072) to the south of the subject site.
- 7.3.25. While I note the site context in that case is different, given that it includes, for example, a protected structure, I consider it relevant to highlight that Reason 2 in that case states the proposed net density of 35.3uph would be contrary to Development Plan policy objectives, which provides that 'higher density' consists of a minimum density of 50uph, would give rise to an inefficient use of zoned residential land, and would contravene Government policy and policy provision in the National Planning Framework 2040.

Conclusion: Density

- 7.3.26. For completeness, I have noted in this assessment the range of Development Plan objectives which seek to facilitate provision of residential development, including in particular Objective HOU 4-3: Housing for Older People and Objective SC 6-11: Accommodation for Older Persons. However, notwithstanding these objectives, and having regard to all information on file, I do not consider that it has been demonstrated that the proposed development would result in scheme of sufficient residential density on zoned lands.
- 7.3.27. I note that the overall topography of the site and the varying ground levels within the site, the differing ground levels at Priest's Hill to the west and the open space area at The Woods to the east, and the nature of the proposed development which includes realigning a stream to its original course along the eastern site boundary, all represent challenges to designing a residential scheme for this site.
- 7.3.28. However, notwithstanding this, I consider that the provision of 10no. units on this 1.21ha site resulting in density of 8.3uph, in close proximity to existing public (rail) transport and mobility infrastructure in the form of a greenway, would be of

insufficient density and would result in inefficient use of zoned residential land and of the infrastructure supporting it, located within Glounthaune development boundary, would be contrary to sustainable patterns of settlement, would not comply with Development Plan Objective HOU 4-7: Housing Density on Residentially Zoned Land, would not comply with Policy and Objective 3.1 of the Settlement Guidelines which states *inter alia* that is a policy and objective of the Guidelines that the recommended residential ranges set out in Section 3.3 are applied in the consideration of individual planning application applications, and would not comply with the policy provisions of the National Planning Framework. Refusal of permission is recommended on this basis.

7.3.29. However, this is a new issue and the Board may wish to seek the views of the parties.

7.4. Nature of Proposed Development - New Issue

- 7.4.1. The proposed development comprising 10no. houses is described as an independent living scheme. A letter on file dated December 2020 from Glounthaune Homes Trust CLG to a consulting engineering firm states the Trust was set up to provide step down housing for retirees and nesters.
- 7.4.2. The submitted Planning Report outlines that the scheme is to be developed as part of a housing trust, a not-for-profit organisation, to establish a community-oriented housing development for elderly people who wish to downsize. Able-bodied senior members of the community upon selling their dwelling would buy a private dwelling in the scheme. This is refunded to them on sale of the dwelling at minimum loss. As more assistance is needed the inhabitants move somewhere more suitable.
- 7.4.3. As the Settlement Guidelines outline (at Section 4.4(ii)) that creation of sustainable communities requires a diverse mix of housing including innovative housing types that respond to the needs of *inter alia* older people, I consider that the nature of the proposed development would generally assist in a creating a diverse housing mix. However, while I note the detail of 6no. seating areas/rest points shown on the FI drawings, I do not consider that the nature of the scheme has been sufficiently detailed on file, and having regard to the proposed house design, I do not consider that it has been demonstrated that the proposed scheme would reflect purpose-built older persons' housing. These matters are further discussed below.

- 7.4.4. The planning authority's Condition 2 requires the developer to enter into a Section 47 Agreement restricting use of units as independent living scheme in perpetuity as per details of 7 February 2023. The FI response includes a letter from the applicant, consenting to enter into a Section 47 agreement to regulate the use of the units as part of an independent living scheme. I would have concerns that the nature of 'independent living scheme' use referenced in Condition 2 is not sufficiently detailed. For example, no detail is outlined as to a minimum age requirement for persons to occupy the scheme.
- 7.4.5. While I have no objection in principle to the concept of an independent living scheme at this location, I do not consider that the criteria to be met for future residents to occupy the scheme has been adequately demonstrated on file, and in the absence of this detailing, and notwithstanding the applicant's willingness to enter into a Section 47 Agreement, I do not consider that this matter can be adequately addressed by way of condition.
- 7.4.6. With regard to house design, the floor areas vary from 110sqm (7no. comprising House Types 1 and 2) to 140sqm (3no. House Type 3). In terms of detail, House Types 1 and 2 include a relatively large utility/store area. House Type 3 includes a large open area at first floor level indicated as study, and floor plans indicate a possible location for a lift if required.
- 7.4.7. The Quality Housing for Sustainable Communities Guidelines outlines *Table 5.1: Space provision and rooms sizes for typical dwellings* relates to standard dwellings for people for whom no special provision is required. It continues to state that floor areas of dwellings designed to accommodate older people may vary from these. While noting this important caveat with regard to Table 5.1, I note that this Table also outlines that the Target Gross Floor Area for a 2bed(3person) single storey house is 60sqm, and for a 2bed(3person) two-storey house is 70sqm, i.e., substantially less than the 110sqm-140sqm floor area range proposed in the current case.
- 7.4.8. Neither Development Plan Objective SC 6-11 nor Objective HOU 4-3 include specific criteria regarding the provision of accommodation for older persons, for example, in terms of dwelling design, floor areas and open space provision. For comparison, however, I note Provision of Ancillary Accommodation, whereby families provide accommodation for older or disabled relatives, outlines (at Section 6.6.24) criteria to be met include the ancillary accommodation shall not exceed 80sqm.

- 7.4.9. However, while I acknowledge that there may challenges to designing a scheme for the subject site due to the sloping nature of the site and other features such as re-alignment of a stream, I consider that given the nature of the proposed occupation is for seniors who wish to downsize, the proposed floor area range for these 2-bedroom houses is considerable.
- 7.4.10. Having regard to the totality of the information on file, including the detailing and size of the proposed house types, I am not satisfied that the basis on which the proposed development would comprise an independent living scheme for senior members of the community has been demonstrably set out.
- 7.4.11. 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 (and which also relate to other new issues), it may not be considered necessary to pursue the matter.

7.5. Site Layout – New Issue

Site Layout

- 7.5.1. The overall site layout comprises 10no. houses to the west of the internal access route and realignment of a stream to its original course at the eastern site boundary. Two open space areas are proposed, one of which contains a play area near the southern site boundary and the larger of which is located at the north of the site. The longitudinal foul sewer section lodged with the application shows the various levels on site running in a north/south alignment (Foul Sewer Section Storm Sewer Section; Drawing No. DR 04).
- 7.5.2. With regard to the overall site layout and juxtaposition of these houses to each other, I would have concerns that the relationship between some of these houses and their associated curtilages would result in a poor level of residential amenities. I consider that the 110sqm – 140sqm floor area of the proposed houses would be disproportionately large relative to some of private amenity spaces. For example, House No.s 3 and 5 have very limited private open space, particularly No. 3 whereby the open space is largely a minimal (unannotated) perimeter space setback from adjoining sites No. 2 to south and No. 4 to west.
- 7.5.3. The limitations on plot size would appear to be further underlined by the detailing on

FI Drainage Layout (Drg. No. DR 03A). This drawing shows plot No.s 3, 5, 7 and 9 do not have requested individual soakpits, although I note that 4no. house plots (No.s 4, 6, 8 and 10) each contain 2 soakpits.

7.5.4. I consider that the site configuration would result in a cramped and substandard level of residential amenities for future occupiers of No. 3 in particular. I do not consider that this matter could be adequately addressed by amendments to the site layout by way of condition. Refusal of permission is recommended on this basis.

7.5.5. However, this is a new issue and the Board may wish to seek the views of the parties.

Finished Floor Levels/Boundaries

7.5.6. With regard to finished floor levels, Drawing Section 2-2 lodged with the application shows the relationship of dwelling No. 5 (FFL 22.356) at a lower level to No. 6 (FFL 24.49), in the context of the eastern and western site boundaries. No boundaries associated with the proposed dwelling houses are indicated on this drawing. In terms of detail, the finished floor levels are marginally altered in the FI response, whereby FFL 22.5 and FFL 24.64 are shown for No.s 5 and 6 respectively (Drainage Layout; Drawing No. DR 03A).

7.5.7. I note that Condition 5 requires finished floor levels to accord with details lodged on 17 August 2022 and 7 February 2023 unless otherwise agreed, and that Condition 6 includes boundary treatment and retaining walls to accord with details submitted on 7 February 2023. However, I note that the FI Boundary Treatment drawing (Drawing No. 21772-2-102) does not annotate any finished floor levels or ground levels. No sections have been submitted to demonstrate examples of boundary treatment and differing ground levels between the house sites. In terms of detail, weld mesh fencing is one of the proposed boundary treatments between parts of the rear garden areas. I do not consider this to be a suitable boundary treatment between private amenity spaces. In the event the Board was minded to grant permission, it may wish to consider an alternative, more solid, boundary treatment, such as concrete block wall in lieu of weld mesh fencing.

7.5.8. I note also that the FI Landscape Master Plan (Drawing No. 21772-2-101) includes guardrails and 'access to raised level'. However, while some drawings on file include finished floor levels, various differences in ground levels within house sites are not clearly shown. The Quality Housing for Sustainable Communities states (at Section

4.2 Design Approach) that barriers to accessibility for all users, particularly older people and those with mobility impairment or other disability, should be eliminated in the planning and design of the scheme.

7.5.9. Accordingly, I consider that in the event the Board was minded to grant permission for the proposed development that differences in ground levels within and between private amenity spaces should be clearly shown, to include sections indicating proposed boundary treatments.

7.5.10. 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, which are also new issues, it may not be considered necessary to pursue the matter.

8.0 Appropriate Assessment

8.1.1. See Appendix 2 – Appropriate Assessment Screening

8.1.2. In accordance with Section 177U(4) of the Planning and Development Act 2000, as amended, and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on identified Qualifying Interests (QIs) of the Great Island Channel SAC (Site Code 001058) and Cork Harbour (Site Code 004030) 'alone' with the most likely impacts on the integrity of the designated sites resulting from a decline in water quality due to construction activities in the absence of mitigation measures. This is due to the existing stream running north/south through the middle of the site, and a drainage ditch along the eastern site boundary, and the proposal to realign the existing stream to its original course along the eastern boundary. It is also proposed to re-establish a channel near the north of the site, to link the watercourse to the original stream location. The existing stream and drainage ditch converge at the southern end of the site and discharge via culverts and an open concrete channel to the waterbody at Cork Harbour to south. These construction works relating to the stream and drainage ditch have potential to effect the supporting habitat of species downstream of the proposed development site. I consider this to be a precautionary approach, having regard to the nature and scale of the proposed development and the dilution effects of the substantial waterbody at Cork Harbour. However, notwithstanding this, it is determined that

Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is required on the basis of the effects of the project 'alone.

8.1.3. A Nature Impact Statement (NIS) was submitted with the application, and I refer the Board to same.

8.1.4. For completeness, I highlight for the Board's information that the Natura Impact Statement (NIS) on file states Further Information (FI) was sought for a NIS on P.A. Ref. 21/4622, a development comprising 12no. houses, reduced to 10no. in the FI response. It outlines the planning authority has therefore determined that the proposed development may have significant effects, either individually or in combination with other plans or projects on Great Island Channel SAC and/or Cork Harbour SPA. While I note that FI Item 5 of P.A. Ref. 21/4622 is outlined in the NIS, no screening examination details relating to that case are set out, if comparable to the subject case. In any event, P.A. Ref. 21/4622 was withdrawn.

Stage 2 – Appropriate Assessment

Introduction

8.1.5. The application included a NIS for the proposed development at Johnstown, Glounthuane, Co. Cork. The NIS provides a description of the project and the existing environment. In terms of the screening process, the NIS outlines FI Item 5 on P.A. Ref. 21/4622, which stated that due to the presence of watercourses within the site boundary, the proposed development poses a risk of construction related run-off of silt, sedimentation and contamination to flow into Great Island Channel SAC and Cork Harbour SPA, which could potentially have significant effects on Qualifying Interests (QIs) of these sites. The FI request outlined a number of matters to be addressed in the NIS.

8.1.6. The NIS states that the Council has therefore determined that the proposed development may have significant effects, either individually or in combination with other plans or projects, on Great Island Channel SAC and/or Cork Harbour SPA.

8.1.7. Having reviewed the documents, I am not satisfied that the information contained in the NIS allows for a complete assessment of the possible impacts on the Natura 2000 sites in the vicinity of the appeal site to be carried out in accordance with Article 6 of the Habitats Directive adopted under Council Directive 92/43/EEC. In this regard, I draw the Board's attention to the Qualifying Interests for Cork Harbour SPA

(004030) annotated in the NIS. The potential impacts of the proposed development are assessed on 23no. species (birds). In contrast, S.I. No. 391 of 2021 - European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021 lists 25no. Qualifying Interests (QIs). This S.I. states (at Article 3(3)) that particular attention shall be paid to protection of wetlands included in the area identified in Schedules 1 and 2, which are Cork Harbour SPA map and a description of the SPA area respectively. My assessment has been undertaken on the basis of S.I. No. 391 of 2021 relating to Cork Harbour site.

- 8.1.8. Section 8 sets out the summary of potential impacts for both European sites to be release of sediment from the site during construction via the on-site watercourse, and release of water-borne contaminants (e.g. oils/petrochemicals) from the site during construction. Details of proposed mitigation measures are outlined at Section 8.2. Cumulative and In-Combination Effects are assessed at Section 7.4, and it outlines with particular reference to wastewater infrastructure that significant effects to Great Island Channel SAC and Cork Harbour SPA are not considered likely.
- 8.1.9. The NIS concludes that considering the mitigation measures proposed, and based on best scientific knowledge available, that there will be no significant adverse impacts on the integrity of Great Island Channel SAC or Cork Harbour SPA as a result of the proposed development.
- 8.1.10. While the planning authority's internal reports refer to an AA Screening report, no AA Screening report has been submitted. The Ecologist's report on file concurs with the conclusions of the NIS that the proposal does not pose a risk of having a negative impact on water quality and given the distance to these two European sites, is satisfied that the proposed development, alone or in combination with other plans or projects, does not pose a risk of having significant effects on these sites.
- 8.1.11. On the basis of objective information, it is my opinion, that the designated sites in closest proximity to the project site, require further consideration only. Based on the above, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 1:

Site Name	Site Code	Distance
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Great Island Channel SAC	001058	164m
Cork Harbour SPA	004030	164m

Appropriate Assessment of implications of the proposed development on each European site

8.1.12. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the Great Island Channel SAC and Cork Harbour SPA using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.1.13. I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities. DoEHLG (2009)
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018)

8.1.14. A description of the designated site and its conservation objectives and qualifying interests, including any relevant attributes and targets, are set out in the NIS. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives/Statutory Instrument supporting documents for these sites available on the National Parks and Wildlife Service (NPWS) website, www.npws.ie

8.1.15. I estimate (from online Development Plan mapping) the two European sites are approx. 175m south of the project site, as the crow flies. The NIS estimates the distance as 164m. I note the watercourse route from the project site to the two European sites would be longer, at approx. 235m, based on the FI Watercourse Enhancement Plan. It outlines (at Section 3.1) the stream downstream of the site boundary is confined to an approx. 155m narrow, open concrete channel, then

enters an approx. 80m long underground culvert which discharges into River Lee at Cork Harbour. However, using a precautionary approach, I am stating the proposed development is approx. 164m from the two designated sites.

Appropriate Assessment of implications of the proposed development on each European site

Special Area of Conservation – Great Island Channel SAC

- 8.1.16. The development is located wholly outside of any European site and is located approximately 164m from Great Island Channel SAC. Potential impacts of the proposed development on the two habitats have been set out in Section 7.2 of the NIS and I refer the Board to same. The only habitat recorded near the project site (not on the site) is Mudflats and sandflats not covered by seawater at low tide, of which is a conservation objective to maintain.

I note in particular that while it is a conservation objective to restore the favourable conservation status of Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), the nearest such habitat is approx. 2km to south east of the subject site.

Table 2

Designated Site	Qualifying Interest	Conservation Objective (favourable status)
Great Island Channel SAC	Mudflats and sandflats not covered by seawater at low tide	Maintain
	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)	Restore

Table 3 summarises the information considered for the Appropriate Assessment and the site integrity test. This information has been compiled from information contained in the NIS, other documentation on file, and from the NPWS website.

Table 3

Great Island Channel SAC (Site Code 001058)			
		Summary of Appropriate Assessment	
Qualifying	Conservation	Potential	Mitigation Measures

Interest	Objectives	Adverse Affects	
Mudflats and sandflats not covered by seawater at low tide	<p>Maintain FCS</p> <p>The permanent habitat area is stable or increasing, subject to natural processes.</p> <p>Conserve the following community type in a natural condition:</p> <p>Mixed sediment to sandy mud with polychaetes and oligochaetes community complex</p>	Transport of sediment and other contaminants from the site via the existing watercourse.	<p>Mitigation measures are listed in Section 8.2 of NIS. It refers to the Stream Realignment Plan, and states realignment works will be carried out such that sediment and/or other contaminants will not have the opportunity to discharge from the development site during the works.</p> <p>Mitigation measures are also listed in the Construction and Environmental Management Plan (CEMP), Ecological Impact Assessment (EclA) and Stream Realignment Plan which accompanied the application. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as silt fence to minimise risk of sedimentation downstream, and fuelling and lubrication of equipment will not be carried out within 10m of watercourses where possible, and only undertaken in designated bunded areas. Secured site compound to be</p>

			provided.
Atlantic salt meadows (Glaucopuccinellietalia maritimae)	Restore	Increased sediment deposition may lead to an increase in area available for colonisation. Contamination by oils or petrochemicals may lead to plant morbidity or death.	As above.

- 8.1.17. I have noted as outlined above the plans and particulars lodged with the application and reports received on the file, and have noted the information on the NPWS website with regard to this European site. I consider that in a worst case scenario such as an accidental pollution event resulting in release of sediments/other pollutants into the watercourse, given the dilution effects within the substantial transitional waterbody at Cork Harbour, significant effects from the proposed development on Great Island SAC are not considered likely. I have noted also the Council's Ecology report, which considers the potential risk of surface water emissions to be moderate, provided mitigation measures are implemented and noting the distance to the SAC and associated buffering, that significant effects can be screened out and potential discharge to receiving waters would be localised and short lived, i.e., would be dispersed within a single tidal cycle and would not have potential to lead to any significant impact on the receiving environment.
- 8.1.18. The NPWS site synopsis outlines the importance of the SAC for wintering waterfowl, including that the mudflats support feeding birds and the main roost sites are at Weir Island, Brown Island, and to north of Fota at Killacloyne and Harper's Island. I note

that none of these roost sites directly adjoin or are in close proximity to the subject site.

8.1.19. Mitigation measures have been outlined at Section 8 of the NIS which seek to ensure that there will be no negative impacts on water quality as a result of the proposed development at construction stage, and also refers to the Stream Realignment Plan. This Plan states (at Section 3) that a silt fence should be installed to minimise risk of sedimentation downstream:

- along periphery of drainage ditch prior to site works commencing
- at southern extremity of existing watercourse, to remain in place for duration of infilling activities, and thereafter until sediment has stabilised and is no longer a risk to downstream receptors
- at eastern extremity of new channel, prior to diversion of flow, and to remain until sediment in the watercourse and along its embankments has stabilised.

Other mitigation measures outlined in the NIS are that working during very wet weather conditions will be avoided and refuelling will be confined to designated areas. I note that no drawings showing the location of a construction site compound is shown on the CEMP or other drawings. In the event the Board was minded to grant permission, it may wish to consider attaching a condition requiring the submission of a detailed site specific CEMP to include drawings showing the location of the proposed site compound.

8.1.20. At operation stage, wastewater will only be discharged to the main sewer under authorisation from UÉ/IW and the local authority. All works will be undertaken in accordance with UÉ/IW standard details and codes of practice. The Development Plan states there is capacity to accommodate growth and IW is working to resolve compliance issues at Carrigrennan WWTP. The Inland Fisheries Ireland (IFI) letter states it would ask that Irish Water signifies there is sufficient capacity so that existing treatment facilities are not overloaded either hydraulically or organically. The UÉ/IW letter received on the application (dated 23 September 2022) states no objection subject to standard conditions. The internal Water Services report notes that the pre-connection agreement and has no objection subject to conditions.

8.1.21. With regard to surface water, surface water run-off from the proposed development will be collected and attenuated on site. A hydrocarbon separator is planned upstream of the attenuation system. Soakaways will be provided, including for

individual houses. In terms of detail, 4no. of the proposed 10no. houses are not served by a soakpit within their curtilage, and given the limited plot sizes, revised surface water management proposals would be required in this regard. An attenuation tank is located at the southern end of the site.

- 8.1.22. I am satisfied that it is not likely than any pollution event at the development site could result in significant impact on the SAC.

Special Protection Area – Cork Harbour SPA

- 8.1.23. The project site is located wholly outside any European site and is located approx. 164m from Cork Harbour SPA. Potential impacts of the proposed development have been set out in Section 7.3 of the NIS and I refer the Board to same.

- 8.1.24. S.I. No. 391 of 2021 lists the 25no. QIs (bird species). It states (Article 3(3)) that particular attention shall be paid to protection of wetlands included in the area identified in Schedules 1 (map of Cork Harbour SPA) and 2 (description of area classified as a SPA). It is a conservation objective to maintain the favourable conservation status of all 25no. species (birds).

- 8.1.25. The NIS states (at Section 7.3) that considering all the species listed are waterbirds associated with the habitats designated under Great Island Channel SAC, it is considered likely that they may all be found within the zone of influence of the proposed development site.

Table 4

Designated Site	Qualifying Interest	Conservation Objective (favourable status)
Cork Harbour SPA	Little Grebe <i>Tachybaptus ruficollis</i>	Maintain (All)
	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>	

8.1.26. Table 5 summarises the information considered for the Appropriate Assessment and the site integrity test. This information has been compiled from the information contained in the NIS, and other documentation on file, and information on the NPWS website.

Table 5

Cork Harbour SPA (Site Code 004030)			
		Summary of Appropriate Assessment	
Qualifying Interest	Conservation Objectives	Potential Adverse Affects	Mitigation Measures
<div>Little Grebe <i>Tachybaptus ruficollis</i></div> <div>Great Crested Grebe <i>Podiceps cristatus</i></div> <div>Cormorant <i>Phalacrocorax carbo</i></div> <div>Grey Heron <i>Ardea cinerea</i></div> <div>Shelduck <i>Tadorna tadorna</i></div> <div>Wigeon <i>Anas penelope</i></div> <div>Teal <i>Anas crecca</i></div> <div>Mallard <i>Anas platyrhynchos</i></div> <div>Pintail <i>Anas acuta</i></div> <div>Shoveler <i>Anas clypeata</i></div> <div>Red-breasted Merganser <i>Mergus serrator</i></div> <div>Oystercatcher <i>Haematopus ostralegus</i></div> <div>Golden Plover <i>Pluvialis apricaria</i></div> <div>Grey Plover <i>Pluvialis squatarola</i></div> <div>Lapwing <i>Vanellus vanellus</i></div> <div>Dunlin <i>Calidris alpina</i></div> <div>Black-tailed</div>	Maintain (All)	Ingestion of contaminated prey may lead to morbidity or death of individuals.	Mitigation measures are listed in Section 8.2 of NIS. It refers to the separate Stream Realignment Plan, and states realignment works will be carried out such that sediment and/or other contaminants will not have opportunity to discharge from the development site during the works. Mitigation measures are also listed in the Construction and Environmental Management Plan (CEMP), Ecological Impact Assessment (EclA) and Stream Realignment Plan which accompanied the application. They include standard measures such as good construction practice in accordance with

Godwit <i>Limosa limosa</i>			relevant guidelines and site-specific measures such as silt fence to minimise risk of sedimentation downstream, and fuelling and lubrication of equipment will not be carried out within 10m of watercourses where possible, and only undertaken in designated bunded areas. Secured site compound to be provided.
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>			

- 8.1.27. It is stated (at Section 7.3.1) that increased sedimentation at Cork Harbour will not give rise to habitat loss, and is therefore not a process likely to result in significant effects to the SCI species. The release of contaminants (oils/petrochemicals) may lead to the accumulation of toxic compounds in prey items, which if ingested, may cause morbidity or death of individuals.
- 8.1.28. The long term population trend for the species listed is stable to increasing, save for Common Tern (*Sterna hirundo*) for which no significant decline in breeding population is outlined.
- 8.1.29. Separately, I note the EclA outlines at Table 6.3 bird species recorded on site. None of the 9no. species listed in the EclA are QIs of Cork Harbour SPA. It is stated at Sections 3.2 and 3.2.4 that the breeding bird survey was carried out in August, and at Section 6.3.1 that the species were recorded between two dates. Given that the QIs of this SPA relate to wintering birds, I note that a rationale for the August timing of the survey has not been presented. However, I note also that the EclA describes (at Section 6 Site Survey) the various habitats on the project site as Eroding/Upland Rivers (FW1), Drainage Ditches (FW4), Dry Meadows and Grassy Verges (GS2),

Scrub (WS1), Hedgerow/Treelines (WL1/WL2) and Buildings and Artificial Surfaces (BL3), as per Fosset (2000). The existing habitat described for the project site is therefore markedly different from 'wetlands' referenced in S.I. No. 391 of 2021.

- 8.1.30. There will be no direct or ex-situ effects on wintering waterbirds from disturbance during construction or operation of the proposed development.
- 8.1.31. The NIS concludes that robust and effective mitigation measures have been proposed for the avoidance of any impacts affecting water quality. With regard to mitigation measures relating to water quality, I highlight to the Board that I have dealt with same in the section under Great Island Channel SAC. As outlined previously, wastewater will be discharged to the mains sewer, and this is acceptable to UÉ/IW subject to standard conditions. The planning authority has not raised concerns in this regard. Surface water run-off from the proposed development will be collected and attenuated on site, including by means of soakaways.
- 8.1.32. I am satisfied that it is not likely that any pollution event at the project site could result in significant impacts on the SPA.

In-combination Effects

- 8.1.33. The NIS indicates (at Section 7.4) Cumulative and In-Combination Effects to include a current planning application (P.A. Ref. 21/5072) and an existing wastewater treatment plan (Carrigrennan). As outlined under Section 4.0 (Planning History) of this report, permission was refused in 2023 for 94no. residential units, provision of café in extended lodge and other works at Ashbourne House, a protected structure; ABP-313739-22 and P.A. Ref. 21/5072 refer. This site is located south of the current appeal site, on the opposite side of The Terrace.
- 8.1.34. It has been outlined previously with regard to Great Island Channel SAC that the proposed development would be served by Carrigrennan wastewater treatment plant, and this is acceptable subject to standard UÉ/IW conditions.
- 8.1.35. There does not appear to be an overall conclusion in the NIS regarding in-combination effects. Having regard to all information on file, and the planning authority and An Bord Pleanála websites viewed with regard to online planning searches, I consider that there are no existing or permitted developments in the vicinity that would give rise to in-combination effects.

Appropriate Assessment Conclusion

- 8.1.36. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.
- 8.1.37. Having carried out screening for Appropriate Assessment of the project, I have concluded that the proposed development may have a significant effect on two European sites.
- 8.1.38. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its conservation objectives.
- 8.1.39. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of these European sites, in view of the site's conservation objectives. This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the conservation objectives of the aforementioned designated sites.
 - Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. The proposed development is located on lands within the Glounthaune development boundary, which are zoned Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses in Cork County Development Plan 2022-2028. Having regard to the site's location in close proximity to existing public transportation and mobility infrastructure, and the proposed density of 8.3 units per hectare, the proposed development would give rise to an inefficient use of zoned residential land and of the infrastructure supporting it, and would be contrary to Objective HOU 4-7: Housing Density on Residentially Zoned Land of the current Development Plan. Furthermore, the

proposed development would not comply with Policy and Objective 3.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Department of Housing, Local Government and Heritage, 2024) and would contravene Government policy to promote sustainable patterns of settlement and policy provisions in the National Planning Framework, 2040. The proposed development would, therefore, be contrary to national and local policy objectives and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature and scale of the proposed development comprising an independent living scheme, the gross floor area of the proposed dwelling houses which are disproportionately large relative to the very limited house plots and their associated private amenity spaces, the proposed development would produce a cramped and substandard form of development including lack of adequate private open space, and would thereby result in a substandard level of residential amenities for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Cáit Ryan
Senior Planning Inspector

20 November 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316858-23		
Proposed Development Summary	Construction of 10 houses and all associated site works as part of an independent living scheme. A Natura Impact Statement (NIS) was submitted to the planning authority with the application		
Development Address	Johnstown, Glounthaune, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class 10(b)(i): construction of more than 500 residential units. Proposal is for 10no. dwelling houses.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-316858-23
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Proposed Development Summary	Construction of 10 houses and all associated site works as part of an independent living scheme. A Natura Impact Statement (NIS) was submitted to the planning authority with the application.	
Development Address	Johnstown, Glounthaune, Co. Cork.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>The proposed development comprises 10no. houses as part of an independent living scheme. The site is bounded to the east by The Woods, an established residential estate. The proposed development would not be exceptional in the context of the existing environment.</p> <p>The development would result in production of some waste at construction stage. However, this is not considered to be significant. The CEMP on file states waste collection shall be delivered to authorised waste management facility. Localised construction impacts would be temporary.</p>	<p>No</p> <p>No</p>
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	<p>The size of the proposed development comprising 10no. houses on a 1.21ha site is not exceptional in this context of the existing environment. The site is bounded to the east by The Woods, an established housing estate.</p> <p>There are no significant cumulative considerations having regard to other existing and/or permitted projects.</p>	<p>No</p> <p>No</p>
Location of the Development Is the proposed development located on, in, adjoining or does it	The site is not located in or adjacent to any European site. The nearest European sites are Great Island Channel SAC (Site Code 001058) approx. 164m to south, and Cork Harbour SPA (Site Code 004030) approx. 164m to south.	No

<p>have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>A Natura Impact Statement was submitted with the application. Refer to Section 8.0 of Inspector's Report.</p> <p>Separately, Great Island Channel pNHA (Site Code 001058) is approx. 164m to south. Rockfarm Quarry, Little Island pNHA (Site Code 001074) is approx. 2.5km to south west.</p> <p>The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p>
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2 – Appropriate Assessment Screening

Appropriate Assessment Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. No Screening report was submitted to the planning authority.

The planning authority does not state a determination with regard to Appropriate

Assessment (AA) screening, nor as to whether AA (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is required.

The Natura Impact Statement (NIS) on file states Further Information (FI) was sought for a NIS on P.A. Ref. 21/4622, a development comprising 12no. houses, reduced to 10no. in the FI response. It outlines the planning authority has therefore determined that the proposed development may have significant effects, either individually or in combination with other plans or projects on Great Island Channel SAC and/or Cork Harbour SPA.

Documentation Submitted/Information on File

I note that while a NIS was submitted with the application, no Appropriate Assessment Screening report is included. The reference to AA Screening in the NIS relates to legislative background, as distinct from the carrying out of the AA Screening process itself. It therefore appears that the matter of firstly screening the proposed development (Stage 1) is not set out on file.

For completeness, the NIS outlines (at Section 1.2) that FI Item 5 on P.A. Ref. 21/4622 stated that due to the presence of watercourses within the site boundary, the proposed development poses a risk of construction related run-off of silt, sedimentation and contamination to flow into Great Island Channel SAC and Cork Harbour SPA, which could potentially have significant effects on Qualifying Interests (QIs) of these sites. The FI request outlined a number of matters to be addressed in the NIS.

While FI Item 5 of P.A. Ref. 21/4622 is outlined, no screening examination details relating to that case are set out, if comparable to the subject case, and in any event, P.A. Ref. 21/4622 was withdrawn. Accordingly, while noting all information on file, I do not consider that a withdrawn planning application is relevant to the proposed development currently under assessment with regard to AA Screening.

An Ecological Impact Assessment (EcIA), a Stream Realignment Plan and a Construction and Environmental Management Plan (CEMP) were submitted with the application. A Watercourse Enhancement Plan was submitted as FI.

The EcIA includes a description of the proposed development, site surveys, and assessment of the impacts of the proposed development at both construction and operational phases. It concludes that mitigation and compensation have been

suggested to minimise any ecological impacts deemed to be significant, and in light of this, no residual ecological impacts are foreseen. The EclA is dated February 2022. The application was lodged to the planning authority on 17 August 2022.

My Screening assessment, with regard to Cork Harbour SPA (004030) is undertaken on the basis of S.I. No. 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021 which lists 25no. Qualifying Interests (QIs). This S.I. states (at Article 3(3)) that particular attention shall be paid to protection of wetlands included in the area identified in Schedules 1 and 2, which are Cork Harbour SPA map and a description of the SPA area respectively. This is further outlined at Table 1.

The Stream Realignment Plan states a watercourse flows from north to south through the site. As a result of a blockage in 2017, reportedly as a result of Storm Ophelia, the watercourse changed course and began flowing through a new channel in the middle of the site. It is proposed to divert the existing watercourse to the east, so that it adjoins the original channel along the boundary, and to re-establish a 50m long channel to link the watercourse to its original pathway. The report concludes that implementation of measures outlined will maximise the potential of freshwater habitats on site to provide high quality resources for local fauna, and will minimise risk of indirect environmental and/or ecological impacts downstream.

Planning Authority Determination

As outlined previously, the planning authority does not specifically state a determination with regard to Appropriate Assessment (AA) screening, nor as to whether AA (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is required with respect to the current case.

The first Area Planner's report refers to Council Ecologist's report. The Ecologist's report concurs with the NIS that the only two Natura 2000 sites potentially within the zone of influence of the development in which a source-pathway-receptor link can be established are the Great Island Channel SAC and Cork Harbour SPA. This report considers the potential risk of surface water emissions to be moderate, provided mitigation measures are implemented and noting the distance to the SAC and associated buffering, that significant effects can be screened out and potential discharge to receiving waters would be localised and short lived, i.e., would be dispersed within a single tidal cycle and would not have potential to lead to any

significant impact on the receiving environment.

Description of the proposed development

The proposed development of 10no. 2-bedroom houses comprises single-storey and 1½ bungalows, as an independent living scheme, on a 1.2ha site within Glounthaune development boundary. Three different house types are proposed. A detailed overview of the site location and proposed development are outlined at Sections 1.0 and 2.0 of this report respectively. In brief, it is a corner site, with frontage to L-2970 (The Terrace) to south and L-6999-00 (Priest's Hill) to west. The site slopes from north to south. There is an existing stream on site, running north-south. The site is densely overgrown. Vegetation noted on site inspection includes trees and rushes.

It is proposed to realign the stream to its original location near the eastern site boundary, which was realigned as result of build-up, reportedly arising from Storm Ophelia. I note that Storm Ophelia dates to 16 October 2017, as viewed on the Met Éireann website (www.met.ie, accessed on 15 November 2024).

Water supply would be by public **watermains** and the proposed scheme would be served by public **wastewater** infrastructure.

With regard to **surface water**, the consultant engineer's report lodged with the application outlines that a 225mm diameter surface water sewer is proposed, with a channel drain at the proposed entrance. It is proposed to pipe the existing drain at the entrance with a minimum 225mm diameter pipe. A hydrocarbon separator is planned upstream of the attenuation system. The attenuation system will be managed to reflect pre-development greenfield run-off to control the outflow.

The planning authority's Further Information request (Item 8) stated that stormwater drains in the area are at capacity and development shall not discharge to the existing system, revised plans are required whereby all properties shall have their own individual soakaways, and footpath and roads stormwater system to have a separate soakaway. The FI response states shallow trench soakaways are proposed, adjacent to the access road which will dispose of the stormwater generated on the road and footpaths. It outlines the site is split into two sections for the soakaway design, comprising an upper section of 713sqm surface area and a lower section of 313sqm surface area. The proposed attenuation system under the open space at the lower section of the site is to be retained.

The second Area Engineer's report states no objection subject to conditions. The planning authority's Condition 14 states surface water shall be disposed of with soakaways, and Condition 18 requires properties to have soakaways separate to the road and footpath system.

However, I note FI Drainage Layout (Drg. No. DR 03A) shows that No.s 3, 5, 7 and 9 do not have soakpits and these plots are of limited size. In contrast 4no. house plots (No.s 4,6,8 and 10) each contain 2 soakpits. Given the very limited size of some the plots, particularly No. 3, it has not been demonstrated that some plots are of sufficient size to accommodate a soakpit. I consider that the provision of soakpits, should be clearly shown to serve the individual house plot in which they are located, in terms of orderly development. In the event the Board was minded to grant, it may wish to consider the attachment of a condition requiring revised surface water management proposals for the 4no. plots for which no soakpit is shown (No.s 3,5,7 and 9) to be submitted and agreed. I recommend that this matter could be addressed by condition.

Consultations and Submissions

Uisce Éireann/Irish Water (UÉ/IW) letter dated 23 September 2022 states no objection subject to standard conditions. These include applicant to sign connection agreement, all development to be carried out in compliance with IW standards and any proposals to divert or building over existing water or wastewater services to be submitted to IW.

Inland Fisheries Ireland (IFI) letter dated 14 September 2022 states IFI would ask that Irish Water signifies there is sufficient capacity so that it does not overload either hydraulically or organically existing treatment facilities, result in polluting matter entering waters or cause non-compliance with existing legislative requirements.

Gas Networks Ireland email dated 13 September 2022 states no comment to make.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The boundaries of the nearest European sites are both approx, 164m to south, namely Great Island Channel SAC (001058) and Cork Harbour SPA (004030). All other European sites are located at a remote distance from the project site.

Table 1

European Site	Qualifying Interests (Summary)	Conservation Objective (Summary) (favourable status)	Connections
Great Island Channel SAC Site Code 001058 S.I. No. 206 of 2019 Approx. 164m to south.	Mudflats and sandflats not covered by seawater at low tide Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)	Maintain Restore	Direct hydrological pathway
<p>The site synopsis on the NPWS website (www.npws.ie) states that the Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest.</p> <p>The main habitats of conservation interest in Great Island Channel SAC are sheltered tidal sand and mudflats and the Atlantic salt meadows. Owing to the sheltered conditions, the intertidal flats are composed mainly of soft muds, which support a range of macro-invertebrates, notably <i>Macoma balthica</i>, <i>Scrobicularia plana</i>, <i>Hydrobia ulvae</i>, <i>Nephtys hombergi</i>, <i>Nereis diversicolor</i> and <i>Corophium volutator</i>.</p> <p>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. All the mudflats support feeding birds; the main roost sites are at Weir Island and Brown Island, and to the north of Fota at Killacloyne and Harper's Island</p> <p>Much of the site falls within Cork Harbour Special Protection Area, an important bird area designated under the E.U. Birds Directive. While the main land use within the site is aquaculture (oyster farming), the greatest threats to its conservation significance come from road works, infilling, sewage outflows and possible marina developments.</p> <p>The separate NPWS Conservation Objectives mapping shows: Map 3: The extensive area indicated as 1140 Mudflats and sandflats not covered by sea water at low tide includes the area approx. 164m south of the site, i.e. south of Glounthaune rail station.</p>			

Map 4 similarly shows **Mixed sediment to sandy mud with polychaetes and oligochaetes community complex** to include the area approx. 164m to south.

Map 5 shows the saltmarsh habitats. The nearest **1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)** is approx. 2km to south east.

The nearest **potential 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)** are approx. 1km to south east on Harper's Island.

European Site	Qualifying Interests (Summary)	Conservation Objective (Summary) (favourable status)	Connections
Cork Harbour SPA Site Code 004030 Approx. 164m to south S.I. No. 391 of 2021	Little Grebe <i>Tachybaptus ruficollis</i>	Maintain (all)	Direct hydrological pathway.
	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>		

Note: S.I. No. 391 of 2021 lists the 25no. QIs outlined above. It states (Article 3(3)) that particular attention shall be paid to protection of wetlands included in the area identified in Schedules 1 and 2.

Schedule 1 is a map of Cork Harbour SPA.

Schedule 2 is a description of the area classified as a SPA.

This information supercedes that outlined in the Conservation Objectives document (2014) on the NPWS website, which lists 24no. QIs comprising 23no. species and 1no. habitat (wetlands).

The site synopsis on the NPWS website states Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets.

Owing to the sheltered conditions, the intertidal flats are often muddy in character, and support a range of macro-invertebrates, notably *Macoma balthica*, *Scrobicularia plana*, *Hydrobia ulvae*, *Nephtys hombergi*, *Nereis diversicolor* and *Corophium volutator*.

Salt marshes are scattered through the site and these provide high tide roosts for birds. The site is a SPA under the EU Birds Directive, which pays particular attention to wetlands and as these form part of the SPA, the site and its associated waterbirds are of special conservation interest for wetland and waterbirds.

Cork Harbour is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Little Egret,

Golden Plover, Bar-tailed Godwit, Ruff, Mediterranean Gull and Common Tern. The site provides both feeding and roosting sites for the various bird species that use it.
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Likely impacts of the project (alone or in combination with other plans and projects)

For clarity, in the absence of a submitted AA Screening Report, my Screening assessment includes noting content of the EclA, Stream Realignment Plan and CEMP lodged with the application, and Watercourse Enhancement Plan submitted as FI.

As the proposed development is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.

There is an existing stream within the site flowing in a roughly north/south direction in the middle of the site. It is proposed to realign this stream to its original position along the eastern site boundary. The FI Watercourse Enhancement Plan states (at Section 3.1) the stream downstream of the site boundary is confined to a narrow, open concrete channel, devoid of any natural hydromorphological characteristics or substrates. After approx. 155m, the stream enters an approx. 80m long underground culvert which discharges into River Lee at Cork Harbour.

The existing stream is not indicated on the EPA water features database (www.catchments.ie, accessed on 15 November 2024), nor is the original stream along the eastern boundary. The nearest water feature is Lough Mahon (Harper's Island), a Transitional Waterbody; IE_SW_060_0700. The Water Framework Directive (WFD) Risk is 'At risk'.

The EclA outlines (at Section 6.1.1.2) there is a drainage ditch along the eastern site boundary.

Due to the presence of the existing stream running through the middle of the site and the drainage ditch on the eastern site boundary, which provide connectivity to the European sites, and the proposal to realign the existing stream to its original course along the eastern site boundary and to re-establish a channel at the north of the site, impacts generated by the construction of the proposed residential development require consideration.

Examples of impact include:

- Site clearance and construction works, including in particular works relating to proposed stream realignment, have potential to pose a risk to surface water through contamination of water, resulting in changes to environmental conditions such as water quality with subsequent impacts on species and habitats. The CEMP outlines that it is proposed to realign the watercourse to its original course and to backfill, contour and develop the remaining existing route in line with the proposed design.
- Potential for spread of invasive species

Likely significant effects on the European sites in view of the conservation objectives

The primary pathways to the Great Island Channel SAC and Cork Harbour SPA are via the stream running through the middle of the site and the drainage ditch along the eastern site boundary. Both watercourses converge at the southern end of the site and enter a culvert under the road to the south (The Terrace), continuing to an open concrete channel before entering an approx. 80m long underground culvert which discharges into River Lee at Cork Harbour.

The conservation objectives of Great Island Channel SAC are to maintain the favourable conservation status of Mudflats and sandflats not covered by seawater at low tide and to restore the favourable conservation status of Atlantic salt meadows (*Glauco-Puccinellietalia maritima*). The site is extremely important for wintering waterfowl and all the mudflats support feeding birds.

The conservation objectives of Cork Harbour SPA are to maintain the favourable conservation status of all 25no. species (birds). The intertidal flats are often muddy in character and support a range of macro-invertebrates. Salt marshes scattered throughout the site provide high tide roosts for birds. The Cork Harbour SPA provides both feeding and roosting sites for the various bird species that use it.

With regard to invasive species, I note the biosecurity measures during construction outlined in the CEMP. Measures include construction machinery to be power-washed prior to arrival, wheel-wash facility to be installed at site entrance and boot cleaners to be installed and used by staff on an ongoing basis. Separately, the EcIA sets out (at Section 6.2.2) that there is fencing and signage relating to ongoing treatment of Japanese Knotweed (*Fallopia japonica*) along the south eastern site

boundary. It notes that no specimens of Japanese Knotweed were observed during the site visit, but in line with the precautionary principle it acknowledges that viable tissue fragments may persist in soil. It also notes a small stand of *Rhododendron ponticum* on the opposite (western) side of Priest's Hill. The locations of these two species are shown at Fig. 6.9, outside the site boundary.

On site inspection, I observed signage relating to Japanese Knotweed and the area cordoned off at the south western corner of The Woods housing scheme, near its roadside boundary to The Terrace. Having regard to all information on file, and in noting that the invasive species are shown to be located outside the site, I consider that these measures relating to invasive species 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 with regard to invasive species, I have taken no account of mitigation measures intended to avoid or reduce the potentially harming effects of the project on any European sites.

Having inspected the site and based on the information provided on file, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- Potential damage to stream associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase
- Potential damage to the waterbody at Cork Harbour associated with escapement of silt, sedimentation or contaminants during the construction phase. Given that the mudflats support feeding birds, an impact of sufficient magnitude could undermine the site's conservation objectives.

Such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Overall Conclusion

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of objective information provided by the applicant, I conclude that the proposed development would have a likely significant effect 'alone' on conservation objectives of the Great Island Channel SAC (Site Code 001058) and Cork Harbour SPA (Site Code 004030) in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that the Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000, as amended, is required.