



An
Bord
Pleanála

Inspector's Report ABP-317180-23

Development	Alteration of site layout to adjust position of approved housing, construction of 3 additional dwellings
Location	Sites 29A, 30A, 39A, 30-33 and 36-39, Sliabh na mBan, Dunmore Road, Youghals, Clonakilty, Co. Cork
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	23109
Applicant(s)	Patrick J. Hayes
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Patrick J. Hayes
Observer(s)	None on File
Date of Site Inspection	29 th July 2023
Inspector	Sarah Moran

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1.0 Site Location and Description

- 1.1. The site is located within an existing partially built housing estate, Sliabh na mBan, which is located on the Dunmore road on the southern side of Clonakilty, Co. Cork, as permitted under reg. ref. 18/441. The site has a stated area of 0.3015 ha. The permitted development is currently under construction.

2.0 Proposed Development

- 2.1. Permission is sought for amendments to a residential development permitted under reg. ref. 18/441, comprising changes to permitted house types A, B and G (see planning history below). The development provides three no. additional houses to increase the total number of units to 42, also the transfer of an additional unit to the planning authority in order to comply with Part V obligations. The additional houses will connect to existing/ permitted site services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork County Council (CCC) issued a notification of a decision to refuse permission on 27th April 2023, for the following stated reasons:
 1. Having regard to the scale, height, nature and relationship of the proposed development relative to adjoining residential dwellings to the west of the site, it is considered that the proposed development would be overbearing, would be visually prominent and would seriously injure the residential amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
 2. The application site comprises of an area of designated landscaped public open space in accordance with permission granted under planning register reference number 18/441 and which forms part of the development of the residential estate of Sliabh na mBan. It is considered that the proposed development would encroach on lands which have been designated as public open space to serve residents of the overall estate, would be contrary to and contravene materially the

terms and conditions of the parent planning permission for the overall residential estate (planning register reference number 18/441 and Conditions 1 and 8), which governs the development of the estate and which requires the site area to be developed and maintained as public open space. The proposed development would result in a substantial reduction in the amenities for the residents of the estate, would seriously injure the residential and visual amenities of the area and would set an undesirable precedent for further inappropriate development of this kind in the future. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- CCC Executive Planner, 24th April 2023. Recommends refusal.
- CCC Senior Executive Planner, 25th April 2023. Recommends refusal.
- CCC Senior Planner, 26th April 2023. Recommends refusal.

3.2.2. Other Technical Reports

- CCC Public Lighting 18th March 2023, recommends request for further information (RFI) for details of public lighting.
- CCC Housing, 6th April 2023. States that the Council have demand for housing in Clonakilty and that the proposed Part V unit is suitable for such use. No objection.
- CCC Environment, undated. No objection subject to condition.
- CCC Estates, 18th April 2023, recommends RFI for details of boundary treatments, detailed site layout to indicate footpaths and private rear gardens.
- CCC Area Engineer 19th April 2023. No objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. Inland Fisheries Ireland submission to CCC, 5th April 2023, notes proposed connection to the public sewer, requests that Irish Water indicates that there is sufficient existing capacity.

3.3.2. Uisce Éireann submission to CCC, 21st April 2023, requires further information in order to assess feasibility of connection to public water / wastewater infrastructure.

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Planning History**

4.1. **Reg. Ref. 18/441**

4.1.1. Permission granted on 7th June 2019 to Patrick J. Hayes (the current applicant/ appellants) for 30 no. houses, nine no. serviced sites and associated site works, as per a revised proposal submitted to CCC as further information on 29th April 2019.

5.0 **Policy Context**

5.1. **National Planning Policy**

5.1.1. The following relevant national planning policies, including section 28 guidelines, are noted:

- Project Ireland 2040 National Planning Framework
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)
- Circular Letter: NRUP 02/2021
- Design Manual for Urban Roads and Streets (DMURS) (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

5.2. **Cork County Development Plan 2022**

5.2.1. Land Use Zoning

The site is located within the development boundary of Clonakilty and has the zoning objective 'Existing Residential/Mixed Residential and Other Uses' as follows:

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

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. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Development plan section 18.3 provides further guidance on the Existing Residential/Mixed Residential and Other Uses zoning objective. The following points are noted in particular:

18.3.3 The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale, and use of the building or development being appropriate for its location.

18.3.4 The Plan recognises that lands defined as Existing Residential/Mixed Residential and Other Uses may contain residential development of varied densities ranging from high density historic terraces to more modern lower density housing schemes. The Plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area and normal sustainable planning considerations. See Chapter 4 Housing.

18.3.6 Within predominantly existing residential/mixed residential and other uses areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of settlements. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.

18.3.9 Within existing residential/mixed residential and other uses areas there will inevitably be some areas of land that are either undeveloped or have some potential to be considered for development. Often these areas perform valuable functions in their existing state, such as providing attractive open space or even providing important local employment. The inclusion of this land within an existing residential/mixed residential and other uses areas does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.

5.2.2. Housing Mix and Density Policy

The following development plan policy objective on housing is noted:

HOU 4-6: Housing Mix

- a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.*
- b) Require the submission of a Statement of Housing Mix with all applications for multi-unit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. The Statement of Housing Mix should include proposals for the provision of suitable housing for older people and the disabled in the area.*

Development plan section 4.9 states the following in relation to residential density in within lands zoned Existing Residential/Mixed Residential and Other Uses:

4.9.8 Cork County Council recognises that lands defined as Existing Residential/Mixed Residential and Other Uses may contain residential development of varied densities ranging from high density historic terraces to more modern lower

density housing schemes. The Plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement, subject to protecting existing residential amenities and adhering to proper planning and development standards.

4.9.9 The delivery of quality architectural responses will be fundamental to the Council's commitment to the management of land within the network of towns and the delivery of increased densities. The design approach should also be guided by the site's location relative to the town centre and its access to good quality public transport links as set out in the Guidelines, as well as the requirements of other policies in relation to building heights etc., and normal proper planning and sustainable development criteria. In limited situations, a reduction in the 22m separation between units may be considered where high-quality architectural responses can be delivered without undue impacts on the established residential amenities. Intensification of uses in some areas and promoting more mixed use development will also be encouraged.

The following development plan objectives on residential density are also noted:

County Development Plan Objective

HOU 4-7: Housing Density on Residentially Zoned Land

	Min Net Density	Max Net Density	Comment
Medium A	30	50	<ul style="list-style-type: none"> Applicable to suburban/greenfield lands of the larger settlements with a population > 5,000 and those planned to grow >5,000 population; In towns with an existing/ planned high quality public transport service a minimum density of 35 units/ ha is recommended. On former Institutional lands which may require concentration of development in certain areas. A minimum of 20% public open space is required at these locations. This category would be the highest density category applicable to the smaller settlements (< 5,000 in population), and would generally apply to central sites within the core of such settlements, unless otherwise stated or where a higher density approach accords with the existing pattern of development; Must include a broad range of unit typologies and normally involves a combination of unit formats including a higher proportion of terraced units and/or apartment type units.
Medium B	20	35	<ul style="list-style-type: none"> Normally applicable to lands in the suburban/greenfield lands of the smaller towns <5,000 population and key villages as part of sequential development. In larger towns with a population >5,000 or planned to grow >5,000 population, may be applicable in a limited instance (outside Metropolitan Cork) for edge of centre sites and sensitive sites with difficult topography, heritage constraints to allow for a broader typology within the urban envelope.
Medium C	5	20	<ul style="list-style-type: none"> 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. The layout needs to include a strong urban edge, where appropriate. A lower standard of public open space provision will be considered where larger private gardens are provided. Broad housing mix normally required including detached/ serviced sites. This category cannot exceed 20% of new housing requirements.

Table 4.1: Settlement Density Location Guide

Settlement Type	Settlement	High (50 units/ha+)	Medium A (30-50 units/ha)	Medium B (20-35 units/ha)	Medium C (5-20 units/ ha)
Key Towns* and Large Towns (>5,000 population)	Mallow Clonakilty^		Generally applicable for future development	May be applicable in a limited number of sensitive locations.	
	Bandon Fermoy Kinsale Youghal Charleville^				
Other Large Towns	Bantry			Generally	Applicable in a

5.2.3. Open Space in Residential Developments

Development plan section 14.4.11 states the following in relation to public open space in residential developments, with reference to the Guidelines on Sustainable Residential Development in Urban Areas:

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

The following related development plan policy objective is noted:

GI 14-6: Public/Private Open Space Provision

- a) Public Open Space within Residential Development shall be provided in accordance with the standards contained in Cork County Council's Interim Recreation & Amenity Policy (2019) and any successor policy, the "Guidelines on Sustainable Residential Development in Urban Areas" and "Making Places : a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2".*
- b) Promote the provision of high quality, accessible and suitably proportioned areas of public open space and promote linking of new open spaces with existing spaces to form a green infrastructure network.*
- c) Apply the standards for private open space provision contained in the Guidelines on Sustainable Residential Development in Urban Areas and the Urban Design Manual (DoEHLG 2009) and Cork County Council's Design Guidelines for Residential Estate Development. With regard to apartment developments, the*

guidelines on Sustainable Urban Housing: Design Standards for New Apartments will apply.

5.2.4. Landscape Policy

The site is located within a High Value Landscape. Development plan section 14.8.9 states the following in relation to such landscapes:

Within these High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large-scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape.

In addition, the Dunmore road is designated as Scenic Route S74, Coastal Road from Clonakilty to Inchydoney and Ardfield. The following development plan policy objective is noted:

GI 14-14: Development on Scenic Routes

- a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.*
- b) Encourage appropriate landscaping and screen planting of developments along scenic routes.*

5.2.5. Development Plan Volume Five West Cork

Development plan Volume Five provides specific policy objectives for West Cork including section 2.6, which addresses Clonakilty and provides housing and population targets as follows:

Table 5.2.3: Clonakilty Population and Housing Supply					
	Population and Housing Requirement			Housing Supply Units	
	Population Census 2016	Population Target (to 2028)	New Units Required (to 2028)	Housing Supply from Residential and Mixed-Use Zoning including Compact Growth Sites	Housing Supply from Residential Additional Provision Sites
Clonakilty	4,592	6,162	600	600	100

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Table 5.2.4: Clonakilty Population 2006-2028				
	Census 2006	Census 2011	Census 2016	Population Target to 2028
Clonakilty	4,154	4,721	4,592	6,162

Section 2.6.8 of Volume Five states in relation to Clonakilty:

Of the 600 new housing units to be provided over the plan period, 520 housing units can be delivered on residentially zoned land and the balance of 80 units can be delivered within the built footprint of the town. This Plan has made provision for a residential net land supply of approximately 20 ha.

Section 2.6.10:

The development boundary of the town has been consolidated to encourage sequential development from the town centre. A number of zoned sites have been brought forward from the current plan. All of the residential zonings provide for Medium A and Medium B density residential development and can ensure the sequential development and consolidation of the built envelope of the town ...

5.3. Natural Heritage Designations

5.3.1. The site is c. 0.5 km from Clonakilty Bay SPA (site code 004081) and Clonakilty Bay SAC (site code 00091).

5.4. EIA Screening

5.4.1. Having regard to the nature of the development, comprising of a change of house types and three no. additional units within a permitted and partially constructed residential development at a serviced site, it is considered that there is no real likelihood of significant effects on the environment arising from the development it is proposed to retain. The need for an environmental impact assessment can, therefore be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of First Party Appeal

6.1.1. The following points are noted from the first party appeal:

- There are no third party submissions on file objecting to the development on grounds relating to visual or other adverse impacts. The applicant has a good relationship with adjoining residents. The appeal is accompanied by correspondence from the owner of a dwelling adjoining the development site, in support of the proposed development.
- The development is an opportunity to deliver additional units within a permitted development such that it is in line with 'Medium B' density targets as per development plan policy on residential density, while also protecting the amenities and character of the area. The existing permitted density is 16.5 units/ha and the proposed development would result in an increase to 17.8 units/ha.
- It is acknowledged that as part of the pre-planning consultation under reg. ref. 18/441, the applicant originally proposed to include these three no. units as part of the parent application but did not do so on foot of advice from CCC. However, it is submitted that the overall approach to housing supply has changed

fundamentally since that time, and compact growth and higher densities are now encouraged with regard to current development plan policy on residential density and national planning policy. The subject lands were zoned for 'low density' residential development under the previous 2009 Clonakilty Development Plan.

- The proposed additional houses will not result in adverse impacts on amenities. The appeal includes cross sections, which demonstrate that the additional houses will sit neatly within the permitted development and will not be overbearing or visually obtrusive. Although the proposed houses are at a higher level than existing adjacent houses (c. 2m difference in ground levels), this is mitigated by adequate distances between existing and proposed houses as well as existing vegetation at the site boundaries. The proposed new houses have also been designed to obviate overlooking with frosted /opaque windows at first floor level to side elevations.
- The proposed revised layout results in a change in the overall public open space provision from 21.2% to 20.15%. The open space lost to provide the additional units is incidental open space. The useable public open space in the overall development will remain unchanged at 13.4% of the total site area, above the 12% minimum stated in development plan standards for residential development. It is submitted on this basis that the revised provision of public open space is appropriate. The development will provide adequate private open space from 74 sq.m. – 90 sq.m for individual houses.
- While some of the overall development is already completed and occupied, the units in the vicinity of the proposed new houses have not yet been constructed. Therefore, the proposed loss of open space will not have any impact on existing amenities.
- The proposed development will result in the following changes to the permitted housing mix (excluding the nine no. serviced sites permitted under 18/441):

House Type	18/441		23/00109	
	No of Units	%	No. of Units	%
Type A 3-bed semi	12	40%	12	36.5%
Type B 4-bed terraced	14	47%	14	42.5%
Type E 2-bed detached	2	7%	2	6%
Type F 3-bed terrace	2	7%	2	6%
Type G 4-bed terraced			3	9%
Total	30		33	

- It is submitted that the proposed additional dwellings and revised mix will contribute to development plan housing targets for Clonakilty, as well as national housing targets and planning policy on compact urban settlements. The appeal refers to analysis recently presented by the OPR, which indicates that estimated housing delivery in Co. Cork will fall significantly short of NPF housing supply targets for 2028 (estimated delivery of 9,360 units v NPF housing target of 18,500 for 2022-2028).

6.2. Planning Authority Response

- 6.2.1. Comment of Senior Executive Planner refers the Board to the technical reports on file.

6.3. Observations

- 6.3.1. None on file.

6.4. Further Responses

- 6.4.1. None on file.

7.0 Assessment

7.1. I have read through the file documentation and the relevant provisions of the County Development Plan and have carried out a site inspection. The main issues are those raised in the planning reports on file and in the grounds of appeal. Overall, I am satisfied that no other substantive issues arise. I note in this regard that the development site is located within a larger permitted residential development on serviced lands and water supply and that the site is located in Flood Zone C as per the Strategic Flood Risk Assessment of the current development plan. I also note that the planning authority states no objection to the proposed revised house types and that the stated refusal reasons only relate to the proposed three no. additional houses at the overall development. I consider that the relevant issues can therefore be dealt with under the following headings:

- Residential Density and Housing Mix
- Public Open Space Provision
- Impacts on Visual and Residential Amenities
- Site Services and Roads/ Footpath
- Part V
- Appropriate Assessment

These issues may be considered separately as follows.

7.2. Residential Density and Housing Mix

7.2.1. The development site is located on lands zoned as 'Existing Residential/ Mixed Residential and Other Uses', where there is an objective to provide development at a scale that respects the pattern and grain of existing urban development in the surrounding area. Development plan section 18.3.4 states that the plan generally supports proposals for increased densities within this category to optimise the development of lands within the built envelope of a settlement subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area and normal sustainable planning considerations. Development plan section 18.3.6 also recognises the potential for infill development within areas subject to this zoning objective. Development plan Table 4.1 identifies Clonakilty as a Key Town

under the Regional Spatial & Economic Strategy for the Southern Region. I note in this regard that Clonakilty had a population of 4,592 in the 2016 Census and has a target population of 6,162 for 2028 under the current development plan.

Development plan Table 4.1, as set out above, indicates that the density 'Medium A' (30-50 units/ha) is generally applicable in Clonakilty and density 'Medium B' (20-35 units/ha) may be applicable at a limited number of sensitive locations.

7.2.2. The development permitted at the overall site under reg. ref. 18/441 related to 30 houses and nine no. serviced sites an overall site of 2.48 ha, which generally corresponds to a density of c. 16 units/ha. The proposed three no. additional houses would result in a density of c. 17 units/ha at the overall development. These densities are both below the applicable 'Medium B' density as set out above. I therefore do not consider that the development will result in excessive density at this location, in contravention of current development plan policy on residential development in Clonakilty. The proposed additional units are therefore considered to be acceptable in principle, subject to further considerations as discussed below.

7.2.3. The applicant / appellant submits that the proposed additional units will result in minimal change to the overall housing mix of the development (see table set out in the grounds of appeal above). I consider that the proposed revised development will be generally in accordance with development plan policy objective HOU 4-6 Housing Mix, and will make a satisfactory contribution to the provision of a wide mix of house types within the settlement boundary of Clonakilty.

7.3. Public Open Space Provision

7.3.1. Refusal reason no. 2 states that the proposed additional dwellings are located on an area of open space within the development permitted under reg. ref. 18/441 and considers that they would encroach on lands designated as public open space to serve the overall estate. Having regard to the permitted site layout of 18/441, I note that the proposed three no. additional houses are located on incidental open spaces that are marginal and have a limited amenity value in the wider development. The development does not involve any change to the large central open space serving the overall development. The applicant / appellant submits that the proposed additional houses will result in a reduction in overall public open space provision from 21.2% of the total site area to 20.15%, with the 'useable' public open space

remaining unchanged at 13.4%, which is well above the 12% minimum required by development plan standards for residential development. I am satisfied that the development will retain an adequate quantum and quality of public open space for the overall Sliabh na mBan estate, in accordance with development plan standards as per development plan section 14.4.11 and objective GI 14-6: Public/Private Open Space Provision.

7.4. Impacts on Visual and Residential Amenities

7.4.1. The three additional 'Type G' houses nos. 29A, 30A and 39A share boundaries with detached residential properties to the west of the site. I note the lack of third party objections to the development and the letter of support submitted with the grounds of appeal. I note the submitted site layouts, house type designs and cross sections. I do not consider that the proposed additional houses will have any significant adverse impacts on residential or visual amenities, such as would warrant a refusal of permission, with regard to the following matters:

- The additional houses will not result in overlooking of adjacent properties with regard to intervening distances and the use of opaque glazing at first floor windows in side elevations.
- The applicant does not provide any shadow analysis. However, given the relative orientation, the intervening distances and the large size of the adjacent detached residential properties, I do not consider that the development will result in any significant adverse impact on residential amenities by way of overshadowing.
- The development will change the outlook from adjoining properties. However, this would be the case for any development of these zoned and serviced lands and I do not consider that the proposed additional houses would result in any significant additional adverse visual impacts beyond those of the development permitted under 18/441. The presence of existing established vegetation at site boundaries within adjacent residential properties is also noted in this regard.
- The proposed additional houses will read as part of the overall Sliabh na mBan development in views from the wider area. I do not consider that there will be any significant additional visual impacts in this designated High Value Landscape or on Scenic Route S74, beyond those of the development permitted under 18/441, with regard to relevant development plan policies as set out above.

7.5. Site Services and Roads/ Footpath

- 7.5.1. I note the technical reports on file from CCC Public Lighting, CCC Housing, CCC Environment, CCC Estates and CCC Area Engineer. CCC Public Lighting and CCC Estates recommend RFI, however I am satisfied that the issues raised may be resolved by condition. The applicant has not submitted a confirmation of feasibility from Uisce Eireann and the submission of same to the planning authority should be a condition of permission.

7.6. Part V

- 7.6.1. The applicant proposes to transfer one additional unit on site to meet Part V obligations. I note the report on file from CCC Housing, which states no objection to this proposal and comments that the Council have demand for housing and that the proposed Part V unit is suitable for such use. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021, which requires a contribution of 20% of land that is subject to planning permission to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant permission, a condition can be included with respect to Part V and will ensure that the most up to date legislative requirements will be fulfilled by the development.

7.7. Appropriate Assessment

- 7.7.1. The site is c. 0.5 km from Clonakilty Bay SPA (site code 004081) and Clonakilty Bay SAC (site code 00091). Having regard to the nature and scale of the proposed development being a change of use within an existing/permitted housing development on serviced land, and the separation distances to the European sites from the subject site, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having read the appeal and submissions on file, had due regard to the provisions of the Cork County Development Plan 2022, including the specific provisions for Clonakilty, carried out a site visit and all other matters arising. I recommend that permission is granted subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Cork County Development Plan 2022, to the residential land use zoning of the site, the nature of the proposed development and to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 7th June 2019 under</p>

	<p>planning register reference number 18/441, and any agreements entered into thereunder.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
3.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Final details of all proposed site boundary treatments shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual and residential amenities.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall</p>

	<p>be submitted to the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>The internal road and vehicular circulation network serving the proposed development, including turning bay, parking area, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
10.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>

11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Sarah Moran
Senior Planning Inspector

30th July 2023