



An
Bord
Pleanála

Inspector's Report

ABP-317378-23

Development	Construction of 16 houses
Location	Chapel Hill, Sleveen East, Macroom, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/5332
Applicant(s)	Carraiganine Holdings Limited
Type of Application	Planning Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Carraiganine Holdings Limited
Observer(s)	John Hinchion
Date of Site Inspection	11 th December 2023
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.59 hectares and is located within the townland of Sleveen East within the town of Macroom, County Cork. Access to the site is via Chapel Hill and via an existing housing estate called 'The Orchard'. The topography of the site slopes downwards by approximately 10 metres from the southern boundary to the northern boundary. The site is bounded by Macroom Boys Senior National School to the east, the Orchard housing estate to the south, 2 no. residential dwellings to the west, known as 'Mountain View' and 'Avila' and properties fronting Main Street to the north.

2.0 Proposed Development

- 2.1. The proposed development seeks the construction of 16 no. dwellings (this was reduced from 17 after further information response) comprising of 3 no. bedrooms arranged in 3 linear blocks. A new vehicular access is proposed to connect to the existing road within the Orchard estate. 1 no. unit is proposed to be provided as part of Part V provision. House nos. 1-10 will have a finished floor level ranging from between 88.75 metres to 90.500 metres. House nos. 11-16 will have a finished floor level ranging from between 85.500m to 86.00 metres.
- 2.2. Wastewater is proposed to be disposed to the public sewer within the Orchard estate via a pumping station and a 100mm rising main. Confirmation of feasibility without the requirement for an infrastructure upgrade has been provided by Irish Water.
- 2.3. Surface water is proposed to be treated onsite via soakaways within the rear gardens of the units, permeable paving and via a 159.6m³ communal soakaway within the centre of the site.

3.0 Planning Authority Decision

Decision

- 3.1. Cork County Council (The Planning Authority) refused to grant permission on 24th May 2023 for the following reason:

1. Based on the submitted information, it is considered that the applicant has failed to demonstrate that a satisfactory method for disposal of surface water generated by the proposed development, can be accommodated on this site. It has not been demonstrated that the soakaway design meets with all BRE365 standards and that the proposed development would not increase the risk of surface water flooding at this location. The proposed development would therefore be prejudicial to public health, would be contrary to policy objective WM 11-10 of the County Development Plan 2022-2028 which requires that all new developments incorporate sustainable drainage systems and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Report

- There are a total of 2 no. Area Planner's reports which assess the development in terms of the principle, access and roads, site services, part v, density/housing mix, design and layout and residential and visual amenities. Density of 28.8 uph is considered acceptable. Open space provision considered acceptable due to large rear gardens after omission of 1 house. Concern raised regarding distance of first floor windows to Mountain View which were addressed by increasing distance to boundary to 11 metres. Refusal recommended due to surface water concerns. Area Planner's reports endorsed by Senior Executive Planner and Senior Planner.

Other Technical Reports

- Area Engineer's Report (dated 11/07/22 & 12/05/23) – Further Information required.
- Public Lighting (Dated 01/07/22 & 05/05/23) – No objection subject to conditions.
- Housing Officer (Dated 29/06/22) – No objection.

3.3. Prescribed Bodies

- Inland Fisheries Ireland – Comments provided on wastewater treatment capacity.
- Transport Infrastructure Ireland – No observations to make.
- Irish Water – Comments provided and further information sought.

3.4. Third Party Observations

A single third-party submission was received which raised concern with the impact of house nos. 7 and no.12 on his property in terms of overlooking and loss of privacy. Concern was also raised regarding the provision of open space within the estate and noise and odour from the pumping station for the sewer.

4.0 Relevant Planning History

Subject Site

PA Ref 19/6997 / ABP Ref. 308749-20

Permission was sought by Carrigaline Holdings Ltd to construct 6 dwellings – refused by ABP after third party appeal of CCC grant of permission. The single reason for refusal was in relation to the low density of the scheme.

PA Ref 06/54023

Permission was sought by John Fleming Construction Ltd. for 37 dwellings – granted permission by Macroom Town Council.

Site approximately 100 metres south of subject site

PA Ref 23/6261

Permission is sought for 3 no. detached dwellings – decision due 15/01/2024.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028

The site is located within the settlement boundary of Macroon on lands zoned 'Existing Residential/Mixed Residential and Other Uses'. Residential considered an appropriate use within this land use zoning. Macroon identified as a Main Town within the Macroon Municipal District.

Vision and Strategic Context

In line with Government Policy following on from the National Planning Framework and the Regional Spatial and Economic Strategy (RSES) for the Southern Region, a compact growth model is recommended for the future development of Macroon. The aim of this strategy is to encourage densification rather than allow continuous edge of town expansion. An additional 399 housing units required for Macroon. There is a requirement in towns like Macroon to deliver at least 30% of all new homes within the existing built footprint of the settlement. This plan makes provision for an estimated net residential land supply of about 16ha with the capacity to provide 279 units with the balance of 120 units to be accommodated within the built footprint of the town.

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

- (a) Require that all new developments incorporate sustainable drainage systems (SuDS). Efforts should be taken to limit the extent of hard surfacing and impermeable paving.
- b) Encourage the application of a Water Sensitive Urban Design approach in the design of new development or other urban interventions. Opportunities to contribute to, protect or re-enforce existing green infrastructure corridors or assets should be maximised.
- c) Optimise and maximise the application of Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, protect and enhance visual and recreational amenity; all in the most innovative and creative manner appropriate and in accordance with best practices. Proposals should demonstrate that due consideration has been given to nature-based solutions in the first instance in arriving at the preferred SuDS solution for any development.
- e) Where surface water from a development is discharging to a waterbody, appropriate pollution control measures (e.g, hydrocarbon interceptors, silt traps) should be implemented.

5.2. National Policy

- Project Ireland 2040 – National Planning Framework and National Development Plan 2021-2030

National Policy Objective 57 – Enhance water quality and resource management by integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), non-porous surfacing and green roofs, to create safe places.

- Climate Action Plan 2023

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.4. National Guidance

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- Best Practice Urban Design Manual (2009).
- Design Manual for Urban Roads and Streets (2019).
- Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance Document (2021)
- The Planning System and Flood Risk Management Guidelines (2009).

5.5. Other Guidance

- The SuDS Manual, CIRIA (2015)

5.6. Natural Heritage Designations

The subject site is not located within any designated site. The site is located approximately 1km north of the Gearagh Special Area of Conservation (SAC) (Site Code 000108) and the Gearagh Special Protection Area (SPA) (Site Code 004109) (*distance measured on National Parks and Wildlife Service Protected Sites Map Viewer*). This is also designated as a proposed Natural Heritage Area (pNHA).

5.7. Environmental Impact Assessment (EIA) Screening

Having regard to the nature, size and location of the proposed development, comprising the construction of 16 residential dwellings in a serviced urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party Appeal was lodged to An Bord Pleanála on 19th June 2023 opposing Cork County Council's decision to refuse the application. The grounds of appeal can be summarised as follows:

- Use of soakaways was deemed the most appropriate response to the site's topographical challenges and surrounding context, and are to be used in the rear garden of each unit with a larger soakaway within the centre of the site;
- This strategy was previously accepted by CCC and ABP (refs. 19/6997 / 308749-20) for 6 dwelling units. Council requested soakaways to prevent flooding of the public road.
- Nature based solutions alone are not enough to deal with the volume of run-off and therefore a retention, storage and treatment method by way of a SUDS system with an incorporated hydrocarbon separator is proposed/required;
- Percolation tests now carried out in accordance with BRE365 standards.

6.2. Planning Authority Response

The Planning Authority's response to the grounds of appeal can be summarised as follows:

- The use of EPA CoP percolation testing was acceptable for 3 dwellings (ref. 19/6997) but not considered sufficient for a proposal of 16 dwellings, therefore

the proposal did not comply with Objective WM 11-10 and there was insufficient time to clarify the application.

- No objection in principle to the proposal given the zoning subject to a determination that surface water can be adequately dealt with on site.
- Report from Estates Section seeks percolation tests to be carried out in March 2024 to agree final solution on surface water drainage.

6.3. **Observations**

Observation received from John Hinchion of Avila, Chapel Hill who raises concerns with regards to the impact of proposed house numbers 7 and 12 on privacy of home due to separation distances and overlooking, public open space provision, odour and noise from a sewage pit and pumping station and flooding.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, after an inspection of the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues on this appeal are as follows:

- Surface Water Treatment
- Flooding
- Residential Amenity
- Other Issues
- Appropriate Assessment (AA) Screening

7.2. I note the density, design and layout of the scheme and I consider that the proposed development will be in compliance with the objectives set out in the Cork County Development Plan 2022-2028 (CDP), satisfactorily addresses the reason for refusal of application ref. ABP 308749-20 and, therefore, I have no objection in principle to the proposed development.

Surface Water Treatment

- 7.3. The Applicant proposes the construction of individual soakaways in the rear garden/driveway of each unit to dispose of the run-off stormwater from the rear roof pitch of each unit (Type A and C) and the construction of a communal soakaway to dispose of the run-off stormwater from the public roads and paths and the front roof pitch of each unit (Type B). A silt trap will be installed for each rear garden soakaway and the communal soakaway. A hydrocarbon separator will be installed upstream of the communal soakaway.
- 7.4. The sole reason for refusal on the application was that the Planning Authority (PA) considered that the Applicant failed to demonstrate that the soakaway design met with all BRE 365 standards and thus would not increase the risk of surface water flooding. It appears that the PA's Area Engineer had issue with the design of the soakaways being based on EPA Code of Practice standards and not on specific tests set out in BRE365. It is not clear whether the PA had any concerns with the actual results of the percolation tests.
- 7.5. Within the appeal documentation, the Applicant states that the percolation tests have now been carried out in accordance with BRE365 standards and the development will not increase the risk of surface water flooding at this location. The first party's engineers state that they are confident that the proposed soakaways can adequately dispose of storm water generated onsite.
- 7.6. As part of Appendix D of the appeal documentation, BRE365 calculations are provided. 4 trial pits across the site were tested three times over the course of the 6th and 7th June 2023. A soil infiltration rate of m/s was provided which I note is in accordance with Section 25.3 of the CIRIA SuDS manual. The Applicant states that the tests have been carried out in accordance with BRE standards and the surface water design is based on the slowest recorded infiltration rate for each soakaway location. I note that the storage capacity of the soakaways have been increased within the appeal documentation.
- 7.7. In their most recent correspondence to this appeal, the PA notes the contents of the appeal, however, does not address the updated tests and therefore highlights no issues with the results. The Estates Section requests a percolation test to be carried

out in the presence of the PA, however, provides no commentary on the updated tests provided as part of the appeal documentation.

- 7.8. Having regard to the above, I consider the principal of permeable surfaces and soakaways, via attenuation, to treat surface water onsite to be in accordance with objective WM11-10, NPO57 and the CIRIA SuDS Manual 2015. Furthermore, I am satisfied with the infiltration testing method provided as part of the appeal documentation and consider the proposal in accordance with Section 25.3 of the CIRIA SuDS Manual. I am therefore satisfied that surface water can be adequately disposed of on-site. I recommend that final design details are agreed with the planning authority prior to commencement of development.

Flooding

- 7.9. As part of the PA's surface water concerns, they requested a flood risk assessment to be carried out at further information stage. I note the observation from the resident of Avila Chapel Hill who also raises concern in relation to flooding. In response to the PA, the Applicant assumed their concerns were in relation to a flood event in 2012. They provided a report from the OPW of the flood event on 24th August 2012 which mentioned no flooding on the subject site or the Orchard estate to the south of the site. A map was provided from the OPW showing the route of the floodwaters down Chapel Hill. The PA's Area Engineer was satisfied with this response.
- 7.10. Having regard to this and to the design of the surface water soakaways which are stated to be based on a design which takes into account a 100 year storm event and a 10% allowance for climate change, I am satisfied that the proposed development should not be at risk or significantly increase the risk elsewhere of pluvial flooding. With regards to fluvial flooding I note that the subject site is not located within Flood Zones A or B as set out under the Cork County Development Plan 2022-2028.

Residential Amenity

- 7.11. I note the observation from the resident of Avila Chapel Hill who raises concern with regards to overlooking of his property from house numbers 7 and 12 of the proposed development. I note that the further information revised these house numbers to 6 and 11.

- 7.12. With regards to house no. 6, I note that this unit will be located approximately 9 metres from the property boundary of Avila, approximately 26 metres from the rear elevation of Avila and approximately 22 metres from an existing property to the west (Mountain View). No first-floor windows serving habitable rooms are proposed on the side (north) elevation of unit 6 and therefore I do not consider that this elevation will result in significant overlooking of Avila. I note that first floor windows on the rear (west) elevation are proposed to serve a 'master bedroom'. There will be potential for views into the properties of Avila and Mountain view, however, having regard to the distances I do not consider that the degree of overlooking will be significant.
- 7.13. With regards to house no.11, I note that the west elevation of this unit is located approximately 13 metres from the eastern corner of the Avila property. No first floor windows serving habitable rooms are proposed on the west elevation of unit 11 and therefore I do not consider that this elevation will result in significant overlooking of Avila. Furthermore, I note the building line of units 6-10 and 11-16 is similar to what was previously approved under application ref. 06/54023.

Other Issues

- 7.14. The observation raises concern with the use of a pumping station for wastewater in terms of odour and noise. However, I note the submission from Irish Water who has no objection and considered the wastewater connection feasible without the need for an infrastructure upgrade.
- 7.15. The observation also raises concern with the lack of public open space for the development. I note that the PA allowed the Applicant to provide larger rear gardens as an alternative which resulted in the loss of 1 no. unit at further information stage. Having regard to this and to paragraph 14.5.12 of the CDP, I am satisfied that the proposed development will provide for a high standard of amenity for the proposed occupiers.

Appropriate Assessment (AA) Screening

- 7.16. I note the Screening Report for Appropriate Assessment prepared by the Applicant and the screening assessment conducted by the PA.
- 7.17. I note that the subject site is not located within any European Site. The nearest European Sites are the Gearagh Special Area of Conservation (SAC) (Site Code

000108) and the Gearagh Special Protection Area (SPA) (Site Code 004109), both approximately 1km south of the subject site (*distance measured on National Parks and Wildlife Services GIS Map*). Having viewed the Environmental Protection Agency's AA Mapping tool, I note that there are no direct hydrological connections from the site to any European Site.

- 7.18. The Qualifying Interests (QI) of SAC 000108 are; watercourses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260], Rivers with muddy banks with Chenopodium rubri p.p. and Bidention p.p. vegetation [3270], old sessile oak woods with Ilex and Blechnum in the British Isles [91A0], Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] and Lutra lutra (Otter) [1355]. The Conservation Objectives for this SAC are to maintain the favourable conservation condition of the QI habitats.
- 7.19. The Qualifying Interests (QI) of SPA 004109 are; Wigeon (Anas penelope) [A050], Teal (Anas crecca) [A052], Mallard (Anas platyrhynchos) [A053], Coot (Fulica atra) [A125] and Wetland and Waterbirds [A999]. The Conservation Objectives of this SPA are to restore the favourable conservation condition of the QI species and to maintain or restore the favourable conservation condition of the wetland habitat at The Gearagh SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
- 7.20. The proposed development will discharge wastewater via the public mains and surface water via SuDS and via attenuation and a hydrobrake. I note that there is capacity within the public wastewater treatment plant and an upgrade is underway which is due for completion by the end of 2025. Having regard to this, to the absence of any hydrological connection to any European Site and to the distance in relation to any other potential pathway, I consider that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Natura 2000 network, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

8.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the location of the proposed development within the town of Macroom, to the established pattern of development within the vicinity of the site and to the design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of public health, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>(a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of April 2023 and submitted to An Bord Pleanála on the 19th day of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>(b) This permission shall be for 16 no. houses only.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interest of visual amenity.</p>

3.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility.</p>
4.	<p>(a) All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the Landscape implementation and maintenance programme submitted to the planning authority.</p> <p>(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of biodiversity and the visual and residential amenity of the area.</p>
5.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
6.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual</p>

	<p>for Urban Roads and Streets (DMURS), issued by the Department of the Environment, Community and Local Government in March 2019, as amended.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
7.	<p>Prior to the commencement of development, a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
8.	<p>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, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste in the interest of protecting the environment.</p>
9.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall include details for the collection and disposal of construction waste, surface water run-off from the site, on-site</p>

	<p>road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p>Reason: In the interests of public health and safety and residential amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the planning authority. The agreed TMP shall be implemented in full during the course of construction of the development.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
12.	<p>Final design details in respect of the drainage arrangements, including the attenuation and disposal of surface water and the implementation of Sustainable Urban Drainage measures, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

13.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
14.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
15.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works in Housing Areas issued by the Department of Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
16.	<p>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, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
17.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates, shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
18.	<p>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.</p>

	<p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of the 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. The application of any indexation required by this condition 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>

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.

Gary Farrelly
 Planning Inspector

14th December 2023

Appendix 1

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

An Bord Pleanála Case Reference	317378		
Proposed Development Summary	Construction of 16 houses, connection to public services		
Development Address	Chapel Hill, Sleveen East, Macroom		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	<input checked="" type="checkbox"/>	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Class 10(b)(i) Construction of more than 500 dwelling units. Class 10(b)(iv) 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. 	<ul style="list-style-type: none"> Development is for 16 dwelling units. Subject site measures 0.59ha and therefore is well below the 10ha threshold for urban development in other parts of a built up area.
			Conclusion
			No EIAR or Preliminary Examination required
			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	317378	
Proposed Development Summary	Construction of 16 houses, connection to public services	
Development Address	Chapel Hill, Sleveen East, Macroom	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development is for 16 dwellinghouses within an established urban area.</p> <p>Removal of topsoil typical to that of housing construction. Typical construction related activities and works. Development to be undertaken in accordance with a construction management plan.</p> <p>Surface water to be discharged to soakaways via attenuation and hydrobrake.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The development site measures 0.59 hectares. The size of the development is not exceptional in the context of the existing urban environment.</p> <p>There is no real likelihood of significant cumulative effects with existing and permitted projects in the area. All developments in the area, existing and proposed, are similarly served by public wastewater systems.</p>	No

<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>		
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The site is not located within any ecologically sensitive site and is approximately 1km north of the Gearagh Special Area of Conservation (SAC) (Site Code 000108) and the Gearagh Special Protection Area (SPA) (Site Code 004109). There are no hydrological or other pathways to these designated sites.</p> <p>The site is located outside Flood Zones A and B.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____