



An
Bord
Pleanála

Inspector's Report ABP-317290-23

Development	Construction of 125 no. residential units, 21 no. garden sheds, 1 no. crèche, 2 no. ESB substations, a temporary wastewater treatment system and all associated site works.
Location	Maple Woods, Ballynacorra, Ballinacurra, Midleton, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	LRD.
Applicant	Glenveagh Homes Limited
Type of Application	Permission for Large Scale Residential Development
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Gerard O'Brien

Date of Site Inspection

20th July 2023

Inspector

Colin McBride

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Opinion	6
4.0 Planning Authority Decision	10
4.1. Decision	10
4.2. Planning Authority Reports	11
4.3. Third Party Observations	14
5.0 Planning History.....	14
6.0 Policy Context.....	16
6.1. National Policy	16
6.2. Regional policy.....	18
6.3. Development Plan.....	18
6.4. Natural Heritage Designations	21
7.0 The Appeal	21
7.1. Grounds of Appeal	21
7.2. Applicants' Response.....	22
7.3. Planning Authority Response	23
7.4. Observations	23
8.0 Screening	23
8.1. Environmental Impact Assessment	23
8.2. Appropriate Assessment	25
9.0 Assessment.....	38
10.0 Recommendation	63
11.0 Reasons and Considerations	63

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 3.75 hectares, is located 25km east of Cork City and on the southern edge of the settlement of Balinacurra just south of Midleton. The site is an undeveloped portion of land to the south east of the Maple Woods housing development which consist of a mixture of two-storey semi-detached and two and three-storey terraced dwellings. Adjoining lands to the south, south west and north west is agricultural in nature and the boundaries of the site are defined by existing hedgerow along the south eastern, north eastern and south western boundaries with the north eastern boundary a mixture of the rear boundary walls associated with existing dwellings within Maple Woods and wooden fencing along the existing open space areas within Maple Woods. The nearest dwelling other than those within Maple Woods is a single-storey dwelling fronting the R630 located adjoining the south western boundary of the site. There is an existing two-storey dwelling located to the south west of the site and associated farm buildings (appellant's property). To the south west of the site is a permitted development of 40 dwelling units currently under construction with part of the appeal site being used for construction buildings and a construction access road running along the north western boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of...

Construction of 125 no. residential units, 21 no. garden shed, 1 no. crèche, 2 no. ESB Substations, a temporary wastewater treatment plant and all associated site works including footpaths, parking, drainage, bicycle and bin stores and landscaping/amenity areas.

The proposed development serves as further phase of residential development in Maple Woods and connects into the existing service road.

The housing mix would be as follows –

	1 bed	2 bed	3 bed	4 bed	Total
Houses		57	54	6	117
Maisonettes	8				
Total	8	57	54	6	125

The development consists of 125 dwelling units with a mixture of two-storey and three-storey structures. The mix of units can be broken down into 22 no. semi-detached dwelling houses, 95 no. corner/end terrace town houses and mid terrace town houses and 8 no. maisonette units in 4 no. blocks. The majority of structures are two-storeys with 6 no. three-storey semi-detached dwellings (unit type B1 and B2).

- 2.2. The proposed development includes a single-storey crèche building with a floor area of 268.8sqm located to the north east of the site. The crèche is to facilitate 60 child spaces.
- 2.3. In relation to vehicular access the development is split into two the site is a further expansion of the Maple Woods housing development and is to link into the existing service road infrastructure at two points with access to the public road through the existing vehicular access to Maple Woods off the R630.
- 2.4 The proposed development entails the provision of 125 units on a site with a stated area of 3.75 hectares with a net density as c.38.3 uph (based on net developable area of c.3.26ha).
- 2.5 The proposed development includes a number of areas of open space with the main area being a linear space running along the north western boundary of the site that is to link into the two existing areas of public open space within Maple Woods to the

north west. There is provision of a smaller linear open space along the south eastern boundary and some smaller areas of open space in other areas of the site. A total of 0.4 hectares or 12% of the developable area is provided for public open space

- 2.6 A total of 200 car parking spaces are shown on the plans submitted with the application. This includes 177 no. in-curtilage spaces serving the dwelling houses, 10 no. spaces serving the 8 no. maisonette units and 13 no. visitor spaces. 4 no. spaces are provided for EV charging (provided as part of the spaces for the maisonettes). The crèche is to be served by 15 no. spaces already in-situ within the Maple Woods development to north of the crèche location. 158 bicycle parking spaces are provided in addition to in-curtilage storage in the case of dwellings. This includes 59 covered storage units (2 spaces in each) to serve mid terrace townhouses, 28 no. visitor spaces in 2 no. covered shelters and 12 no. spaces adjoining the crèche (covered shelter).
- 2.7 The proposed development includes the provision 2 no. ESB substations and a temporary wastewater treatment system. The temporary wastewater treatment system is located within the open space area to the south west of the site. The wastewater treatment system is to treat effluent form the proposed development and a permitted development to the south west and then discharge such to the existing foul network within Maple Woods.

3.0 Planning Authority Opinion

- 3.1. The planning authority and the applicant convened a meeting under section 32C of the planning act for the proposed Large-scale Residential Development on 14th November 2022. The record of that meeting is attached to the current file.
- 3.2. Further to that meeting the planning authority issued an opinion under section 32D of the act stating that the documents that had been submitted constitutes a reasonable basis on which to make an application for permission for the proposed LRD. The

applicant was also notified that the following specific information should be submitted with any application for permission...

- Details of surface water management. Consideration shall be given to any increased stormwater flows from the site that might alter hydrological process on EU sites downstream. How is wastewater to be managed and where is it to be conveyed to will be important given known capacity issues and breaches of discharge licence associated with the Midleton WWTP. Consideration shall be given to disturbance / displacement to water birds species of SPA associated with construction and operation of the development. Consideration shall be given to usage of the site and adjoining fields by SCI of the SPA. Consideration for potential cumulative and in combination effects associated with the development and having regard to wastewater capacity for the settlement and assimilative capacity of receiving waters.
- Mature treelines site boundary shall be retained and protected. It is also noted that the site has potential for use by Bats and Badger and assessment in relation to same should be carried out as part of the Ecological Impact Assessment (requirements in relation to assessment set out below). Submission of educational and childcare audit.
- Consideration shall be given to the preparation of an Ecological Impact Assessment Report which should consider the habitats and species on site with particular regard to bats and badgers, consideration shall also be given to the potential presence of plants listed on the Flora (Protection) Order 2015 with field surveys carried out by a qualified ecologist and regard had to Heritage Council Guidelines – Best Practice Guidance for Habitat Survey and Mapping. Report to be prepared in accordance with CIEEM Guidelines for Impact Assessment in the UK and Ireland (January 2016).
- Green Infrastructure: applicants are required to submit a Landscape Plan which includes a Green Infrastructure Strategy for the site (in accordance with CDP Objective GI 14-3) detailing how the proposed development contributes to the protection management and enhancement of green and blue infrastructure within the wider area. From an ecological perspective it is strongly advised that the proposal, be designed to retain these habitats, or

any high value habitat onsite, and minimise any potential impacts on the same. It would be desirable that these would be enhanced as part of any landscaping proposals. Particular emphasis should be given to the retention of the mature treelines. This plan should be developed with an emphasis on native tree and shrub species, and which should be prepared having regard to the All-Ireland Pollinator Plan. The plan should include more specific detail as to the measures which will be implemented to protect existing trees identified to be retained and how the plan integrates with wider green infrastructure networks outside the site. This plan shall be prepared with input from an ecologist.

- Invasive species: consideration should also be given to the presence of invasive species on site and associated management measures shall be provided.
- Provision of a Construction and Environmental Management Plan which would include all of the necessary details relating to the measure and environmental controls which are to be employed to protect environmental resources / ecological resources generally. The plan should be prepared by a qualified and experienced person and should accord with recommended best practice in this area. In the event that it is deemed necessary to prepare an Invasive Alien Species Management Plan for this development, the provisions of same should be integrated into the CEMP.
- Applicants are encouraged to integrate measures into development to help to achieve a no net loss of biodiversity. Some examples of suggested biodiversity enhancement measures are set out below. More site-specific mitigation may be required in certain cases.
- It is recommended that applicants would have regard to the Cork County Development Plan 2022 Objectives relating to Biodiversity including: BE 15-1 Biodiversity Protection, BE 15-2 Protected Site, Habitats and Species, BE 15-6 Biodiversity and New Development, BE 15-7 Invasive Species, BE 15-8 Trees and Woodlands, Objectives relating to green infrastructure, including GI14-1, GI14-2 and GI 13-3 and water management objectives including WM-1 which related to WFD requirements, WM 11-2 which relates to Surface

Water Protection and WM 11-10 which relates to SUDS including Nature Based solutions.

- Submit fully detailed drawings of all proposed structures in accordance with the Planning & Development Regulations. Details drawings of houses which demonstrate adequate amenity standards are required. Representative site sections will be required to fully illustrate the relationship between residences.
- Please ensure a Feasibility of Connection (FOC) agreement with Irish Water is included with any application consenting to the accommodation of the treated hydraulic load to the public system. In addition, full operation / maintenance details of the treatment unit should be provided as well as remediation proposals upon final decommissioning. 50m minimum separation to be maintained to occupied development, at least 30m in developer's control. 12 March 2023 | Response to Cork County Council Pre-Application Consultation Opinion WWTP Plant shall operate without causing an odour / noise nuisance. Active odour controls may be required. Screening details required.
- A swept path analysis will be required to be submitted based on the vehicles that will be using the completed development, showing how they access the site, how they travel around the site and how they exit the site e.g. refuse vehicle, fire tender.
- Further justification is necessary to ensure that the documentation submitted in respect of childcare provision responds appropriately to national guidance and that the drawings and details submitted reflect the proposal. Applicant will need to demonstrate that the area of potential expansion is sufficient to meet future demands. The crèche design does not take advantage of the southerly aspect available. This should be reconsidered.
- A design for LED type lights, by a public lighting design engineer, for the public lighting for this proposed development to be submitted by the applicant for approval. The classifications of the design to be specified and then proven to be achieved.

- Consideration of phasing approach should be provided particularly in respect of the crèche. The Planning Authority would seek to have the crèche delivered in the initial phase.
- Consideration of how the phasing of the development will work in the context of the area effectively sterilised by the WWTU. Will the units be built and remain fenced off or will this area remain undeveloped. Please provide an appropriate strategy on this issue.
- Include a map of areas to be taken in charge.
- Details of proposal to comply with Part V.
- Provision of EV charging points throughout.
- Details of proposed attenuation.
- Provision of bike storage for houses with no rear access.

4.0 Planning Authority Decision

4.1. Decision

The planning authority have decided to grant permission subject to 62 conditions. Of note are the following conditions...

Condition 3: Cash bond of €30,000 in respect of temporary WWTP.

Condition 36: Temporary WWTP to be provided and capable of producing effluent quality as prescribed by Uisce Eireann.

Condition 40: Mitigation measures specified in the Ecological Impact Assessment to be implemented with submission of a compliance monitoring report at the end of construction period.

Condition 41: Mitigation measures specified in the Natura Impact Statement to be implemented with submission of a compliance monitoring report at the end of construction period.

Condition 53: Payment of a special development contribution of €225,064 in respect of provision of cycleway.

Condition 54: Payment of a special development contribution of €83,300 in respect of works for the provision of Lakeview roundabout.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Planner report dated 05th May 2023

Principle of Development/Phasing: The development was considered to be compliant with development plan policy and help complete out an unfinished estate.

Density: The site is considered to be an inner suburban/infill site in the context of national guidelines and Medium A density based on Development Plan policy. The density of 38 units per hectare is considered acceptable at this location.

Layout, Design and Unit Mix: Overall the design, layout and mix of units proposed is deemed to be acceptable and conforms to the established layout and form of the earlier phases of Maple Woods and development permitted to the west of the site, which is also an extension of Maple Woods.

Design Standards: The quality of the houses proposed is deemed to acceptable in the context of the relevant guidelines.

Connectivity: The site is suitably connected to the surrounded urban area including 2 no. bus routes running past the site. The R630 will benefit from new cycling infrastructure and a special development contribution towards this infrastructure is required.

Traffic and Transport: The proposed development is considered to be acceptable in the context of traffic and transport with it noted the implementation of a new slip road off the Lakeview roundabout has mitigated traffic flows in the area.

Services: The Midleton wastewater infrastructure is at full capacity. The applicant has received permission for a temporary treatment plant and such will be decommissioned with upgrade of the public system. This is contingent on Uisce Eireann confirming that the hydraulic load from treated effluent could be accommodated within the public network, which is the case. Water services, the Environmental Office and Uisce Eireann have indicated satisfaction with the proposal. The temporary treatment plant is to be located within an area of existing open space and requires buffer zone meaning some houses cannot be occupied until it is decommissioned.

Amenity: development plan requirement is 12-18% for all new housing developments. 0.4ha or 12% of the net development lands are provided as public open space. Taken in conjunction with the existing open space in maple Woods the level of Open space is 15% of the overall development. Private open space provision for all units and 22m separation distances between opposing first floor window sills provided.

AA: Subject to implementation of mitigation measures outlined in the NIS significant impacts on Natura 2000 sites can be ruled out.

Childcare: A 60 space crèche is included and such is to be provided in the first phase of development.

Boundaries: Provision of a 2m block wall along the south eastern boundary is not possible given impact on the root protection zone of existing trees/hedgerows with proposal for a 2m high mesh fence along the southern boundary with it considered

such provides adequate screening while also protecting existing trees and hedgerows.

Part V: 6 dwellings are proposed for Part V and such is to the satisfaction of the housing officer.

Surface water: Surfcaster water proposals using the SuDs approach is advised with such utilising of robust attenuation structures given the karst nature of the lands.

Public Lighting: Public light provisions are satisfactory.

Archaeology: No archaeological issue were identified at pre-planning.

Parking: 200 parking spaces are provided for the 125 no. units and is in accordance with CDP standards. 158 bicycle parking spaces are provided and is in accordance with CDP standards.

A grant of permission was recommended subject to the conditions outlined above.

4.2.2 Other technical reports:

Public Lighting: No objection subject to conditions.

Housing Officer: No objection.

Estates Report: No objection subject to conditions.

Water Services: No objection subject to conditions.

Ecology: No objection.

Traffic & Transport: No objection subject to conditions requiring submission and agreed of a Construction Traffic Management Plan, an updated Mobility

Management Plan and payment of a special development contribution of €225,064 towards the construction of 380m of the Ballinacurra to Midleton Cycleway.

Environment: No objection subject to conditions.

Archaeologist's report: No further archaeological input required.

4.2.3 Prescribed bodies:

TII: The proposal is at variance with official policy regarding control of development on/affecting national roads (Spatial Planning and National Roads Guidelines for Planning Authorities (2012)) on the basis the proposal would create an adverse impact on a national road and its associated junction. The development site is located within an area considered for a future national road scheme.

Uisce Eireann: Water connection feasible without infrastructure upgrades.

Wastewater connection feasible subject to upgrades to create additional wastewater treatment capacity. Uisce Eireann willing to accept treated effluent subject to being pre-treated effluent to achieve a defined effluent standard. Conditions provided in the event of a grant of permission.

Department of Housing, Local Government and Heritage: The mitigation measures provided in the Ecological Impact Assessment are to be implemented in full.

4.3. **Third Party Observations**

A submission from Gerard O'Brien with concerns raised regarding proposed boundary treatment and a request for a 2.5m high block wall where the development adjoins the observers lands.

5.0 **Planning History**

5.1 ABP-315993-23 (22/6400): Permission sought for the construction of a temporary wastewater treatment plant. Pending decision.

5.2 19/5876: Permission granted for 40 dwellings and associated site works. Granted 22/11/19. Located to the south west of the application site.

5.3 ABP-302780-18: Permission refused for 7 year permission for 176 residential units, childcare facility and associated site works. Refused 12/02/19. Refused based on one reason...

1. There is a lack wastewater treatment capacity at Midleton Wastewater Treatment Plant. There is a lack of certainty around the delivery of a pump station and rising main to divert wastewater from Midleton Wastewater Treatment Plant to Carrigtohill Wastewater Treatment Plant and reduce the loading at Midleton Wastewater Treatment Plant. Having regard to the existing deficiency in the provision of adequate sewerage treatment infrastructure serving the subject site, it is considered that the proposed development would be premature by reference to the existing deficiencies in the provision of sewerage treatment facilities and the period within which this constraint may reasonably be expected to cease and, in the absence of this improved wastewater treatment capacity, would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.4 06/12085: Permission granted for a crèche/childcare facility and associated site works. Granted 05/01/07.

5.5 04/6917: Permission granted for 239 dwelling units with access from Whitegate Road and all associated site works. Granted (29/03/05). Permission relates to existing Maple Woods development.

6.0 Policy Context

6.1. National Policy

- 6.1.1. The National Planning Framework 2040 includes objective NPO11 to favour development that can encourage more people to live or work in existing settlements; NPO13 which is that planning standards in urban areas should be based on performance criteria; NPO 27 which is to ensure the integration of safe and convenient alternatives to the car into the design of communities; NPO 35 to increase residential density in settlements, including increased building heights; NPO 54 to reduce our carbon footprint by integrating climate action into the planning system; and NPO 64 to improve air quality through supporting public transport, cycling and walking as more favourable modes of transport than the private car.
- 6.1.2 The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, states at section 5.11 that in the development of Outer Suburban/'Greenfoedl' sites, which area defined "as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities" that "studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares".
- 6.1.3 The Guidelines for Planning Authorities on Urban Development and Building Heights, 2018, include a statement that it is Government policy to support increased building height and density in locations with good public transport accessibility in SPPR1. Section 3.2 sets out criteria at the scale of the city/town, district/neighbourhood/street, and site/building for development proposals to satisfy

after which permission may be granted even in contravention of a limit in a development plan under SPPR3 of those guidelines.

6.1.4 The Guidelines for Planning Authorities on the Design Standards for New Apartments were issued in July 2023. Section 2.4. states that “identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority, having regard to the following broad description of proximity and accessibility considerations”.

“3) Peripheral and/or Less Accessible Urban Locations Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including:

- Sites in suburban development areas that do not meet proximity or accessibility criteria;
- Sites in small towns or villages. The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors”.

6.1.5 The Guidelines for Planning Authorities on Flood Risk Management issued in 2009 sets out three flood risk zones – Zone A, where there is a high probability of flooding; Zone B where there is a moderate probability of flooding and Zone C where there is a low probability. Residential development is categorised as a highly vulnerable form of development which is usually appropriate only in Zone C. It may be justified in other zones following test for plan making and development management set out in box 4.1 and box 5.1 of the guidelines. The latter test requires that the land has been zoned for the particular use and has been subjected to an appropriate flood risk assessment.

6.2. Regional policy

6.2.1 Regional Spatial and Economic Strategy for the Southern Region 2019-2031 (RSES-SR).

6.2.2 The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

6.2.3 Midleton and Ballinacura is within the Cork Metropolitan Area Spatial Plan (MASP) with Midleton defined as being a Metropolitan Town. The Cork MASP is defined as being the...

- The recently expanded Cork City Boundary (c. 210,853 population)²⁷ including Cork City Centre, Cork City Docklands and Tivoli, City Suburbs; and the recently added areas of Douglas, Rochestown, Ballincollig, Tower, Blarney, Glanmire and Cork Airport;
- Metropolitan towns including Carrigaline (15,770), Cobh (12,800), Midleton (12,496), Passage West (5,843), Carrigtwohill (5,080) and Monard Strategic Development Zone, a new planned metropolitan town on the suburban rail line;
- Cork Harbour, a strategic location of natural amenities, port activities, industry, marine sector research and development, tourism, heritage, and harbour settlements.

6.3. Development Plan

6.3.1 The relevant plan is the Cork County Development Plan 2022-2028 is the development plan applicable to this application and appeal. The site zoned Existing residential/Mixed Residential and Other Uses with a stated objective “to conserve and enhance the quality and character of established residential communities and protect their amenities”. The proposed uses on the land including dwelling units

(houses and apartments), a childcare facility and ancillary services roads and open space areas. These uses are all permitted under land use zoning policy as outlined under Objective ZU 18-9 in relation to this zoning objective.

Objective 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.

*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 over to 1500 in the lifetime of the Plan.

Public Open Space Provision – Quantitative/Qualitative Standards

14.5.11 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.

Private Open Space

14.5.15 In accordance with the Sustainable Residential Development in Urban Areas Guidelines 2009 all houses (terraced, semi-detached and detached) should have an area of private open space. However, this may not be practical in all developments for example apartment complexes and duplex style apartments. In those cases in particular, a high standard of public open space must be provided.

Medium Density 'A'

4.8.10 An increased minimum threshold is proposed for the Medium A Density category to 30 units/ha as per the Guidelines. The category allows for the provision of apartments within the unit typology mix but it is not a requirement. Objective HOU 4-7 identifies that Medium A density is generally applicable to suburban and greenfield sites in larger towns >5,000 population and those planned to grow >5,000 population over the lifetime of the Plan, which applies to this case.

4.10.6 The building height of urban settlements in County Cork generally range from 2-4 storeys. Therefore, any new applications for buildings greater than 4 storeys shall address the development management criteria set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines (2018) to enable the Planning Authority assess the application comprehensively in relation to its local context.

Table 12.6: Car Parking Requirements for New Developments

Residential Dwelling Houses: 2 per unit.

Residential Apartments: 1.25 per unit.

Crèche: 1 space per 3 staff and 1 space per 10 children.

Table 12.9: Cycle Parking for Non-Residential Development (Minimum)

Residential Dwelling Houses: 1 long stay and 1 short stay per unit.

Residential Apartments: 1 long stay per bedroom and 1 short stay per 2 units.

Crèche: 1 long stay space per 5 staff and 1 short stay space per 10 children.

6.4. Natural Heritage Designations

Great Islands Channel SAC (001058), 360m.

Cork Harbour SPA (004030), 360m.

Ballycotton Bay SPA, 10.9km.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 A third party appeal has been lodged by O'Callaghan Engineering & design Ltd on behalf of Gerard O'Brien....

The grounds of appeal can be summarised as follows...

- The appellant lives in the dwelling immediately south of the application site and is actively farming the lands to the south, east and west of the site.
- The appellant outlines how under previous proposals on site they had agreed the provision of a 2m high wall along the boundaries with their land (south, east and west) and that the current proposal is for inferior level of boundary treatment with concerns regarding security and safety. The agreed level of boundary treatment should be implemented.
- The proposal entails an increased density over that previously granted including a significant level of development backing onto the southern and

south western boundaries, which will overlook the appellant's dwelling and farmyard. The current design proposal would be detrimental to the appellant's amenities and is contrary the previously permitted pattern of development.

- The southern end of the site has been infilled with no proposals to remove such leading to the finished floor level of dwellings on this portion of the site being significantly higher than the ground level of adjoining lands causing overlooking of the appellant's property and possible issues in terms of surface water runoff onto adjoining lands.
- The appellant notes that the applicant in constructing dwellings on an adjoining site removed mature trees unnecessarily with concerns that similar will happen in regards to existing trees in the event of grant of permission.

7.2. Applicants' Response

7.2.1 A response to the appeal submission has been submitted by the applicant Glenveagh Homes Limited -

- The applicant states that boundary treatment is of sufficient standard to protect the amenities of the adjoining landowner and facilitate protection of biodiversity in the area with all existing trees and vegetation along the boundaries retained and enhanced with new planting and provision of a 2m high mesh fence. Provision of a 2m high block wall would be detrimental to existing trees and vegetation along the southern and western boundaries.
- The applicants state that the development is designed to have regard to adjoining amenities with the appellant's dwelling over 67m from the nearest proposed dwelling and dwellings opposite the appellant's dwelling having side elevations facing the boundary and only 2 windows on their side elevation serving the hallway. The applicant rejects the appellant's claim noting that there are no dwellings backing onto the southern or south western boundaries and there is in fact a reduction in density of housing fronting onto the appellant's property over the previously permitted permission in 2004.

- In relation to finished floor level it is noted that the finished floor levels of dwellings are only marginally higher than adjoining land and lower in places with no adverse impact on adjoining lands or the appellant's dwelling.
- In regards to environmental damage the applicants outlined that all trees and vegetation along the boundaries are to be retained and enhanced with new planting and the appellant's statement in regards to potential damage of trees is at odds with the request for a 2m high block wall. .

7.3. **Planning Authority Response**

7.3.1. Response by Cork County Council.

No response.

7.4. **Observations**

7.4.1. No observations.

8.0 **Screening**

8.1. **Environmental Impact Assessment**

8.1.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

8.1.2 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up

area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

8.1.3 Item (15) (b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

8.1.4 The proposed development is for a residential scheme of 125 dwelling units and is not within a business district, on a stated development site area of 3.75ha. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

8.1.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (159) and the concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

8.1.6 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the proposal would not have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in

Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

8.2 **Appropriate Assessment**

Applicant's Stage 1 – Appropriate Assessment Screening

8.2.1 The applicant has engaged the services of Enviroguide Consulting, to carry out an appropriate assessment screening. I have had regard to the contents of same.

8.2.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

Compliance with Article 6(3) of the EU Habitats Directive

8.2.3 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.2.4 The subject lands are described in section 3.2.2 of this report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.2.5 The screening report identifies 3 European Sites within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>Great Island Channel SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	(001058)	360m north
<p>Cork Harbour SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p>	(004030)	360m north

<p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Ballycotton Bay SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p>	(004022)	10.9km

Curlew (<i>Numenius arquata</i>) [A160]		
Turnstone (<i>Arenaria interpres</i>) [A169]		
Common Gull (<i>Larus canus</i>) [A182]		
Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]		
Wetland and Waterbirds [A999]		

8.2.6 Applicants Assessment of Likely Significant Effects: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified Natura 2000 sites and sets out such in Table 2 including a conclusion on whether significant effects are likely. The following is found in summary:

Site	Connection	Comment
Great Island Channel SAC	Yes	Hydrological connection with potential for surface water runoff during construction phase to enter existing surface water network, which discharges to Owencurra Estuary, which is part of the SAC. Surface water discharge during the operational phase will be to the existing network, which discharges to Owencurra Estuary. Foul water will discharge to a temporary WWTP on site and will flow to Midleton WWTP before discharging to Cork harbour.
Cork Harbour SPA	Yes	Hydrological connection with potential for surface water runoff during

		construction phase to enter existing surface water network, which discharges to Owencurra Estuary, which is part of the SAC. Surface water discharge during the operational phase will be to the existing network, which discharges to Owencurra Estuary. Foul water will discharge to a temporary WWTP on site and will flow to Midleton WWTP before discharging to Cork harbour.
Balycotton Bay SPA	No	Intervening distance between the site and SPA excludes possibility of significant effects during construction or operation.

8.3 Applicant's Screening Report Assessment of Likely Significant Effects:

8.3.1 The submitted AA Screening Report considers the assessment of likely significant effects. The sites potentially at risk from likely significant effects based on source-pathway-receptor links are the Great Island Channels SAC (001058) and Cork Harbour SPA (004030). Potential impacts during the construction phase include contamination of surface water with silt, sediments and other pollutants and discharge to the surface water network, water bodies and local ground water, disturbance of species identified as qualifying interests due to increased noise, dust human activity and vehicular movement. Operational phase impact include surface water runoff and foul water discharge to Owenacurra Estuary and waterbodies, hydraulic/organic overloading of Midleton WWTP leading to untreated sewage discharge to Cork Harbour, disturbance of species that are qualifying interests through increased noise, light human activity and vehicular movement.

The indicators used to determine significant effect from the proposed development are...

Habitat loss or alteration.

Habitat/species fragmentation.

Disturbance and/or displacement of species.

Changes in population density.

Changes in water quality and resource.

8.3.2 Habitat Loss and Alteration: There will be no habitat loss and alteration as the application site is not located within the designated site. The site is not a suitable ex-situ habitat for any water birds associated with the Cork Harbour SPA. There is potential for indirect loss or alteration of qualifying interest habitat during the construction phase due to deterioration of water quality through pollutant laden surface water discharge to the surface water network and subsequently to Owenacurra Estuary, the site also lies within an area of high groundwater vulnerability. During the operational phase surface water drainage measures will prevent deterioration of water quality through surface water discharge. Foul water will be treated using the on-site temporary WWTP before flowing to Midleton WWTP with no potential for habitat loss or alteration.

8.3.3 Habitat/Species Fragmentation: There will be no direct habitat/species fragmentation. The potential for surface water/groundwater contamination during construction could result in fragmentation of qualifying interest habitat.

8.3.4 Disturbance and/or displacement of species:

The proposed development will not cause disturbance and/or displacement of species of qualifying interest of the Cork Harbour SPA as the site is not an ex-situ habitat or foraging location for qualifying interests. The site is sufficiently remote from the designated site to rule out disturbance through construction and operation activity. The hydrological connection in terms of surface water and groundwater pollution during the construction phase does have the potential to result in

disturbance and displacement of species of conservation interest within the designated sites.

8.3.5 Changes in population density:

The proposed development will not result in changes reduction of population density.

8.3.6 Changes in water quality and resource:

The hydrological connection in terms of surface water and groundwater pollution during the construction phase does have the potential to result in changes in water quality and resource within the designated sites. Such can be ruled out during the operational phase due to surface water management measures. The proposal to provide an on-site temporary WWTP before flowing to Midleton WWTP, which will not increase the organic loading of the Midleton WWTP with no reduction in water quality.

8.3.7 In-combination effects are considered in the applicant's report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

8.4 Applicants' AA Screening Report Conclusion:

8.4.1 The AA Screening Report has concluded that the possibility of any significant effects for both the Great Islands Channel SAC (001058) and Cork Harbour SPA (004022) cannot be ruled out and there is a requirement for a Stage 2 Appropriate Assessment.

8.5 Applicant Natura Impact Statement:

8.5.1 The applicant's Natura Impact Statement release to potential effects on the qualifying interests and conservation objectives of the Great Island Channel SAC (001058) and Cork Harbour SPA (004022). The NIS outlines in Table 7.2. The potential effects of the proposed development on key habitats and species.

Name	Assessment of likely significant effects
<p>Great Islands Channel SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p>	
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	<p>Contaminated surface water runoff/groundwater pollution events have potential cause changes in distribution of this community complex within this SAC.</p>
<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	<p>In absence of pollution control/water attenuation measures, surface water run-off/discharges may have potential to negatively effect the status of this habitat in terms of structure/composition or their vegetation and physical communities.</p>
<p>Cork Harbour SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p>	<p>Contaminated surface water runoff/groundwater pollution events have the potential to negatively affect the status of habitats and foraging resources which these bird species rely on.</p>

<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p>	
<p>Common Tern (<i>Sterna hirundo</i>) [A193]</p>	<p>No significant effects.</p>
<p>Wetland and Waterbirds [A999]</p>	<p>Contaminated surface water runoff/groundwater pollution events have the potential cause changes to habitat area of wetlands habitat during the construction phases as a result of an acute pollution</p>

	<p>event. Such also has the potential to cause changes to distribution of this community complex as the result of an acute pollution event.</p>
--	---

8.5.2 Section 8 of the NIS outlines mitigation measures to deal with potential impact during the construction phase to deal with water quality impacts in designated sites arising from surface water run-off and potential groundwater flows during the construction phase. These include...

Sedimentation/siltation measures, maintenance of plant and machinery, maintenance of building/road network and services, management of the storage and use of materials, management of the storage and use of fuels, oils and chemicals, spill/emergency response plans and, waste management and disposal.

Section 9 sets out details of monitoring measures to be carried out to ensure mitigation proposed is carried out and maintained for the construction phase. Monitoring measure are also proposed for the temporary WWTP to ensure it is achieving the required treatment standards during the operational phase.

8.5.3 Applicants' Natura Impact Statement Conclusion: The NIS indicates that where potentially significant effects were identified that mitigation and avoidance measures have been proposed to negate them. As a result of such it is concluded that the possibility of any significant effects on identified designated European sites can be ruled out.

8.6 Appropriate Assessment Screening:

8.6.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or

necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

8.6.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no direct loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

8.6.3 I do not concur with the conclusions of the applicant's screening that significant effects on any European sites cannot be ruled out at the screening stage. There is an indirect hydrological connection in the form of surface water drainage and groundwater the with surface water from the site entering the existing surface water network and discharging to the Owenacurra Estuary with the potential impact associated with contamination of surface and/or ground water during construction and/or operation. I consider that significant effects on any other designated Natura 2000 sites can be ruled out given the lack of source pathway receptors between the application site and other designated sites, the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from designated sites in the marine environment (dilution factor).

8.6.4 I am of the view in relation to the marine based designated sites that significant effects as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and pollution materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDS measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. In relation to foul water drainage the proposal is to be connected to a proposed temporary WWTP on site with treated effluent discharging to the Midleton WWTP which discharges to the marine environment and is to the Midleton WWTP, is operated under licence. The existing WWTP is operating at capacity, however the proposal does not entail an increase in the organic loading of the existing plant. I note various measures described as mitigation measure under Section 9 of the NIS and are such measure outlined in the submitted Construction and Environmental Management Plan (CEMP) during the construction and operational phase of the development. I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the marine environment, from surface water runoff, can be excluded given the interrupted hydrological connection, the nature and scale of the development and the designated sites being part of the marine environment (dilution factor).

8.6.5 The applicant's screening report relies on the results of bird surveys (outlined in the Ecological Impact Assessment), which indicate that the application site is not used by populations of bird species that are qualifying interests of any of SPA sites identified within the potential zone of influence of the site. Given the separation of application site from the designated sites, the conclusions of the AA screening report

is that it not likely that the application site provides significant ex situ habitat to support the protected species of the SPAs is accepted.

8.6.6 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application as noted above is 0.36km from the nearest designated site. In relation to construction activity the application site is sufficiently separated from any designated Natura 2000 site so as the impact of construction (noise, dust and vibration) would cause no disturbance and implementation of standard construction management measures (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites) would prevent construction disturbance beyond the immediate vicinity of the site.

8.6.7 In-combination effects are considered in the applicant's screening report and following the consideration of a number of planning applications in the area, which are mainly relating to other residential development, there is no potential for in-combination effects given the scale and location of the development and the fact that such are subject to the same construction management and drainage arrangements as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

8.6.8 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Sites, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The location of the proposed development physically separate from the European sites.

- The scale of the proposed development involving a change in the condition of lands 3.65 hectares in area from greenfield to residential use on lands zoned for urban expansion.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

The following are noted:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement therefore to prepare a Stage 2 – Appropriate Assessment.

9.0 **Assessment**

9.1. The planning issues arising from the submitted development can be addressed under the following headings-

- Policy/principle of development
- Density/Core Strategy
- Adjoining Amenities
- Residential Amenity-Future Occupants
- Design and Layout
- Traffic and Transportation/TII Submission
- Drainage Infrastructure and Flood Risk

- Ecological Impact
- Trees
- Archaeology/Architectural Heritage
- Other Issues

9.2 Policy/principle of development:

9.2.1 The proposed development is within the settlement of Midleton within the functional area of Cork County Council. The operational development plan for this area is the Cork County Development Plan 2022-2028. The appeal site is zoned Existing Residential/Mixed Residential and Other Uses with a stated objective “to conserve and enhance the quality and character of established residential communities and protect their amenities”. The proposed uses on the land including dwelling units (houses and apartments), a childcare facility and ancillary services roads and open space areas. These uses are all permitted under land use zoning policy as outlined under Objective ZU 18-9 in relation to this zoning objective. I would consider the principle of the proposed development is acceptable and consistent with development plan zoning policy.

9.3 Density/Core Strategy:

9.3.1 The appeal site is within Midleton, which is located within the Metropolitan Strategic Planning Area and is classified as a Large Town (8,000-10,000). The Core Strategy identifies that Midleton has a population target of 19,423 up to 2028 representing a growth of 6,927 over the 2016 census figure. An additional 2,647 housing units are required to meet this target. In terms of National Planning Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the ‘Urban Development and Building Height, Guidelines for Planning Authorities’ (Building Height Guidelines), ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (Apartment Guidelines) and Sustainable Residential Development in Urban Areas, Guidelines for

Planning Authorities (Sustainable Residential Development Guidelines) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land. The Planning Authority have confirmed that the proposed development is consistent with the Core Strategy of the CDP. I am satisfied that the proposal is consistent with the core strategy of the adopted CDP (2023-2029).

9.3.2 The proposed development entails the provision of 125 units on a site with a stated area of 3.75 hectares. The applicant identified the net density as c.38.3 uph (based on net developable area of c.3.26ha). The Planning Authority identified the site as being in an area subject to Medium A density as set out under Objective HOU 4-7 of the Development Plan, which is applicable to suburban/greenfield lands of larger settlements with a population >5,000 with a net density range between 30-50 units.

9.3.3 In the context of the Sustainable Residential Development in Urban Areas planning guidelines the site would be classified as an Outer Suburban/'Greenfield' site, which is defined as "open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities". The guidelines state that "by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares". The density proposed is in line with both Development Plan standards and national guidance and is an appropriate density at this location.

9.4 Adjoining Amenities:

9.4.1 The appeal submission raises concerns regarding the design and scale of the development in the context of their adjoining amenities. The appeal site is undeveloped land part of a larger landholding that has been developed for housing with the Maple Woods housing development in place. The development is an extension of this existing housing development. To the north west of the site is the

existing housing development making up Maple Woods, to the south west is an undeveloped site with permitted development of 40 units (a further extension of the existing housing development), to the south east and north east is agricultural lands (under the appellant's ownership). To the south east is also the appellant's dwelling and farmyard associated with the agricultural lands bounding the site. The existing boundaries of the site where it adjoins the appellant's lands consists of existing trees and hedgerow. A portion of the site to the east adjoining the R630 adjoins a single-storey dwelling fronting the public road.

9.4.2 The appellant raises a number of concerns regard the impact of the proposed development on their residential amenities. The appellant raises concerns about the density of development being excessive in relation to its location adjoining the appellant's lands and existing dwelling to the south west with concern regarding overlooking/overbearing impact. The appellant also raises concern regarding the finished floor level of dwellings on a portion of the site noting such are above ground levels of his lands and have adverse impact due through overlooking and being overbearing element.

9.4.3 The proposal is a continuation of the pattern of residential development on lands zoned for residential use. The appellant's lands adjoin the south eastern and western boundaries of the site. The overall design and layout is such that dwellings adjoining the south eastern boundary in the main have their front elevation orientated towards the boundary with such separated from the boundary by in-curtilage parking to the front of each unit, a 4.8m, wide shared surface road, parallel visitor parking and a strip of open space with a distance ranging from 20-27m between the front elevation of dwellings orientated towards the south eastern boundary and the boundary itself. There are 4 instances where dwellings present their side elevation to the south western boundary with distances ranging between 9-6m from the boundary. All dwellings adjoining the boundary with the appellant's property to the south east are two-storeys apart from dwelling no. 5, which is three-storey house) and in the case of dwellings immediately north west of the appellant's farmyard and dwelling, the dwellings present their gables rather than front elevation towards the boundary with limited windows (one window at first floor level serving a

landing). 12 dwellings back onto the north western boundary and the appellant's agricultural lands with all of such dwellings being two-storeys and having a separation distance from the rear elevations of at least 11m.

9.4.4 As stated earlier the proposed development is continuation of established residential development at this location and on lands zoned for residential development. The relationship of the development with the adjoining lands and the appellant's dwelling and farmyard has appropriate regard to the amenities of the adjoining property. The scale, density and proximity of development would be acceptable in the context of existing amenities and is no way excessive or overbearing with a sufficient level of separation. In addition existing boundaries between the appeal site are defined by mature trees and hedgerow, which is to be retained and augmented with additional planting. This provides a good level of screening of the development from the adjoining lands. In relation to finished floor levels of dwellings relative to adjoining lands the cross section indicate there is a difference in levels between the appeal site and the adjoining lands to the south west (higher than adjoining lands). The difference in levels would have no significant material impact in regards to adjoining amenities with the level of development proposed not excessive in density or scale providing for a suburban development of mainly two-storey structures (only one three-storey dwelling where the development adjoins the external boundary of the site and adjoining lands). I am satisfied the boundary proposal, which include rejection of the existing treeline and hedgerow with additional planting and a wire mesh fencing is sufficient to provide a physical barrier between the proposed development and adjoining lands. I do not agree with the appellant's assertion that that such would compromise security of his property. I am satisfied that the overall design and scale of the proposed development is satisfactory in the context of adjoining amenities and cause no undue overlooking, no overbearing impact and would have no impact on the continued use of the adjoining lands for agriculture use or compromise the existing residential amenity of the appellant.

9.4.5 The proposed development is a continuation of the existing residential development of Maple Wood and the overall design, scale and pattern of development has adequate regard to the established pattern and scale of development of the earlier

phase of residential development in place and is acceptable in the context of the residential amenities of such properties. Where the site adjoins the existing single-storey dwelling fronting the R630 to the south of the site, proposed development at this location is single-storey crèche and the rear garden of dwelling no. 4. The application is not accompanied by any documents assessing daylight, sunlight or overshadowing. I am satisfied that having regard to the low density nature of the development, its low profile scale (mainly two-storeys with limited three-storey structures) where it adjoins existing residential development on adjoining lands and the level of separation between proposed structures and existing properties adjoining the site, the levels of daylight and sunlight available at adjoining residential units and their associated amenity spaces will be of a sufficient level in terms of future residential amenity.

9.5 Residential Amenity-Future Occupants:

- 9.5.1 Quality of Units – Floor Area: A ‘Housing Quality Assessment’ has been submitted with the application and this provides a detailed breakdown of each of the proposed dwellings and apartment units. For assessment purposes the dwellings are assessed against the standards set out under the Quality Housing Sustainable Communities (Department of the Environment, Heritage and Local Government) with the apartments assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government) and the standards under the Cork County Development Plan 2022-2028. In the case of all dwellings such meet the recommended standards in relation to gross floor area, room dimensions, storage provision and private open space.
- 9.5.2 In case of maisonette/apartment units, all units exceed the minimum required floor areas, with all units (8) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

9.5.3 In the case of the apartment units 100% (8) are dual aspect units in compliance with SPPR 4 of the apartment guidelines for development in suburban or intermediate locations (50% requirement).

9.5.4 Amenity Space: The development provides for 8 no. maisonette units with a provision of an apartment at ground floor and one at first floor level in two-storey structures. The maisonette units are allocated private amenity space to the rear with the ground floor unit having direct access to such from doors on the rear elevation whereas the first floor unit has access to its allocated rear amenity space via a communal path alongside each unit. The level of private amenity space per unit ranges from 30.7sqm up to 122.6sqm with all units being 1 bed apartments. The standard for 1 bed apartments under the Apartment guidelines is 5sqm. The proposal provides for well in excess of the target standards for private amenity space for the maisonette units. In the case of dwellings all units provide for the recommended standard of private amenity under Quality Housing Sustainable Communities (QHSC) (307), which is 48sqm in the case of two bed dwelling houses and 60sqm in the case of 3/4 bed dwelling houses.

9.5.5 I would refer to the applicants' Architectural Design Statement, which states that 0.4 hectares or 12% of the developable area is provided for public open space. This is in the form of a main area described as central plaza, which will add to existing areas of public open space, a pocket park adjoining the south western boundary and a small area of open space located to the north east of the site adjacent the crèche and maisonette units. The level of public open space provided within Maple Wood taking account of the earlier constructed phase, the permitted development to the south west (ref no. 19/5876) and the proposed development is 15% of entire Maple Woods development. The standards for public open space under Development Plan policy is under Section 14.5.11 and for new housing development is "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". The provision of 12% of the net developable area is in compliance with Development Plan standards.

- 9.5.6 The proposal does not provide communal open space for the maisonette units with a standard of 5sqm per one bed apartment provided for under the Apartment Guidelines. Given the maisonette units provide for well in excess of the required private amenity standard, I do not consider that such is an issue and would note that each maisonette unit provides private amenity space in excess of the Apartment Guidelines target values for private and communal open space combined.
- 9.5.7 Daylight and Sunlight: The applicant has not submitted a report relating to sunlight and daylight assessment or shading. The proposed development is a low density (at the mid-low end of the range for Outer Suburban/'Greenfield' location) housing development with a net density of 38.3 uph and features mainly two-storey dwellings with some three-storey structures dispersed throughout the site (6 no. units). The pattern of development and level of separation is not atypical of existing housing developments permitted on adjoining sites and in most major settlements, towns and villages nationwide. I would consider that the overall design and layout is not atypical in terms of suburban development in terms of scale, orientation and relationship with adjoining structures and is similar to the established pattern of development exhibited in the existing earlier phase of development and a further permitted phase to the south west. Overall, I am satisfied that the need for an assessment of sunlight and daylight values in the interior and external spaces associated with the proposed housing units is unnecessary in this case. Based on the low density nature of the development, its low profile scale (mainly two-storeys with a limited level of three-storey units) and the level of separation between proposed structures I am satisfied that the levels of daylight and sunlight available within proposed residential units and their associated amenity spaces will be of a sufficient level in terms of future residential amenity.
- 9.5.8 The proposed development provides a sufficient standard of residential amenity for future residents and has adequate regard to the development standards set out under the County Development Plan in addition to the target standards set out in the relevant national guidelines for residential development as outlined in the previous sections of this report.

9.6 **Design and Layout:**

9.6.1 The application is accompanied by a Design Statement, which outlines the architectural characteristics and rationale for the development. This report also includes an assessment of development against the 12 criteria set out under the Urban Design Manual – A Best Practice Guide and the Design Manual for Urban Streets and Roads, issued by the Department of the Environment, Heritage and Local Government (May 2009). In addition to the Design Statement a comprehensive landscaping scheme is provided for the site.

9.6.2 The development provides sufficient variation of external finishes, some different building typologies (three-storey structures), a network of public open spaces providing good pedestrian linkages to the surrounding area and integration with the established Maple Woods development, a landscaping scheme of sufficient quality that provides a variety of soft and hard landscaping. I am satisfied that the overall design and scale of the proposed development has adequate regard to the 12 criteria set out under the DoEHLG Urban Design Manual and provides for a development of acceptable quality in terms of overall design and layout in the context of urban design.

9.7 **Traffic and transportation/TII submission:**

9.7.1 The proposed development is an extension of the established housing development Maple Woods and is to connect to existing service roads within Maple Wood, which has a vehicular access off the R630. The existing vehicular access serving Maple Woods is within the 50kph speed limit zone with existing footpaths and public lighting serving the development and continuous to the centre of Middleton. The R630 at this location has a right hand turning lane facilitating access to Maple Woods.

9.7.2 Traffic Assessment: The application was accompanied by a Traffic and Transportation Assessment (TTA) prepared by MHL & Associates Limited. The TTA includes and analysis of local network capacity in the form of an assessment of 3 no. junctions...

Junction 1-Roundabout junction R630/N25 dual carriageway.

Junction 2- Priority junction R630/R629.

Junction 3- Priority junction Maple Wood access/R630.

The junction analysis (junction 1 and 2) indicates that both junctions are currently operating at capacity or over capacity (evening peak for junction 1) at present. Congestion at junction 1 has been alleviated by a new slip road at Lakeview roundabout providing access from the R630 to the N25 for traffic travelling north along the N630 and then west along the N25. The TTA concludes that proposed development will impact the operation of the R630 northbound and at peak periods with benefit derived from the slipway provided at the roundabout and that local traffic from the development will add to congestion currently experienced by traffic exiting Midleton along the R630 and approaching Lakeview Roundabout. The TTA highlights that the development will benefit from the Midleton Cycleway Scheme improving pedestrian and cycle connectivity northwards and that no allowance has been applied for modal shift towards sustainable transport to background traffic flows.

9.7.3 The Council's Traffic & Transport report raises no objection to the proposal on the grounds of traffic with a requirement for a updated construction management plan and updated mobility management plan by way of condition as well as payment of a special development contribution towards the provision of a 380m section of planned Ballinacurra to Midleton Pedestrian and Cycle Route along the eastern boundary of the site.

9.7.4 The submission from the TII raises some concern regarding proposal including a that the proposal is at variance with official policy regarding control of development

on/affecting national roads (Spatial Planning and National Roads Guidelines for Planning Authorities (2012)) on the basis the proposal would create and adverse impact on a national road and its associated junction. It further states that the development site is located within an area considered for a future national road scheme.

9.7.5 The indication is that the junctions in the area analysed are operating at capacity or above capacity for peak periods. The TTA outlines that the proposed development will not add a significant level of traffic and that no account is taken of modal shift to more sustainable transport methods. I would consider a number of other factors should be taken into account in assessing traffic impact. The proximity of the site to the Midleton town centre (2km) and Ballinacurra Main Street (450m) means that existing local services concentrated in the town centre are accessible to pedestrians and cyclists. The site is serviced by public transport in the form of existing bus services, which provide access to Cork City and there are planned upgrades under Bus Connects. The site is also within a reasonable distance of Midleton Train station (3.2km). There are also planned upgrades to pedestrian and cycling facilities in the form of the Ballinacurra to Midleton Pedestrian and Cycle Route, which has a consent under Part 8.

9.7.6 In relation to the TII submission the objection appears to be on the basis of impact on the existing N25 and associated junction with the R630 (Lakeview Roundabout). I would consider that the development does not have a direct impact on the national route as it is not located off a national route or at the junction of such. The development will generate traffic on the local road network, which include the junction of N25 and R630. I am satisfied that the level of traffic likely to be generated would not have a significant or direct impact upon the national road network and I would not concur with the TII submission regarding national policy. As stated earlier the location of the site and access to existing and planned public transport/cycling/pedestrian infrastructure provide the potential for a significant level of modal shift away from vehicular traffic. The TII submission indicates that the site is located within an area considered for a future national road scheme. The submission does not elaborate on this statement. There are a number of road

improvement projects that relate to the N25 with the most relevant to this area being the Carrigtohill-Midleton upgrade scheme. This scheme appear to an upgrade along the existing alignment of the N25 and the site is outside the study area for such. There is also the Midleton-Youghal N25 upgrade scheme which also appears to be relating to upgrades to the existing route, however I can find little information for this scheme and any associated study. The existing alignment of the N25 is located a reasonable distance north with intervening built up development between the site and the national route. There are no planned road upgrades that impact the site and no designated corridor or road reservation impacting the site, which has been zoned for residential development under the recently adopted Cork County Development 2022-2028. I can see no reason for precluding the development on the basis of impact on a future road scheme.

9.7.7 Car Parking: Development Plan parking standards are set out under Table 12.6 of the CDP. A total of 200 car parking spaces are provided for residential development broken down as 10 spaces for the maisonettes (1.25 per unit), 57 spaces for two-bed unit (1 in-curtilage space per unit), 120 spaces for three-bed units (2 in-curtilage spaces per unit) and 13 no. spaces dispersed throughout the site. The Development plan requirements (Table 12.6) is for 1.25 spaces per apartment unit (10 spaces) and 2 spaces per dwelling unit (120) yielding a total of 244 spaces. The proposal provides for a 60sqm crèche with provision of 15 no. car parking spaces (already provided on site to the north of the crèche location on site. Development Plan requirement is for 1 space per 5 staff and 1 space per 10 children. It is stated under 12.6 that “a reduced car parking provision may be acceptable where the planning authority are satisfied that good public transport links are already available or planned and/or a Transport Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development”. In this the case Planning Authority considered that the level of parking provision is acceptable. The site is located along a bus route include access to Cork City with a Bus Connects scheme proposed along the R630 that will service the site. I would be of the view that level of car parking provided is appropriate to serve the proposed development.

9.7.8 **Bicycle Parking:** The house and maisonettes with external garden access will use the back garden for bicycle storage. The central townhouse will have access to a covered storage structures to the front of units with 2 spaces in each with 59 no. structures giving a total of 118 spaces). 28 no. visitor spaces are provided in two locations and a 12 no., spaces are provided at the crèche giving total of 158 spaces. The Development Plan requirement is 1 long stay space per unit and 1 short stay space per 5 units yield a requirement of 142 spaces for the residential portion of the development. For the crèche the requirement is 1 long stay space per 5 staff and 1 short stay space per 10 children. This is requirement of 6 spaces with 15 provided that is likely to more than cover the Development Plan requirement of 1 per 5 staff and 1 per 10 children.

9.7.9 **Conclusion on Traffic and Transportation:** I am satisfied subject to application of condition, which have been indicated in through the previous sections, that the proposed development would be acceptable in the context of traffic safety and convenience.

9.8 Drainage infrastructure and Flood Risk:

9.8.1 **Drainage Infrastructure:** The application is accompanied by an Engineering Design Report prepared by MHL& Associates Ltd outlines the proposal in regards to storm water, foul drainage and water supply. In relation to foul drainage there are capacity issues within the Midleton WWTP with upgrade of such required (planned upgrade). The proposal entails the provision and connection to a temporary WWTP to be located in the south western end of the central open space on site. This WWTP is to be used until the planned upgrade of Midleton WWTP is carried out with the temporary plant decommissioned and removed and will also cater for the permitted 40 units to the south west of the site (currently under construction). The temporary wastewater treatment plant is included as part of the development description of this development and is within the redline boundary so is being fully considered under this appeal. The wastewater treatment is also subject of a separate application granted by the Council and currently subject to appeal under ref no. ABP-315993-23 (22/6400). The temporary WWTP provides for a 50m buffer between it an existing

dwellings. 16 of the proposed units in this case are within the 50m buffer zone with it proposed that these dwellings would not be occupied until decommissioning of the temporary WWTP. The temporary WWTP will provide for treatment of effluent from the proposed development and the permitted development of 40 units to the south west with discharge of treated effluent to the existing foul sewer network serving Maple Woods. Uisce Eireann have confirmed that they will accept discharge of pre-treated effluent from development in Midleton prior to capital project completion.

9.8.2 Sormwater proposals include provision surface water drainage in accordance with Sustainable Urban Drainage Systems (SUDS) principles with the site split into 5 drainage catchments with three provided with attenuation tanks that discharge at greenfield rate and connection to the existing surface water drainage network with Maple Woods.

9.8.3 Water supply entails provision of a 150mm diameter watermain to connection to the existing mainline within Maple Woods. Uisce Eireann have raise no objection to the proposal subject to conditions.

9.8.4 The proposed development is located in an urban area and is an expansion of established residential development at this location with access to existing drainage infrastructure in the form of foul sewer network and surface water network. The development does require the provision of a temporary wastewater treatment system until such time that the planned upgrade works to the Midleton WWTP take place. The temporary WWTP will provide effluent treatment for the proposed development and a permitted development to the south west of 40 units and entails the discharge of treated effluent to the foul sewer network. Uisce Eireann have confirmed no objection to this proposal and indicated that the connection to the their drainage infrastructure is feasible subject to conditions. In this regard I would consider that subject to appropriate conditions that the drainage infrastructure proposals are acceptable subject to conditions as per the Uisce Eireann submission, provision maintenance of a buffer zone and suitable conditions in relation to decommissioning

the temporary WWTP when the planned upgrade of Midleton WWTP has been carried out.

9.8.5 Flood Risk: A section (9) of the Engineering Design Report outlines Flood Risk Assessment. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The report examines historical flood records (OPW Flood Hazard mapping) with no historical flood events effecting the site.

The report has regard to the following forms of potential flooding:

- Coastal/Tidal: The site is located in land and due to levels on site and surrounding area not considered to be at risk from coastal/tidal flooding.
- Fluvial Flooding: A review of the OPW Flood Mapping indicate that there is no fluvial flooding threat to the site.
- Pluvial Flooding: OPW Flood Hazard Mapping indicates the nearest pluvial flood event as being within the village of Ballynacurra with the proposed site not impacted by such.

9.8.6 The surface water drainage system is designed for rainfall events up to and including a 1 in 100-year event plus 20% for climate change with surface water proposals entails run-off rate lower than the current greenfield run-off rate and no infiltration proposed due to the probable presence of karst features in the local landscape.

9.8.7 The initial flood risk assessment found that the risk of coastal/tidal flooding, was low and the site is located in Flood Zone C in the case of fluvial flooding. The risk of pluvial flooding was found to be low due to the surface water drainage measures on site and SuDs strategy as part of the proposed development. In relation to fluvial flooding all residential development is proposed within lands that are Flood Zone C. Table 1 of the Flood Risk Management Guidelines provides the definition of land use and type of development in terms of vulnerability to flooding. Any of the development

proposals (residential units and childcare) that is classified as highly vulnerable under table 3.1 of the guidelines located within Flood Zone C. Based on Table 3.2 of the guidelines, which outlines when a justification test is required based on vulnerability of development, there is no requirement for a justification test on the basis that highly vulnerable development is located within Flood Zone C.

9.9 **Ecological Impact:**

9.9.1 The application is accompanied by a number of reports including...

Ecological Impact Assessment- prepared by Enviroguide Consulting.

Tree Survey-prepared by Cunnane Stratton Reynolds.

The application is also accompanied by an Appropriate Assessment Screening and a Natura Impact Statement report with the issue of Appropriate Assessment issue dealt with in a dedicated section of this report.

9.9.2 The Ecological Impact Assessment set out details of surveys carried out including a desktop survey and field surveys including habitat survey, common bird survey, invasive species survey, bat surveys, mammal surveys and other fauna. The site habitat classification of the site is mainly Scrub (WS1) and Scrub (WS1)-Dry Meadows and Grassy verges (GS2) mosaic (southern portion of the site) along the northern side of the site is mainly Building and Artificial Surfaces (BL3) with a portion of Amenity Grassland (GA2). There are small areas defined as Spoil Bare Ground (ED4) and Scrub (WS1)-Buildings and artificial surfaces (BL3) mosaic. There are treeline (WL1) along the southern and eastern boundary of the site and a small section of hedgerow (WL2) between the treelines on the eastern boundary.

9.9.3 No invasive plant species listed under Schedule III of the European Communities (Birds and Habitats) Regulations were recorded on site. In relation to mammals (excluding bats) several burrows were identified on site characteristic of red fox dens with only one appearing to be active. No evidence of badger setts or badger activity on site. The assessment indicates that the site is likely to be use by hedgehog. IN relation to bats the mature treeline to the south of the site was identified as being of moderate bat roost potential. Five bat species were observed

on site including common, soprano pipistrelle, nathusius's pipistrelle, brown long-eared bat and leisler's bat. The bats species use the treeline for foraging and commuting. A total of nine bird species were identified within the site and immediate environs, 6 green list (rook, blackbird, wood pigeon, blue tit, song thrush, chiffchaff) and 3 amber list (starling, stonechat and robin) species. There are no waterbodies on site and no suitable habitat for fish, the site doe have hydrological connection through surface water to Owencurra Estuary via surface water. In regard to other vertebrates there is no suitable habitat for spawning of common frog or smooth newt on site and there are no habitats on site suitable for common lizard. In relation to invertebrates there are no aquatic habitats within the site with no potential for white-clawed crayfish and no marsh fritillary were observed during the field surveys.

9.9.4 Table 10 of the EclA provides an evaluation of habitats and fauna recorded within the site.

Habitats

Artificial Surfaces and Buildings (BL3)-Negligible.

Spoil and Bare Ground (ED2)-Local Importance (lower value)

Amenity Grassland (GA2)-Local Importance (lower value)

Hedgerows (WL1)-Local Importance (higher value)

Treelines (WL2)-Local Importance (higher value)

Scrub (WS1) and mosaics-Local Importance (higher value)

Dry Meadows and Grassy verges (GS2)-Local Importance (lower value)

Fauna

Badger-Local Importance (lower value).

Hedgehog-Local Importance (higher value).

Red fox-Local Importance (higher value).

Bat assemblage-Local Importance (higher value).

Bird assemblage-Local importance (higher value):

Fish species-Local importance (higher value): No habitat on site but hydrological link to Owenacurra estuary.

Common Frog)-Local Importance (lower value)

Smooth Newt)-Local Importance (lower value)

White-clawed Crayfish)-Local Importance (lower value)

Marsh Fritillary)-Local Importance (lower value)

9.9.5 The report outlines a description of the development and the nature of activity part of the construction and operational phases of the proposed development. The report refers to the Appropriate Assessment Screening in relation to designated European sites and notes that there are no NHA or pNHA's with a source pathway linkages to the site. The potential impact of the proposed development on habitats and flora, fauna, bats and birds is outlined for the construction and operational phase.

Construction Phase

Habitats Loss and Modification

Loss of scrub (WS1)-habitat, negative, local, permanent, profound impact.

Retention of treelines (WL2) and Hedgerows (WL1) however with potential for damage and loss of such due to construction excavation- Negative, local, permanent, moderate impact.

Removal of 2 no. trees-Negative, local, long-term, slight impact.

Non-valant Mammals

Red fox recorded adjacent a presumed den adjacent the south of the site-Negative, local, momentary, profound impact.

No badger setts recorded on site or within 30m of site boundaries.

Hedgehog, scrub clearance may result in injury of mortality of hedgehog-Negative, local, momentary, profound.

Hedgehog. Loss of scrub habitat-negative, local, long-term, moderate.

Small mammals including hedgehogs, construction materials/waste materials pose risk of entanglement-negative, local, short-term, moderate.

Small mammals including hedgehogs, increased lighting and human presence-Negative, local, short-term, moderate.

Bats

Bats, loss of individual trees result in fragmentation of foraging habitat-Negative, local, long-term, slight.

Bats, felling of trees pose risk of injury/mortality-Negative, local, momentary, profound.

Bats, loss of potential bat roosts-Negative, local, permanent, slight.

Bats, increased lighting during construction phase-Negative, local, short-term, slight.

Birds

Birds, loss of scrub habitat and removal of 2 no. trees-Negative, local, long-term, moderate.

Birds, scrub clearance and tree felling during nesting season-Negative, local, permanent, significant.

Birds, noise and dust during construction-Negative, local, short-term, slight impact.

Birds, increase lighting-Negative, local, short-term, moderate.

Aquatic Species

Potential of contaminated surface water and groundwater discharging to Owneacurra Estuary-Negative, county scale, long-term, significant.

Spread of Invasive Species

A number of invasive species identified on site with the clearance of such or removal of soil containing seeds having potential to spread such species-Negative, local, long-term, significant.

Operational Phase

Habitats Loss and Modification

No habitat loss or modification in operational phase.

Non-valant Mammals

Increased human presence, noise and night-time lighting would have a potential impact on non-valant mammals-Negative, local, permanent, moderate.

Bats

Increased night-time public lighting has potential to adversely impact foraging/commuting-Negative, local, permanent, moderate.

Birds

Increased human, presence, noise and night-time public lighting has potential to disturb birds within and in the vicinity of the site-Negative, local, long-term, slight.

Aquatic Species

No impacts envisaged with surface water network fitted with silt and oil interceptors.

Invasive Species

Potential for negative impact due to introduction of invasive species during landscaping-Negative, local, long-term, significant.

9.9.6 The report outlines the do-nothing scenario for the site and the planning history of the site and the surrounding area. It is concluded that no significant cumulative impact is likely with other proposed permitted development in terms of ecology.

9.9.7 The report includes details of avoidance, remedial and mitigation measures under Section 7 and include for the construction phase. Mitigation measures specified include the following...

Construction Phase

Protection of habitats

Tree and hedgerow protection measures during construction, additional landscaping and planting.

Aquatic Species

Surface and groundwater protection measures during construction including sedimentation;/siltation measures, maintenance of plant and machinery, management of building/road network and services, management of storage and use of materials, management of storage of and use of fuel, oils and chemicals, spill/emergency response measures and, waste management and disposal.

Fauna (non-valant mammals)

Construction phase lighting to follow Bat Conservation Trust Lighting Guidelines, reduction of noise and dust impact, waste management on site.

Bats

Pre-tree felling survey for the 2 no. trees

Birds

Clearance of vegetation outside the main breeding season.

Mammals

Clearance of vegetation outside hibernation period.

Invasive Species

Treatment of invasive species.

Operational Phase

Landscape Plan

Retention of treeline and hedgerow habitats and additional planting providing compensatory nesting and foraging habitats for birds.

Lighting Plan

Public lighting designed in compliance with the Bat Conservation Trust's guidelines.

Bats

To mitigate loss of 2 trees of moderate bat roost potential a bat box scheme s to be implemented on site.

Birds

As compensation for loss of nesting habitat, bird nest boxes to be installed.

Biosecurity

Operational phase landscaping and maintenance to ensure no further spread and/or importation of invasive species.

9.9.8 Residual Impacts are outlined under section 9 and summarised under Tale 13. The residual impact in most cases is identified as neural and in some cases negligible. For mammals (hedgehog, red fox etc.) residual impact is negative, local, permanent, slight in the case of increased human presence/public lighting during the operational phase. In the case of bird assemblage the residual impact is negative, local, permanent, slight in the case of increased lighting and human presence during the operational phase. The report concludes that provided the mitigation measures are carried out in full the proposal would be unlikely to have significant effects on any habitats or species in the context of biodiversity.

9.9.9 I am satisfied Ecological Impact Assessment report submitted is sufficient in detail and scope in its description of the habitats and species likely to be present on site and in the immediate vicinity. I am satisfied that sufficient mitigation measures are proposed to ensure no significant effects. In relation to bat species the report identifies that the existing treelines and hedgerow on site are used for foraging bats and that existing trees have the potential to be used as bat roosts. The proposal entails the retention of majority of the existing trees and hedgerow on site with and entails the removal of only 2 no. trees due to their poor condition. The mitigation measures proposed include a pre-tree felling survey to ensure no roosting activity, provision of bat boxes to compensate for loss of trees of roosting potential, construction management measures to minimise noise and dust during construction, tree and hedgerow protection measures to prevent damage or loss during construction and the provision of bat sensitive light.

9.9.10 I am satisfied that the report identifies the fact that the treeline/hedgerow on site is used for foraging by bat species and that the trees on site have moderate potential for bat roosting with appropriate measures to ensure no significant effects on such species. I consider that the report submitted is sufficiently robust and thorough in its assessment of the site and immediate vicinity. The site is not a site that is especially sensitive in terms of ecological value with habitats and species identified widespread in nature. I would consider that the mitigation measures applied are sufficient to protect any species of conservation value, with the proposed development unlikely to have significant effects on such habitats and species.

9.10 **Trees:**

9.10.1 The application was accompanied by a Tree Survey report prepared by Cunnane Stratton & Reynolds. The report includes an assessment of existing trees and hedgerow on site. The assessment identifies 28 trees and four tree groups. The trees are classified as being of moderate to low quality with 2 of trees classified as U (dead trees). It is proposed to retain all trees apart from the 2 trees classified as U with tree protection measures outlined for the construction phase.

9.10.2 The appeal submission raises concern regarding the removal of trees by the developer concerning previous development and raises concerns regarding the potential for removal of trees in this case. I cannot comment on any historical removal of trees relating to earlier developments and I am assessing the current proposal on its merits. The proposal in the case provides adequate assessment of existing trees on site and it is proposed to maintain existing trees and hedgerow on site that form the external boundary of the site, provide for additional planting and the provision of mesh fencing with protection measures to be implemented during the construction phase. The proposal only entails the removal of 2 no. trees and such is merited on the basis of their condition. The appellant's submission is contradictory as it raises concerns about the removal of trees while at the same time requesting that there is the provision of 2m high block boundary wall along the boundaries of the site adjoining his lands. The provision of such a boundary treatment would lead to deterioration of existing boundary trees and vegetation to facilitate the foundations of such a boundary wall and could lead to the loss of existing trees and hedgerows along the boundaries of the site. I am satisfied that retention of the majority of trees and hedgerow on site is appropriate in the context of both visual amenity and biodiversity/ecological impact.

9.11. **Archaeology/Architectural Heritage:**

9.11.1 The application is accompanied by an Archaeological Impact Assessment. The report outlines the archaeological and historical background of the site and the surrounding area. There are 15 record archaeological sites with 1km of site boundaries with the nearest recorded monuments 20m south of the boundary (a levelled enclosure). In relation to architectural heritage there are 5 no. structures on the record of protected structure within a 1km radius of the site with the nearest being Ballynacorra House located c. 300m to the north. The Archaeological Impact Assessment note that there are no known archaeological monuments with the proposed development site and that the proposal will not impact on the nearest recorded monuments located 20m to the south of the site. The report recommends that the development should proceed without the requirement for archaeological mitigation measures.

9.11.2 The Council's Archaeologist raised no objection to the proposal and the application was referred to the Department of Housing, Local Government and Heritage whose submission does not include recommendations in terms of archaeology. I am satisfied that there are no known archaeological monuments or features on site and note the conclusions of the Archaeological Impact Assessment. Notwithstanding such I consider that an appropriate condition requiring archaeological excavation and monitoring is required in the event of discovery of archaeological material during construction and to ensure the continued preservation of any features of archaeological significance on site. I am satisfied that the site is sufficiently remote from any structures of architectural heritage significance to have no impact on the character or setting of such.

9.12 Other Issues:

9.12.1 The grant of permission includes two conditions requiring payment of a special development contribution.

Condition no. 53 provides for a special development contribution of €225,064 in respect of provision of a cycleway. This condition relates to a 380m section of Ballinacurra to Midleton Pedestrian and Cycle Route, which has been approved under Part 8.

Condition no. 54 provides for a special contribution of €83,300 in respect of works for the provision of Lakeview roundabout. Based on the information on file this relates to completed works providing for a slipway at the Lakeview roundabout between the N25 and R630 and such provides access for traffic travelling north along the N630 to travel west to the N25 without using the existing roundabout layout.

9.12.2 I would firstly state that the applicant has not appealed the application of these conditions. I would refer to Section 48(12) (a) of the Planning and Development Act, 2000 (as amended), which set out that "where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply (a) the condition shall specify the particular works to be carried out, or proposed to be carried out by any local authority to which the contribution relates". The provision of the cycleway/pedestrian path improvements will benefit the proposed development and the contribution is in respect of a 380m section running along the site frontage.

The contribution in respect of improvement at the Lakeview roundabout is possibly questionable given it refers to works (provision of a slipway) that have been implemented. Notwithstanding such, I would reiterate that the applicant did not appeal the application of these conditions and I would therefore recommend applying both development contribution conditions (unspecified amounts).

10.0 Recommendation

10.1. I recommend that permission be granted subject to the condition outlined below.

11.0 Reasons and Considerations

11.1 Having regard to

(i) the site's location on lands with a zoning objectives for Existing residential/Mixed Residential and Other Uses, and objective provisions in the Cork County Development Plan 2022 - 2028 in respect of residential development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Cork County Development Plan 2022 - 2028 and appendices contained therein,

(iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, July 2023,

(vi) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,

(vii) to the pattern of existing and permitted development in the area, and

(viii) to the submissions and observations received,

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, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.2 Appropriate Assessment (AA)

11.2.1 The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Natura Impact Statement submitted with the application, the Inspector's Report, and submissions on file.

11.2.2 In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other developments in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

12.0 Conditions

1. 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The development shall be carried out in accordance with the phasing programme specified.

Reason: In the interest of orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, 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 apartment unit and shall have regard to impact in terms of biodiversity.

Reason: In the interests of amenity and public safety.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

9. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV

charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. The level of communal bicycle parking spaces specified (158) spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and surface water management.

12. The developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

13. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

14. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and

designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

17. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted Construction Environmental Management Plan, Ecological Impact Assessment and Tree Survey, in addition to the following:

a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

Reason: In the interest of amenities, public health and safety.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to

An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

20.

(a) The temporary Wastewater Treatment Plant shall be constructed as per the plans and specification submitted and shall provide for effluent treatment to the standard specified (wastewater discharge standard of 20 mg/l Biological Organic Demand and 30 mg/l Suspended Solids).

(b) The applicant shall implement the proposed buffer zone of 50m around the temporary wastewater treatment plant including the non-occupation of any completed dwellings within such until the planned upgrade works for Midleton Wastewater Treatment Plant have taken place.

(c) On completion of the planned upgrade works the temporary Wastewater Treatment Plant shall be decommissioned and removed with the area landscaped to integrate into the open space.

(d) Prior to the commencement of development the applicant shall submit for agreement with the Planning Authority plans and specifications of appropriate boundary treatment around the temporary Wastewater Treatment Plant to ensure adequate security and separation from the proposed open space areas.

Reason: In the interest of orderly development and public health.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption

certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. Prior to the commencement of any house or duplex unit 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 or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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.

23. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed

between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

24. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the decommissioning of the temporary Wastewater Treatment Plant when the planned upgrade works of Midleton Wastewater Treatment Plan, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

25. 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.

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.

26. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of provision of a 380m long section of the Ballinacurra to Midleton Pedestrian and Cycle Route. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanala for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index-Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the development should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

27. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of provision of upgrade works to the Lakeview Roundabout. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanala for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance

with changes in the Wholesale Price Index-Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the development should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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.

Colin McBride
Senior Planning Inspector

31st July 2023

APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference – ABP-317290-23		
Development Summary	Construction of 125 dwelling units (117 dwellings and 8 apartments)	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening NIS
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Development Plan subject to SEA Proposed development subject to screening for appropriate assessment in the report above

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The nature of the proposed residential use is similar to that which predominates in the surrounding area. The proposal is a later phase of an existing residential development located to the north west.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed development will change some land under grass in an urban area to a residential development.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?		No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be		No

harmful to human health or the environment?		
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?		No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?		No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?		No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?		No
1.9 Will there be any risk of major accidents that could affect human health or the environment?		No
1.10 Will the project affect the social environment (population, employment)	Population of this urban area would increase	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Application is the last portion of an overall development that has been subject to earlier phases.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	Likely significant effects on Natura 2000 sites screened out above	No

<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>Residential development occurring on site in an urban area with mainly scrub land defined by existing treelines and hedgerow with such being identified a foraging and commuting corridor for bats with trees that may have potential for roosting. The application was accompanied by an Ecological Impact Assessment and a Construction and Environmental Management Plan, which includes mitigation measures in the form of preservation of treelines, pre-felling survey in case of trees removed, construction management in terms of noise, dust and a lighting scheme designed to minimise impact on bats. Implementation of such will mean no significant effects.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No recorded monuments on site.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>		<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by</p>		<p>No</p>

the project, particularly in terms of their volume and flood risk?		
2.6 Is the location susceptible to subsidence, landslides or erosion?		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?		No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The proposed development would not be likely to have significant effects on the environment in this regard	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?		No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?		No
3.3 Are there any other relevant considerations?		No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.		

Inspector: Colin McBride
Date: 31st July 2023