



An
Bord
Pleanála

Inspector's Report

ABP-317662-23

Development	Construction of 40 apartments and all ancillary works.
Location	Knocknahorgan (townland), Sallybrook, Glanmire, Co. Cork
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	2241625
Applicant	Growdale Limited.
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party.
Appellants	Paula Kennedy James A. Landers Stephen and Catherine Manson Glenrichmond and Mineville Lane Residents
Observers	None.

Date of Site Inspection

15th November 2023.

Inspector

Terence McLellan

Contents

1.0 Site Location and Description

- 1.1. The appeal site is in Sallybrook, in the townland of Knocknahorgan, Glanmire, approximately 8.3km north east of Cork city centre. The roughly triangular site measures approximately 0.68 hectares and slopes steeply from its western boundary on local road L-96391-0 towards the Glashaboy River, which marks both the western and southern boundaries. To the north, the site is bounded by an existing detached two storey dwellinghouse set within generous garden grounds. To the west, on the opposite side of the L-96391-0 is the Glenrichmond Estate which comprises detached two storey dwellings on a steeply sloping site. The lands to the immediate south of the site are undeveloped, but the L-96391-0 is lined on its western side by single storey detached dwellings. The L-96391-0 is a long cul-de-sac which is wide enough to accommodate two vehicles passing. Other than isolated provision at some junctions, the L-96391-0 has no footpaths.
- 1.2. The site itself is undeveloped, comprising mostly grassland and scrub, with several mature trees lining the western boundary as well as the threshold with the river. A small stream runs across the site from the L-96391-0 to the Glashaboy River. There are a mix of uses in the area, with the immediate north and west being predominantly residential, and commercial on the roadside on the east side of the river. Lands further to the north of the L-96391-0 appear to be in agricultural use and include the Knocknahorgan Woods. A new development of 77 homes is currently in the advanced stages of construction to the north west of the site, bounding Glenrichmond and also accessed from the L-96391-0.
- 1.3. The R639 runs north/south through Glanmire and is located to the east and south of the site. The M8 Cork to Dublin motorway is located further to the east. The nearest bus stop to the site is approximately 350m to the south east on the R639 and is served by the 245 Cork-Clonmel Intercity service which is on an hourly basis.
- 1.4. Sallybrook Mills (Protected Structure) and Sallybrook House (National Inventory of Architectural Heritage) are located to the north east of the site on the other side of the Glashaboy River.

2.0 Proposed Development

- 2.1. Planning Permission is sought for the construction of 40 apartments in a five storey building incorporating undercroft parking and all associated ancillary development, including vehicular and pedestrian access, footpaths, landscaping, and drainage,
- 2.2. Due to the change in levels, the building would appear as three storeys at the site frontage on the L-96391-0, and five storeys when viewed from the lower land to the east. Materials include brickwork, render and cladding. The proposed building would be set back from the L-96391-0 and would provide a short section of new public footpath running along the site frontage. Vehicles would access the site at the northern end with a new vehicular route provided to the undercroft parking entrance on the east façade. The development would provide 100 cycle parking spaces in addition to 28 vehicle parking spaces, reduced from 31 spaces by way of Further Information.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Cork City Council on the 5th July 2023 subject to 45 generally standard conditions. Conditions of note include:
 - Condition 7: Compliance with mitigation measures of the Ecological Impact Assessment.
 - Condition 12: Constitution of a waste company.
 - Condition 16: Light trespass.
 - Condition 20: Road Safety Audit.
 - Condition 25: Raised tables.
 - Condition 32, 33, 34: Sightlines.
 - Condition 44, 45: Compensatory flood storage.

3.2. Planning Authority Reports

3.2.1. The first Planner's Report was issued on 14th February 2023 and contains the following points of note:

- Principle of development has been established under previous consents and is acceptable.
- Density is noted as being significantly higher than the prevailing density but within the range for the Outer Suburbs and can be considered, subject to normal planning considerations.
- Height of five storeys exceeds the four storey upper target for the Outer Suburbs but may be considered acceptable subject to no adverse visual or residential amenity impacts. The City Architect is satisfied that the site can accommodate the scale of the proposed development.
- Concerns are raised regarding unit mix, excessive apartment storage spaces, poor daylight and sunlight to apartments (due to their depth and single aspect nature), inadequate apartment layout and apartment floor areas.
- Various flood risk, pedestrian connectivity, transport, landscaping, and Part V issues were identified (detailed in section 3.2.3 below).

3.2.2. The Planning Authority requested 20 points of Further Information in order to address the various concerns identified during the initial assessment. Points 1-5 of this request related to unit mix, excessive apartment storage, daylight and sunlight, apartment layouts and apartment floorspace standards.

3.2.3. The subsequent Planner's Report was issued on 5th July 2023 and considered the Further information submitted. The Planner's Report concluded that whilst the unit mix would not comply with the CDP, market evidence justification for one and two bedroom units was acceptable. Apartment layouts were amended to ensure that all kitchens would be served by windows through making them open plan. Apartment storage spaces were revised so that no individual storage space would exceed 3.5sqm, and confirmation was provided that the majority of apartments would exceed the minimum floorspace standard by at least 10%. A daylight/sunlight analysis was submitted demonstrating that all units and amenity spaces would receive adequate levels of daylight in compliance with the BRE. The Planning Authority concluded that all units would meet or exceed housing quality standards.

- 3.2.4. The remaining 15 points of Further information related to flood risk, pedestrian connectivity, transport, landscaping, and Part V issues. These issues were raised in the Internal Reports and are detailed below.
- 3.2.5. **Other Technical Reports**
- 3.2.6. **Area Engineer:** Further Information required to clarify sightlines onto the public road. It was also requested that various flood extents be superimposed on the site layout plan and information was sought to demonstrate that surface water drainage has been designed to include the additional flow from the public road. It was noted that there is ESB pole to the south of the site entrance and it was requested that this be detailed on the sightlines drawing, with inclusion of a proposal for re-locating the pole outside of the envelope of visibility. This information was submitted and considered satisfactory. Conditions were recommended regarding roadside drainage, prevention of flooding and overloading of the sewer, road safety, and protection of utility infrastructure.
- 3.2.7. **City Architect:** No report on file but the Planner's Report notes that discussions indicate no objection.
- 3.2.8. **Contributions (Infrastructure Directorate):** Recommend grant, subject to conditions to secure contributions.
- 3.2.9. **Drainage:** The nature of the development and the site requires a Stage 3 Flood Risk Assessment with an appraisal of flood risk to the development and potential flood risk elsewhere. This should consider the impact of the development on the Glashaboy Flood Relief Scheme which proposes flood defences adjacent to the site. Details were also required of how the development would interact with the foul sewer that crosses the site. Following the submission of Further Information, no objections were raised subject to standard conditions and conditions relating to compensatory flood storage.
- 3.2.10. **Environment (Parks and Recreation):** Further Information was required to assess the impact of tree removal on the local environment and ecosystem – a detailed landscape site analysis and tree survey was required. Further Information was submitted to the satisfaction of the department. The layout of open space, access and landscaping was considered satisfactory as was the retention of existing riparian vegetation and proposed supplemental indigenous planting.

- 3.2.11. **Environment (Waste):** Recommend grant, subject to standard conditions including waste management, noise, light trespass, and Construction/Demolition Resource Waste Management Plan.
- 3.2.12. **Housing:** Initially considered that the proposal fell short of the 20% requirement. Further Information was submitted clarifying the purchase date of the site and that a 10% provision would apply. No objections subject to a Part V condition.
- 3.2.13. **Traffic Regulation and Safety:** Further Information was required to show the traffic implications of the development on the local road network and nearby junction. It was also stated that a Construction Traffic Management Plan, EV charging, public lighting, cycle parking, and Stage 2-4 Road Safety Audit should be conditioned. The Planner's Report states that this information was submitted to the satisfaction of the Traffic Regulation and Safety section. Relevant conditions were applied.
- 3.2.14. **Urban Roads and Streets:** Further Information was required to remove car parking spaces to the north of the car park entrance, to clarify safe pedestrian passage in conjunction with dropped kerbs/tactile paving, submit details of the revised site layout plan of the tie in/terminus of crossing points on Knocknahorgan Road (L-96391-0), provide details of interim pedestrian provision and connection to the R639 in advance of the permitted Part VIII scheme. Further Information was submitted to the department's satisfaction. The Applicant is required to provide two raised tables on the L-96391-0 and to make a special contribution to facilitate pedestrian connection from the development to the Part VIII scheme at the junction with the R639.

3.3. Prescribed Bodies

- 3.3.1. **An Taisce:** Concern regarding scale of development and location next to a floodplain.
- 3.3.2. **Inland Fisheries Ireland:** Request Irish Water or Cork County Council to indicate that there is sufficient capacity in the public sewer to ensure there would be no overloading or polluting matter entering waterways. Conditions should be attached to ensure no interference with the river or environs (including vegetation) without prior consultation with IFI and that a 10m buffer should be established from the river in which no construction activity shall occur.
- 3.3.3. **Uisce Éireann:** No report on file.

3.4. Third Party Observations

3.4.1. A total of 42 observations were submitted on the initial application, with a further 18 observations submitted following receipt of Further Information. The observations are on file for the Board's information and are set out in the Planning Authority Reports. The main issues raised can be summarised as follows:

- Traffic surveys are insufficient, and the development would increase traffic and worsen congestion.
- There is a lack of existing/proposed pedestrian and cycling infrastructure and public transport serving the site is poor.
- Parking is insufficient and it is unclear how it would be allocated/managed. The development would reduce parking availability and lead to parking on the road.
- Access and egress would be dangerous, sightlines are inadequate, and concerns are raised regarding access for emergency vehicles.
- There is no evidence to support the reported average speed and traffic count data did not account for peak traffic.
- Lack of clarity regarding proposed junction upgrades at the Brook Inn.
- No Traffic Impact Assessment has been submitted.
- The proposal is excessive in density, would represent overdevelopment, and would not be in keeping with the character or scale of the area.
- The unit mix does not offer family housing and there is a lack of amenities for young people.
- There is a large proportion of single aspect units.
- A detailed visual assessment has not been completed and the development would be overbearing with adverse amenity impacts.
- The loss of trees and hedgerows would impact on visual amenity.
- The area cannot sustain high density development and there are a lack of amenities, facilities and infrastructure.

- The site and area have a history of flooding and flood risk has not been properly analysed. Further assessment is required.
- The development has potential to impact downstream areas due to surface run off, it also has the potential to flood the Meadow Brook Estate and would be premature in advance of the Glashaboy Flood Relief Scheme.
- The development would impact on the river and wildlife/protected species and could result in the spread of invasive species, including Knotweed. The watercourse on the site has not been addressed.
- No consideration has been given to the possible destruction of otter holts and couches within the site. EIA should be conducted.
- There has been dumping of waste on site.
- No details of the management of the development have been provided.
- Construction would cause disruption and could damage property and health.
- Planning Regulator has voiced concern over the housing allocation for Glanmire.
- The Further Information request was insufficient in addressing concerns and there have been no substantive changes. The development remains contrary to the development plan.
- The proposal is a reaction to a temporary accommodation crisis.

4.0 Planning History

Subject Site

- 4.1.1. There is a detailed planning history for the site however none of the previous permissions have been implemented. There are early permissions for residential development dating back to 2005 when an initial permission was granted for 3 houses and later permissions as follows:
- 4.1.2. **Planning Authority Reference 06/12475:** Cork County Council granted permission in August 2007 for a residential development of 4 no. dwellinghouses, erection of 2 no. wind generators on 15m masts, and associated landscaping and site works.

- 4.1.3. **Planning Authority Reference 11/6239:** Cork County Council granted permission in December 2011 for the completion of a residential development four no. dwelling houses, the erection of two wind generators on 15M masts, associated landscaping and site works as permitted under planning reg 06/12475. This permission extended the previous.
- 4.1.4. **Planning Authority Reference 14/4786:** Alterations to previously granted planning permission (Register number 06/12475) namely the provision of an additional 2 dwelling houses (total 6) and associated site works. This is detailed as a permission in the Planner's Report, however, no information or documentation is available on the planning register.
- 4.1.5. **Planning Authority Reference 15/6188:** Cork City Council granted permission in April 2016 for the construction of 6 no. dwelling houses and 1 no. building for use as a pump house/bin storage and associated site works (change of layout and increase in density from that permitted under planning ref: 06/12475 and planning ref: 11/6239).
- 4.1.6. **Planning Authority Reference 17/4160:** Cork City Council granted permission in March 2017 for the construction of 6 no. dwelling houses (change of house type from that permitted under Planning Ref. 15/6188) to include minor elevational changes and change of use of garage to living space.

Adjacent Sites – Richmond Rise

- 4.1.7. **ABP Ref. 248234/Planning Authority Ref. 16/5554:** The Board granted permission in October 2017 for the development of 77 dwellings (reduced by condition from the originally proposed 89 dwellings).
- 4.1.8. **Planning Authority Reference 19/38937:** Permission was granted by Cork City Council in February 2020 for the construction of 40 no. dwellinghouses and all ancillary site development works. The development sought amendments (change in house type, layout and elevational changes, size) to part of the residential development permitted under An Bord Pleanala Reference PL 04.248234/Cork County Planning Reference 16/5554.

Planning Authority Reference 19/38995: Permission was granted by Cork City Council for development which will consist of the construction of 37 no. dwelling houses and all ancillary site development works. The proposed development is a

change in house type, layout and elevational changes to part of the residential development permitted under An Bord Pleanála Reference PL 04.248234/Cork County Planning Reference 16/5554.

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan 2022-2028

- 5.1.1. The appeal site is categorised as Zone ZO 1: Sustainable Residential Neighbourhoods, the primary objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses. The CDP also notes that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.
- 5.1.2. Chapter 2: Core Strategy seeks to deliver Strategic Objective 1 of the CDP, Compact Liveable Growth, with the aim of improving quality of the life in the city. The relevant objectives of this chapter are:
- Objective 2.1: The 15 Minute City
 - Objective 2.31: Compact Growth
 - Objective 2.32: Housing Supply
- 5.1.3. Chapter 3 of the CDP sets out the policies for achieving Strategic Objective 2, Delivering Homes and Communities, with the aim of delivering housing and creating and maintaining sustainable neighbourhoods and the community infrastructure needed to ensure that diverse communities all benefit from a good quality of life. The relevant objectives of this chapter are:
- Objective 3.1: Planning for Sustainable Neighbourhoods
 - Objective 3.3: New Housing Supply
 - Objective 3.4: Compact Growth
 - Objective 3.5: Residential Density
 - Objective 3.6: Housing Mix

- Objective 3.9: Adaptation of Existing Homes, Infill Development, and Conversion of Upper Floors.

5.1.4. Chapter 9 contains the Council's policies for delivering environmental infrastructure in line with Strategic Objective 8. Proposals for new development in Cork City will not be permitted where they would have an unacceptable detrimental impact on water resources or infrastructure, water quality or air quality, have inadequate waste management mitigation, generate excessive noise or otherwise have an unacceptable detrimental impact on the environmental infrastructure of Cork City. The relevant objectives from this chapter include:

- Objective 9.4: Sustainable Urban Drainage Systems (SUDS)
- Objective 9.1: Development in Flood Risk Areas

5.1.5. Chapter 10 of the CDP focuses on the key growth areas identified in the Core Strategy and the Growth Strategy. Where the Core Strategy and Growth Strategy provide overarching direction for city growth, this Chapter provides more area and site-specific detail. The growth proposed is in line with the Core Strategy, being proportionate to the scale of the area and its ability to accommodate new development. Section 7 of Chapter 10 relates specifically to Glanmire.

5.1.6. Chapter 11 includes the policies aimed at delivering Strategic Objective 9, Placemaking and Managing Development. This chapter sets out the Council's guidance and priorities for development proposals. Of primary importance is securing development of the highest architectural and urban design quality that is people-centric and resilient to climate change and other challenges. The relevant objectives and sections of this chapter are:

- Objective 11.1 Sustainable Residential Development
- Objective 11.2: Dwelling Size Mix
- Objective 11.3: Housing Quality and Standards
- Objective 11.4: Daylight, Sunlight and Overshadowing
- Section 11.67: Design Quality
- Section 11.78: Dwelling Size and Mix
- Section 11.69: Residential Density
- Section 11.91: Quantitative Standards

- Section 11.92: Qualitative Considerations in the Design of Apartment Schemes
- Section 11.100: Separation, Overlooking and Overbearance
- Section 11.112: Public Open Space in Housing Developments
- Section 11.139: Infill Development
- Section 11.219: Development Adjoining Watercourse Corridors
- Section 11.234: Car and Bicycle Parking
- Section 11.237: Zone 3
- Section 11.244: Disabled Car Parking
- Section 11.248: Bicycle Parking
- Section 11.262: Flood Risk Assessment and Land Use Zoning

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Southern Region

- 5.2.1. This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

5.3. National Policy

National Planning Framework – Project Ireland 2040

- 5.3.1. The government published the National Planning Framework (NPF) in February 2018. Objective 3a is to deliver 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 11 is to prioritise development that can encourage more people to live or work in existing settlements whilst Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 is to increase residential density in settlements through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.4. Ministerial Guidelines

- Urban Development and Building Height, Guidelines for Planning Authorities (2018).

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).

5.5. Natural Heritage Designations

- 5.5.1. The site is not within or immediately adjacent to any European Sites. The nearest European Sites are the Cork Harbour SPA (site code. 004030), which is approximately 2.5km to the south, and the Great Island Channel SAC (site code 001058), which lies approximately 5km to the south east.

5.6. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Four Third Party appeals have been submitted in response to Cork City Council's decision to grant planning permission for the proposed development. The Appellant's are as follows:
- Paula Kennedy of 4 Glenrichmond, Sallybrook, Glanmire, Cork.
 - Stephen and Catherine Manson of 21 Upper Glenrichmond, Glanmire, Cork.
 - James A. Landers of Mineville, Knocknahorgan, Glanmire, Cork. This appeal is accompanied by a letter from Pdraig O' Sullivan T.D and an additional submission from Michael Burns, Auctioneer.

- Conor O'Sullivan Architects, for and on behalf of Glenrichmond and Mineville Lane Residents, Sallybrook, Glanmire, Cork.

6.1.2. The grounds of appeal can be summarised under the following headings:

Zoning and Policy

- The application is contrary to the zoning objective.
- The OPR has commented on the overdevelopment of Glanmire and have stated that the amendments to the draft CDP, which rezoned land for housing, would provide more housing units than required, would not support compact growth, sequential development or the objective to promote sustainable settlement and transport strategies, and that the rezoning of land on the periphery of settlements for housing could cause car dependency.
- The OPR requested amendments relating to certain land in Glanmire and raised concerns regarding increased housing allocations, which would increase the population by 72% which was unwarranted in the absence of transport infrastructure.
- Proposed amendments to the draft Glanmire LAP show consensus regarding the challenges of developing this site re topography, access, visual impact, and the availability of residential zoned land in Glanmire.
- A Section 31 notice was issued in December 2022, but the Councils website (as of 25/07/2023) states that the Council are in the process of implementing the direction.

Quantum of Development and Design/Scale/Massing

- The proposal is excessive in height, scale, and density, and does not respect the form, scale, and character of the existing rural neighbourhood. As such the development would be contrary to Policy Z01.2.
- The development would have a negative visual impact.
- Density has been assessed on the basis of Glanmire being designated as an Outer Suburb, which it isn't, and the development does not meet the requirements of Section 3.23 of the CDP.

- Knocknahorgan is designated for low density development, previous permissions were for low density and the development is contrary to the Council's own guidance.
- The development would set a precedent which would question the integrity and governance of the system.
- Precedent examples of refused schemes are provided where they were considered overdevelopment, out of character, and injurious to amenity (See Douglas and Pope's Hill).
- Site levels have been altered and topography is challenging, preventing the development from being recessed back on site.
- The proposal is incompatible with sustainable development.
- The proposal contradicts the CDP which focuses on attracting people to city centre living. The Docklands development is a good example of this and will be exemplar of the 15 minute city.
- It is wrong to create a development of 40 homes on a narrow country lane where there are no nearby amenities or transport facilities.

Housing

- Unit mix is non-compliant and has not been justified. The Development Control division of the Planning Authority does not have the powers to enable an applicant to deviate from the requirements of the Development Plan by submitting an arbitrary justification for doing so.
- The justification is insufficient, the Open Market Rental Demand report is from an Estate Agent not local to the area, with no presence in the area, and with no history of marketing and selling properties in the area. The report itself refers to a site in another location which is evidence of a 'cut and paste' method of reporting.
- Comments from a local estate agent refutes the assertion that the proposed deviation of the development from the requirements of the development plan is in any way justified.

Amenity

- Cork City Council have failed to properly analyse amenity impacts and there is no consideration of the impact of such a large development on local services.
- The roadway serving the development (L96391-0) is an amenity that allows for walking on the only flat level of roadway in the vicinity. Social interaction with neighbours takes place whilst walking along this tree/shrub lined road with views of the river.
- There would be a significant and intrusive visual impact, the development would be overbearing, and there would be impacts in terms of a loss of daylight/sunlight and overlooking.
- Loss of natural light would potentially increase the risk of road accidents.
- The development would not align with the rural feel or the rich cultural and historical value of the area.
- The scale of the development would be a distraction for residents egressing Glenrichmond, given its impact on the landscape.

Transport

- The proposal contradicts the CDP which focuses on attracting people to city centre living. The Docklands development is a good example of this and will be exemplar of the 15 minute city.
- There is a lack of existing and proposed pedestrian and cyclist facilities and infrastructure, including paths and road crossings, and there would be various road safety issues that have not been considered for end users or local residents.
- The Cork Metropolitan Area Transport Strategy (CMATS) 2040 and City Movement Strategy (section 10.19 of the CDP) aim to reduce car dependence and improve sustainable transport options. The development would be car dependent and would increase traffic.
- The objectives of the City Movement Strategy only work for city centre living, Glanmire is too far out to consider cycling and no sustainable transport options such as light rail are proposed for Glanmire.
- No Traffic Impact Assessment has been submitted and this has not been satisfied by the submission of a Road Safety Audit.

- The projected traffic associated with the development is unrealistic at two additional vehicle movements in morning and evening peak and is contradicted by current experience.
- Traffic surveys were undertaken during a holiday period and as such do not give an accurate representation of traffic volumes.
- The cul-de-sac cannot accommodate the additional traffic, and safety of all road users will be compromised.
- Parking is insufficient and the development would result in parking on the road, this would compromise safety.
- The developer failed to answer the RFI and instead stating that they will facilitate two raised tables, but this does not address the FI which asked for information on crossing points.
- No public roads in Glanmire use raised tables to manage tie ins/terminus and crossing points. Raised tables are not in keeping with the area and would not comply with the development plan.
- Alternative Traffic Calming measures could be considered such as reducing the speed limit from 50kph.
- Sightlines are insufficient and there will be visibility/safety issues for motorists exiting Glenrichmond. This would be made worse by parked vehicles as well as construction vehicles and deliveries to the site.
- Given the width of the road there are no practical solutions for encouraging cycling and it is not envisaged that a dedicated cycle route will be installed.
- The road is not lightly trafficked and while there may be improvement works to the junction, there would, by then, be a minimum of 154 additional vehicles on this road from 77 homes in Richmond Rise.
- There is a lot of on street parking associated with the Brook Inn (100m away) and other users parking, creating a one way system for road users.
- Road markings will not deter motorists from parking on the road nor will it be enforced.
- No clear information has been provided as to how construction traffic, workers cars, or site deliveries will be managed.
- To use Glenrichmonds sole access/egress route will put road users at risk and will by default, place Glenrichmond in the construction works area. This

will have to be factored into the Construction Health and Safety Plan and Temporary Traffic Management Plan and will raise liability issues for the applicant in the event of an accident.

- There is a lack of public transport in the area.
- The applicant failed to respond to the FI request to provide interim pedestrian provision and connection to the R639 and instead offered a financial contribution of EUR13,000 which is inadequate given the extent of works required and the fact that the Council have no plans to bring forward a Part VIII application. This will impact on pedestrian safety.

Ecology

- Knocknahorgan is an ecologically important area, providing an invaluable amenity and the proposed development would negatively impact on it.
- Concerns regarding the validity of the survey and ecological work undertaken and the lack of regard to the presence of knotweed on the site or the management of contaminated soil.
- The Developer's response to the need for further environmental assessment is flawed and the site warrants further assessment.
- The site should incorporate native mixed woodland to complement the adjoining riparian woodland.
- It would be of more value to residents of Glanmire if this site was used as an amenity with planting and a pathway along the Glashaboy River which is itself part of the Cork Harbour SPA.
- The two horse chestnut trees would likely be removed and the Board are requested not to accept the findings of Cork City Council on this matter.
- The site is seriously impacted by the spread of knotweed, and it is unclear how the Applicant will deal with this matter. Dumping and clearing material on the site have undoubtedly contributed to the spread of knotweed.
- The Glashaboy River is an ecological corridor, warranting the protection of landscape features and woodland.

Flood Risk

- The site is a known flood plain and it is inappropriate to allow this development to proceed while demanding greater flood defences further downstream.
- The Flood Risk Assessment and quantitative appraisal falls short of the information requested by the Council and further clarity is needed.
- Developer stated in response to FI that the development would be moved slightly to achieve required separation distance to the foul sewer, clarity is needed on the exact new location of the proposed development.
- No cognisance has been taken of the Environmental Protection Objective (11 Flooding) of the Glanmire LAP.
- The site is prone to flooding, flood mitigation can only be carried out by the OPW and this has not yet commenced.
- No consultation with the OPW has taken place regarding flood risk works due to take place on the riverbank.
- The FRA does not assess the site as it currently stands. It was conducted when site levels were artificially raised due to dumping of materials. The FRA is therefore inaccurate, is of no benefit to the scheme, and the application should not proceed.
- Inadequate FRA has the potential to have an impact on the remainder of the flood proposals contained in the Glanmire (Glashaboy) Flood Relief Project.

Part V

- There are discrepancies on the purchase date of the site and whether this results in a 10% or 20% requirement, the applicant cites 26/05/2021 and the Planning and Design Statement cites 19/11/2021. An FOI has been submitted to Cork City Council to clarify these issues and a comparison between the Part V percentage on the adjacent Richmond Rise development would be appropriate.

Procedural/Other Matters

- Impartiality is questionable and the assessment by Cork City Council is flawed, with a failure to comply with the Development Plan, failure to

address submissions by the local community and a lack of engagement/transparency.

- The Further Information request and response were inadequate, with the development remaining largely unchanged and overall failure to give sufficient analysis or weight to the requirement to protect residential uses and amenities.
- Cork is the worst performing authority for delays in turning around social housing. If these delays were managed there wouldn't be a need to keep building. Re-purposing vacant properties would help as opposed to rezoning land and building developments that are not in keeping with the local environment.
- The Council have failed to act on the ongoing Enforcement complaint regarding the dumping of soil on the site and the raising the ground level to the front of the site. The site bears little resemblance to that shown on the drawings as a result.
- Assessment of the application has not been undertaken in a manner consistent with the duty of care of the Planning Authority for the people it is meant to represent in the process.

6.1.3. Letter from Pádraig O'Sullivan TD

- The submission endorses the objections of the local community.
- Development will impact nearby residential amenities.
- Overlooking due to nature, scale, and height of development.
- Lack of amenities in the area and poor connectivity.
- Nature of development not in keeping with existing residential typography.
- Area already subject to extensive development.
- Sallybrook needs to be properly connected to Riverstown and Glanmire before such high rise development can be considered.

6.1.4. Michael Burns Auctioneers and Valuers

- Development would be out of character.
- Demand for this type of home would be limited and there has never been demand for one bedroom apartments in Glanmire.

- Over 95% of sales in past 30 years have been for 3 and 4 bedroom homes, mostly purchased by families who require gardens.
- The narrow road is unsuitable for access and servicing the site.
- Insufficient garden space and parking.

6.2. Applicant Response

6.2.1. A First Party response has been received from McCutcheon Halley Planning Consultants, for and on behalf of the Applicant, Growdale Limited. The response can be summarised as follows:

- The grounds of appeal are identical to matters raised during the planning application process and were carefully considered and addressed by the Planning Authority.
- The development complies with Government policy and Cork City Council policy and the strategic vision.
- Glanmire is one of the four Urban Towns, the role of which includes prioritising walking, cycling and public transport use and using a range of designs and densities that reflect and enhance the character of each town, targeting growth proportionate to the population.
- The development complies with the zoning objective, the site is not rural as it is within the boundary of Cork City and the urban town of Glanmire with many road connections and a mix of uses including residential, retail, and industrial.
- Building heights for the outer suburbs are targets and should not be interpreted as maximums or minimums. The heights address the change in levels.
- The site is within the development boundary of Glanmire, CDP density range is 40-70uph and the scheme is 58uph which is well within the range. The density would not compromise the residential amenity of the area and is in line with guidance and the CDP.
- 40 new dwellings on the site are a better and more sustainable use of residentially zoned land than remaining vacant and would assist in delivering more housing in areas close to the city.

- The proposed unit mix is justified by a Statement of Housing Mix and an Open Market Rental Demand Report which consider demographic and housing data and indicate a need for smaller units in the area.
- The development would not seriously injure the residential amenity of properties in the vicinity, there would be no overlooking or privacy impacts.
- The proposed parking is in line with the maximum standards set out in the CDP.
- It is virtually impossible for cars to park along the street frontage due to the design of the development at the street level.
- The design would provide an attractive street frontage with trees and variation in height/massing. And is not an imposing concrete mass as stated by the appellants.
- A comprehensive Traffic and Transportation Assessment was submitted at Further Information stage concluding that the development would have a negligible impact on the analysed junction and the surrounding area.
- The traffic assessment was carried out in March 2023 which is not during the school holiday period or during peak holiday time.
- Sightlines of 45m can be achieved as demonstrated in the application drawings and reports.
- A comprehensive list of material was submitted with the application, containing all of the information sought by the Planning Authority who carefully considered matters.
- Further Information requests were comprehensively addressed by the applicant.
- The Planning Application was developed in a collaborative approach with Cork City Council where discussions took place prior to both the application and FI being lodged to ensure a high standard of development for the area.

6.3. Planning Authority Response

6.3.1. No response.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

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

- Zoning
- Quantum of Development and Design/Scale/Massing
- Unit Mix
- Dual Aspect – New Issue
- Residential Amenity
- Transport
- Ecology
- Flood Risk
- Other Matters

7.2. Zoning

7.2.1. A significant issue raised in the grounds of appeal are that the development would be contrary to the zoning objective and that the Office of the Planning Regulator (OPR) have previously voiced concerns about population growth in Glanmire. It is stated that the OPR raised concerns with regards to amendments from the draft CDP that rezoned land for housing on the basis that it would provide more housing units than required and would not support compact growth, sequential development, or the objective to promote sustainable settlement and transport strategies, with the rezoned

land on the periphery of settlements potentially being car dependent. It is noted that a Section 31 notice was issued in December 2022, but the Councils website (as of 25/07/2023) states that the Council are in the process of implementing the direction.

7.2.2. I would advise the Board that the appeal site does not form one of the parcels of land referred to in the OPR comments on the draft CDP. Furthermore, the Section 31 Notice does not refer to the appeal site which is zoned ZO 1: Sustainable Residential Neighbourhoods, which was also the zoning afforded to it in the draft CDP. As such the land has not been rezoned and I am satisfied that the issues raised by the OPR are not of relevance to the subject site.

7.2.3. Zoning objective ZO 1: Sustainable Residential Neighbourhoods has the stated objective to protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses. The CDP also notes that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. In land use terms, the proposal for housing on this site is acceptable in principle subject to further planning considerations as set out below.

7.3. **Quantum of Development and Design/Scale/Massing**

7.3.1. One of the core issues raised in the appeal is that the development is excessive in density, height, scale, and massing, and does not respect the form, scale, and character of the area, and that there would be a negative visual impact. On this basis, the Appellants consider that the development would be contrary to the zoning objective which requires that development respect the character and scale of the neighbourhood in which it is situated.

Density

7.3.2. The Appellants consider the development to be excessive in density. It is stated that Knocknahorgan is designated for low density development and that density has been assessed on the basis of Glanmire incorrectly being considered as an Outer Suburb. The Appellants consider the development to be incompatible with sustainable development and contradictory to the CDP focus to attract people to city centre living.

- 7.3.3. The appeal site is located within the urban town of Glanmire as detailed on the CDP maps, although I agree with the Appellants that the site is not an Outer Suburb based on the information available on Map 19 of the CDP. Nevertheless, Section 11.71 of the CDP states that ‘most of the new development in Cork City and the Urban Towns will be built at a “gentle density” of 40-70dph and a scale of 2-4 storeys. The Compact Settlement Guidelines ascribe a density range of between 35-50dph for a site of this nature.

The proposed development would achieve a density of 58dph which is within the density range set out in the CDP but above that of the Compact Settlement Guidelines. This would be significantly above the existing prevailing densities which are very low. I have no objection to the principle of increased density and acknowledge that increasing density would make a more efficient and sustainable use of serviced and zoned land within the existing built-up footprint of Glanmire. However, I have significant concerns about the ability of the site and environs to accommodate a higher density scheme when considering design and transport. These issues are addressed in more detail below.

Design/Scale/Massing

- 7.3.4. The Appellants consider the development to be excessive in scale, height, and massing, with no consideration given to the established character of the area. It is stated in some of the appeals that this is a rural area. Although I note the green and sylvan nature of the site and the immediate surroundings, I would not agree that this is a rural area. The surrounding land to the west and northwest on Knocknahorgan has been developed for fairly large scale, low density housing. Housing is also evident to the east on the opposite side of the R369 which itself is lined with commercial premises including some large commercial sheds. In my opinion, the site is clearly within the built-up footprint although I accept that it is in a transitional area towards the periphery of the urban footprint.
- 7.3.5. The proposed development would range from three storeys on the L-96391-0 to five storeys within the site due to the change in levels. The Cork City Urban Density, Building Height, and Tall Building Study gives a prevailing building height in Glanmire, inclusive of the appeal site, of 1.9 storeys. At three storeys on the road frontage, the proposed development would not be significantly above the prevailing context.

- 7.3.6. The five storey part of the development would mostly be most visible from the R639, on the opposite side of the Glashaboy River. From this aspect, whilst the site is somewhat screened by trees and the existing commercial premises, it would be visible as a result of the topography and would be increasingly visible in the winter months.
- 7.3.7. I consider that the site could reasonably be developed for small scale apartment development and I have no objections to the principle of some additional height above the prevailing context, particularly with regards to securing compact growth and the efficient use of zoned residential land. However, I have concerns with the overall height, scale and massing of the development. The proposed building would be just short of 53 metres in length along the frontage of the L-96391-0 where it would be three storeys in height, and approximately 48 metres in length to the rear where it would be five storeys. In my view, having regard to the character and form of surrounding development, the proposed height and massing would be excessive and would result in a visually obtrusive and incongruous form of development that would be at odds with the surrounding context, particularly when viewed from the R639 where the overall massing would be particularly challenging.

7.4. Unit Mix

- 7.4.1. It is stated in the grounds of appeal that the unit mix would not be compliant with the requirements of the CDP. Objective 11.2 relates to dwelling size mix and table 11.9 sets out the relevant unit mix for the urban towns, setting maximum and minimums for 1-4 bedroom units. I note that the proposed unit mix would have an excessive number of one and two bedroom units (45% and 52.5% respectively) and an insufficient number of three bedroom units (2.5%).
- 7.4.2. Section 11.80 of the CDP allows a dispensation when evidence based justification is submitted. The Applicant submitted an Open Market Rental Demand Report in addition to a Statement of Housing Mix. The Appellants consider the justification to be insufficient and comments have been submitted by a local estate agent who supports the Appellants' view that the deviation from policy is not justified.
- 7.4.3. The Open Market Rental Demand Report placed an advert on Daft for a one bedroom and a two bedroom apartment for rent in Glanmire, with a view to measuring demand. The report details that the advert was removed within an hour due to the level of

interest and that over 100 enquiries were made for each property, demonstrating sufficient demand for one and two bedroom properties in Glanmire.

7.4.4. The Statement of Housing Mix considers matters such as age profile, family cycle, household vacancy rate, and overcrowded/under occupied dwellings. The report also considers permitted developments, noting that the vast majority of housing in the area is three and four bedroom dwellings.

7.4.5. Whilst I note the concerns of the Appellants regarding the veracity of the Open Market Rental Demand Report, taken together with the Statement of Housing Mix and the reality of housing provision in the immediate area being predominantly three and four bedrooms, I am satisfied that the proposed unit mix is acceptable and that the provision of one and two bedroom homes would contribute to the overall housing mix, widening housing options for future residents without damaging the character of the area.

7.5. Dual Aspect – New Issue

7.5.1. SPPR 4 of the Apartment Guidelines requires apartment schemes to deliver at least 33% of units as dual aspect in more central, accessible, and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments.

7.5.2. The appeal site is greenfield in nature with few constraints with regard to neighbouring development or street frontage. In my opinion, the 50% provision would be an appropriate requirement for this site and the scheme falls short of both the 50% target and the lower 33% target. The Applicant considers dual aspect provision to be 50%. Some apartments have a second aspect by shallow angled windows, however, in my view these windows face onto the same aspect as the main windows and would not qualify as dual aspect. Similarly, some apartments rely on short returns on inset balconies for a second aspect. Again, I would not consider these units to be dual aspect. Having reviewed the plans, I am of the view that the development would provide just 12 truly dual aspect units, equating to 30%.

7.5.3. In my opinion, the excessive level of single aspect units can largely be attributed to the density, the excessive length of the building, and the single core nature of the access and when combined with the scale and massing issues I would consider it to be indicative of overdevelopment. Whilst I note that the east facing single aspect units would have good outlook over the amenity space it would not outweigh my concerns regarding the very low level of dual aspect provision on what is a largely unconstrained and open site. In my opinion, the proposed development would not provide a satisfactory standard of living accommodation for future occupiers and would be contrary to SPPR4. It is my view that the development should be refused on this issue.

7.6. Residential Amenity

7.6.1. The grounds of appeal raise concerns that the development would have an adverse impact on residential amenity in terms of being overbearing, a loss of daylight/sunlight, and an increase in overlooking. Having considered these matters in detail, I am fully satisfied that the development is located in such a way, including distance and orientation to site boundaries and adjacent properties, that there would be no significant impacts in terms of overbearance, daylight/sunlight, or overlooking. Concerns raised in the appeal that the development would reduce natural light levels and consequently could potentially increase the risk of road accidents are, in my opinion, unfounded.

7.6.2. Further concerns raised are that there is no consideration of the impact of such a large development on local services. In my opinion, a development of 40 homes would be unlikely to have a significant effect on local services and infrastructure. Indeed, the CDP requires a Community Infrastructure Assessment, but only on development proposals for at least 100 units. I am therefore satisfied that the development contributions identified by the Council would be sufficient to mitigate any impacts.

7.7. Transport

7.7.1. The Appellants raise a substantial number of transport related issues that can be broadly summarised as excessive traffic generation and the ensuing traffic and safety impacts, lack of pedestrian and cyclist facilities, road safety matters, and parking impacts

Traffic

- 7.7.2. The Appellants initially raised concerns that the application was submitted without a Traffic Impact Assessment. A Traffic Impact Assessment was submitted at Further Information stage, and it is the view of the Appellants that the surveys were undertaken during holiday periods and that the traffic volumes presented are unrealistic. It is argued in the appeal that the current road cannot accommodate the additional traffic, and that the safety of all road users would be compromised.
- 7.7.3. A Traffic and Transportation Assessment (dated March 2023) was submitted at Further information Stage. Traffic counts were undertaken on Tuesday the 14th March 2023. I note that this was not within a holiday period, and I am therefore satisfied that the traffic survey represents a typical day in the operation of the local road network. The traffic assessment measures both turning count and capacity at the main junction between the L-96391-0 and the R639, the main junction at the Brook Inn. The assessment analyses the impact of the development in the opening year scenario (2025), as well as projections through 2030 and 2040. The assessment quantifies turning counts and junction performance using a 'do nothing' and 'with development' scenario for each of the time lines (2025, 2030, and 2040).
- 7.7.4. In terms of turning count, in my opinion there would be no significant change with the development in place when analysing the projected movements from 2025 – 2040, with the maximum additional movements ascribed to the development predicted to be 5 in the morning peak and 6 in the evening peak.
- 7.7.5. In terms of junction capacity, a Ratio of Flow to Capacity (RFC) of 0.85 or less at peak times, is considered to be acceptable. This indicates that the junction is operating at 85% capacity and has headroom for periods of unusually high traffic flow. The junction capacity study indicates that at no point during the morning or evening peak, would the junction of the L-96391-0 and the R639 exceed an RFC of 0.21, indicating that the junction would be operating well within its capacity, even with the development in place.
- 7.7.6. Traffic generation associated with the development has been predicted using TRICS modelling. I note that examples used from the database includes suburban areas (out of centre). However, it is not clear if examples used are directly comparable to the appeal site which, although located within the boundaries of Glanmire, which is classed as an urban town, is very much on the periphery. The predicted traffic

generation is nine additional trips in the morning peak and 16 additional trips in the evening peak. Given the peripheral nature of the site, this could be regarded as a conservative estimate. However, even taking into account potential concerns regarding the modelling of periphery sites, I am satisfied from the turning count and junction capacity assessments that there is adequate capacity within the local road network to accommodate the development.

Public Transport, Parking, Pedestrians and Cyclists

- 7.7.7. The Traffic and Transport Assessment acknowledges that cars will dominate the development's traffic movements but notes that the availability of a high quality bus service to and from the development will encourage a modal shift. The nearest bus stop to the site is approximately 350m away on the R639. This bus stop is served by the 245 intercity service between Cork and Clonmel which operates on a roughly hourly basis. The nearest additional bus service is approximately 1km away in Riverstown, the 214 serving Cork University Hospital to Glyntown on a roughly 20 minute interval. The area does not appear to be served by any cycling infrastructure of note. Riverstown is the nearest area providing shops and services and would also be a 1km walk.
- 7.7.8. The appeal site connects to the R639 via the L-96391-0. As previously mentioned, there is no pedestrian infrastructure linking the site to the footpaths at the Brook Inn on the R639. The development proposes a short section of footpath running along the site frontage only, with two raised tables. I have no objections to the raised tables or the short section of footpath and do not share the concerns of the Appellants in this regard. I note the Part VIII scheme proposed at the Brook Inn, in addition to the Planning Authority seeking contributions to provide a pedestrian linkage along the L-96391-0 that would link the site to the footpaths at the Brook Inn, however, I am not aware of any immediate plans in place to provide this infrastructure and recognise that this has been a somewhat longstanding issue, having first been raised on the 2016 permission to redevelopment Richmond Rise.
- 7.7.9. Given the current public transport offering and the lack of pedestrian and cycling infrastructure in the area, I am of the view that the development would be heavily car dependant, and this further increases my concerns regarding the ability of the site to accommodate a development at the proposed density. The Appellants have also

raised concerns that the development would be car dependant in addition to concerns that parking for the development would be inadequate. I am satisfied that the level of cycle parking provision being proposed is suitable for the development, however, car parking provision is 28 spaces, having been reduced from 31 spaces by way of Further Information.

7.7.10. As a result of the poor public transport provision at the site, I consider the concerns of the Appellants regarding parking to be reasonable. Whilst I acknowledge that national policy seeks to reduce parking, cognisance has to be given to the clear potential that the proposed parking would be inadequate to sustain not just the development but visitor parking as well. I consider that there would be a risk of overspill parking onto the L-96391-0 and, in the absence of pedestrian footpaths fully linking to the R639, I am of the view that the development would impact on the safety of pedestrians who at present have to walk on the roadway. Whilst I acknowledge that a short section of footpath would be provided on the immediate site frontage, this is very limited and would not overcome my concern regarding pedestrian linkages to the R639. This would be exacerbated by any overspill parking, which would narrow the carriageway and compromise pedestrian safety given that this road currently provides access to a significant number of homes on Glenrichmond, in addition to the 77 homes nearing completion at Richmond Rise.

7.7.11. Therefore, having regard to the scale and density proposed, the lack of suitable pedestrian linkages, the excessive walking distance to services, and the lack of suitable public transport serving the site, it is considered that the proposed development would be excessively car dependent. Furthermore the potential for overspill parking on the L-96391-0 in the absence of pedestrian infrastructure would compromise pedestrian safety.

7.7.12. Other matters raised by the Appellants regarding construction traffic impacts are issues that I am satisfied can be appropriately dealt with by way of condition. Furthermore, I am satisfied that appropriate visibility splays have been demonstrated.

7.8. Ecology

7.8.1. Various concerns are raised by the Appellants' regarding the potential ecological impacts of the development, including the potential spread of invasive species. The validity of the ecological survey is questioned, and it is stated that further

environmental assessment is required. A clear preference is expressed for the site becoming an amenity space, which the Appellants consider would be of more value to residents, with the Glashaboy River as an ecological corridor, warranting the protection of landscape features and woodland. Objections are raised to the removal of trees, and it is stated that the site should incorporate native mixed woodland, to complement the adjoining riparian woodland.

- 7.8.2. I note the preference expressed by the Appellants that the site become an amenity space and the role of the Glashaboy River as an ecological corridor. The site is zoned for Sustainable Residential Neighbourhoods, where housing is a permissible use, and I have no objection to these serviced and zoned lands being developed for housing, subject to all relevant planning considerations, including ecological impacts. In any event, the amenity space provided as part of the development would be publicly accessible.
- 7.8.3. I have considered the submitted Ecological Impact Assessment (November 2022) in full and I am satisfied that the report is comprehensive and fit for purpose, having been completed by suitably qualified persons and that the relevant surveys were carried out during appropriate periods, with the exception of Common Frog, Smooth Newt and Marsh Fritillary as noted in the report, and I agree with the report that these are not limitations on the findings of the field assessment given the absence of suitable habitat within the site (frog and newt) and absence of suitable host plants (Marsh Fritillary).

Protected Species

- 7.8.4. The site is considered to provide nesting habitat, cover, and foraging/commuting routes for bats, birds and small mammals including pygmy shrew and hedgehog. The riparian corridor provides suitable commuting/foraging habitat for grey heron, little egret, kingfisher, grey wagtail, white throated dipper, otter, bats, red squirrel, and small mammals. Within the wider area, potential breeding or resting sites for larger mammals, such as badger, are assumed to be present.
- 7.8.5. The site was found to support suboptimal foraging habitat for grey heron and no heronry was recorded, albeit the report notes that grey heron may use the riparian corridor outside of the site for nesting. Little egret, kingfisher, grey wagtail, and white throated dipper are likely to use the Glashaboy River for commuting/foraging.

- 7.8.6. I note that there are records of otter activity on the Glashaboy River as well as the presence of a natal holt, however this is located in excess of 150m north of the site. Bats were observed in flight over the site and whilst no bat roosts were confirmed within the site, one tree on the western boundary, along with ivy covered trees in the riparian corridor, were found to display roosting potential. Signs of foraging by squirrels were recorded during the walkover survey along the banks of the river, the tree lined corridor is therefore likely to support foraging/commuting/nesting red squirrels.
- 7.8.7. The report identifies that the Glashaboy River provides suitable spawning, nursery, rearing, and foraging for Atlantic salmon, river lamprey, brook lamprey, European eel, and brown trout, amongst other species. Whilst lamprey/eel may be present in the Glashaboy River, no in river works are proposed and the river is too shallow to support salmon. All species may occur in the lower reaches of the river and within Cork Harbour.
- 7.8.8. The EclA concludes that, subject to following best practice measures and standard avoidance and mitigation control measures, the construction and operational stage of the development would not have a significant negative impact on ecology. The mitigation measures are set out in detail in Section 11 of the EclA and I agree with the report's findings.

Invasive Species

- 7.8.9. At the outset I would note that the EclA states that the botanical survey was undertaken in September/October which is outside of the optimum period from May to September. The report concludes that the mild weather conditions and the absence of frost, in addition to the expertise of the surveyor are such that there is no constraint on the findings of the botanical study. In my opinion, this is reasonable.
- 7.8.10. The EclA notes the presence of four invasive species, Bohemian Knotweed, Cherry Laurel, Buddleia, and Traveller's Joy, also noting that the Bohemian Knotweed within the site has previously undergone a chemical herbicide treatment programme and that specialist intervention is required to achieve eradication. Section 11 of the EclA sets out the various mitigation measures for the development. Section 11.7 deals specifically with terrestrial invasive species and recommends measures regarding the transport of soil/gravel/stone to the site, which are to be inspected by the Site Ecologist, as well as inspection/review of donor sites, provision of exclusion zones

around invasive species on site until eradication takes place, and the implementation of an Invasive Species Management Plan with regards to the Bohemian Knotweed. In my opinion, these measures are acceptable.

Trees

- 7.8.11. I have reviewed the Applicant's Tree Survey (March 2023). According to the tree survey, a total of 22 trees are proposed for removal. Of these trees, 19 are Category U and three are Category C. No Category A or B trees are proposed for removal and none of the trees which are to be removed are subject to a tree preservation order. The two horse chestnut trees proposed for removal on the roadside, and specifically referred to by the Appellants, are both Category U trees, with the larger of the two trees noted by the Arboriculturalist as being in an advanced state of decline and at high risk of failure. I have no objections to the removal of the Category C and U trees in order to facilitate the development, subject to a pre-clearance bat survey as recommended in the EclA (which will also confirm the presence/absence of a drey), as well as appropriate conditions to secure replanting with native species,

7.9. Flood Risk

- 7.9.1. It is stated in the appeal that development of the site would be inappropriate given that the site is a known floodplain and the need for greater flood defences downstream. It is argued that the Flood Risk Assessment (FRA) and quantitative appraisal fall short of the information requested by the Council at Further Information Stage and that the FRA does not assess the site as it currently stands, instead being conducted when site levels were artificially raised due to the dumping of materials. It is argued that the development has the potential to impact on the remainder of the flood proposals contained in the Glanmire (Glashaboy) Flood Relief Project.
- 7.9.2. In terms of the alleged dumping of materials on site, it is important to note that enforcement is a matter for the Planning Authority as opposed to the Board. The Planning Authority have confirmed that the matter is being investigated/managed through the Enforcement Section of Cork City Council. In any event, I do not consider that the matter would be determinative with regards to flood risk as the 0.1%, 1%, and 10% probability of flooding scenarios are extracted from the River Lee Catchment Flood Risk Assessment and Management Study (CFRAMS) which was carried out by the OPW between 2006 and 2013.

- 7.9.3. The site contains Flood Zones A, B, and C. I note that the proposed apartment building would be entirely located within Zone C and that no part of the building would lie within the flood waters of any predicted flood. Furthermore, the finished floor level of the undercroft car park would be 19.2m AOD, this would be 2m higher than the 0.1% AEP flood level of 17.17m AOD and higher than the proposed Glashaboy River Drainage Scheme defences (18.5m AOD to 18.58m AOD) proposed for the east bank of the river, which the OPW consider would be high enough to defend against all flood events predicted in the River Lee CFRAMS. Development within Zones A and B would be restricted to landscape and amenity with the only built items being footpaths, steps, lighting columns and similar installations/furniture. The FRA confirms that these would be constructed using flood resilient construction and materials on the basis that they could be subject to flooding. In my opinion the proposed development is acceptable in terms of flood risk on site, and I am satisfied that due regard has been given to the Glashaboy River Drainage Scheme. Subject to the increase in floodplain proposed, in addition to the proposed SUDs scheme and attenuation measures ensuring greenfield run off rates, I am satisfied that the development would not contribute to flooding downstream.
- 7.9.4. Concerns are raised in the appeal regarding the Applicant's response to Further Information regarding the location of the foul sewer crossing the site and the need for there to be no development within 2m of the pipe. In responding to the Further information request, the Applicant stated that the development would be moved slightly in order to achieve the required separation distance to the foul sewer and the Appellants' state that clarity is needed on the exact new location of the proposed development.
- 7.9.5. From the information on file, I am satisfied that the location of the foul sewer is shown clearly on the plans as are the changes from the scheme as originally submitted and as amended by Further Information. For clarity, the building has moved slightly to the north to increase the separation distance from the foul sewer. Additionally, the internal path network has been rearranged in order to not conflict with the sewer as per Uisce Éireann requirements. In my opinion this is acceptable.
- 7.9.6. I also note concerns raised in the appeal that flood mitigation works can only be carried out by the OPW and that this has not yet commenced nor has consultation with the OPW taken place. In my opinion, the proposed development does not rely on, nor

would it interfere with any of the proposed flood relief works, which are proposed for the east bank of the Glashaboy River, opposite the appeal site.

7.10. Other Matters

Procedural Matters

- 7.10.1. Various procedural matters are raised in the appeal, including enforcement matters and dissatisfaction with the Council's assessment. It is not a matter for the Board to regularise any perceived or actual deficiencies or errors made in the assessment of planning applications by the Planning Authority and with regards to the enforcement matter referred to, this is a function for the planning Authority rather than the Board.

Part V

- 7.10.2. The appeal raises concerns regarding discrepancies on the purchase date of the site and whether this results in a 10% or 20% requirement. It is stated that a date of 26/05/2021 is give by the Applicant whilst the Planning and Design Statement cites 19/11/2021. I am satisfied that this matter was suitably addressed at Further Information stage when the Applicant provided confirmation of the deed of transfer, showing a date of 26th May 2021. This was reviewed by the Planning Authority and considered acceptable and I have no reason to dispute the information provided.

8.0 AA Screening

8.1. Compliance with Article 6(3) of the Habitats Directive

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

8.2. Background on Application

- 8.2.1. The Applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application, prepared by Ecosystem Services Ltd. (November 2022). The statement provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

8.3. Screening for Appropriate Assessment- Test of likely significant effects

8.3.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

8.3.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

8.4. Brief Description of the Development

8.4.1. The report provides a description of the project in Section 4.0. In summary, the development comprises:

- Construction of a five storey building comprising 40 residential units with all ancillary services including car parking, bicycle and bin storage, vehicular and pedestrian access routes, drainage (surface water attenuation and wastewater pumping station) and landscaping/amenity areas.

8.4.2. The development would incorporate the realignment and diversion of an existing stream that cross the site and the creation of two new outfalls onto the Glashaboy River, one serving the diverted stream and one serving the SUDs scheme/attenuation.

8.4.3. The site itself comprises large areas of scrub and with woodland on the site edges, including the riparian border. The land slopes steeply from west to east towards the river and there are no buildings on the site.

8.4.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

Construction Stage

- Construction related impacts, provision of a site compound, removal of vegetation provision of two new outfalls.
- Disturbance from noise, vibration, light, visual and human activities.
- Water abstraction sand discharge, including potential for ponding water, impacts on groundwater, and siltation. Risk of impacts on water quality as a result of pollution and/or sedimentation of the watercourse due to cement

residues, siltation, suspended solids, chemical herbicides and disinfectant, or hydrocarbons entering the water during construction works and the proposed two new outfalls, in addition to contaminants from the construction site in general and potential contamination of groundwater during excavations.

- Impacts from foul water and waste.
- Air pollution.
- The spread of invasive species (both terrestrial and aquatic).
- Fragmentation.

Operational Stage

- Loss of habitat as a result of the two new outfalls. Risk of bird collision/mortality as a result of the glass facades.
- Disturbance from noise, vibration, light, visual and human activities.
- Impacts on water pollution, waste, abstraction and groundwater.
- Air pollution.
- Invasive alien plant species.
- Fragmentation.

8.5. European Sites

8.6. Section 177AE of the Planning & Development Act, 2000 (as amended), sets out the requirements for AA of development carried out by or on behalf of a local authority. Section 177AE(3) states that where a NIS has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA. There is no requirement for the Board to undertake screening in these cases as it is presupposed that the local authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant). Nonetheless, it is considered prudent to review the screening process to ensure alignment with the site(s) brought forward for AA and to ensure that all site(s) that may be affected by the development have been considered.

8.6.1. A 15km radius from the application site is the distance normally used for considering the potential for impact of a proposed development on a European site, though this is extended or reduced depending on the type and scale of the proposed development, the nature of the European site etc. Having regard to the information available, the nature, size, and location of the proposed development, its likely direct, indirect, and cumulative effects, the source-pathway-receptor principle, and sensitivities of the ecological receptors, the only European sites that I consider relevant for inclusion for the purpose of initial screening on the basis of likely significant effects are those in the immediate proximity or those that are hydrologically linked, given the nature of the proposed works. The European sites that meet these criteria are:

European Site (SAC)SPA)	Qualifying Interests / Special Conservation Interests	Distance
Cork Harbour SPA (Site Code 004030)	A004 Little Grebe Tachybaptus ruficollis A005 Great Crested Grebe Podiceps cristatus A017 Cormorant Phalacrocorax carbo A028 Grey Heron Ardea cinerea A048 Shelduck Tadorna tadorna A050 Wigeon Anas penelope A052 Teal Anas crecca A054 Pintail Anas acuta A056 Shoveler Anas clypeata	Approximately 2.5km across land at closest point and 3km surface/ground water. Hydrological connection downstream.

	<p>A069 Red-breasted Merganser <i>Mergus serrator</i></p> <p>A130 Oystercatcher <i>Haematopus ostralegus</i></p> <p>A140 Golden Plover <i>Pluvialis apricaria</i></p> <p>A141 Grey Plover <i>Pluvialis squatarola</i></p> <p>A142 Lapwing <i>Vanellus vanellus</i></p> <p>A149 Dunlin <i>Calidris alpina alpina</i></p> <p>A156 Black-tailed Godwit <i>Limosa limosa</i></p> <p>A157 Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>A160 Curlew <i>Numenius arquata</i></p> <p>A162 Redshank <i>Tringa totanus</i></p> <p>A179 Black-headed Gull <i>Chroicocephalus ridibundus</i></p> <p>A182 Common Gull <i>Larus canus</i></p> <p>A183 Lesser Black-backed Gull <i>Larus fuscus</i></p>	
--	--	--

	A193 Common Tern <i>Sterna hirundo</i> A999 Wetlands Mallard Greenshank	
Great Island Channel SAC (Site Code 001058)	1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows (<i>Glauco- Puccinellietalia maritimae</i>)	Approximately 5km at closest point, 9.5km via ground and surface water.

8.6.2. The conservation objectives for the Cork Harbour SPA are set out in the 'Conservation Objectives Series for Cork Harbour SPA (004030)' document published by the Department of Arts, Heritage and the Gaeltacht. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Site attributes, targets and measures are set out for each QI.

8.6.3. The conservation objectives for the Great Island Channel SAC are set out in the 'Conservation Objectives Series for Great Island Channel SAC (001058) document, also published by the Department of Arts, Heritage and the Gaeltacht. The conservation objectives are to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC, and to restore the favourable conservation condition of Atlantic salt meadows (*Glauco- Puccinellietalia maritimae*) in Great Island Channel SAC. Site attributes, targets and measures are set out for each QI.

8.7. Identification of Likely Effects

8.7.1. The Screening Report concludes that the European Sites detailed above would not be at risk of likely significant effects from the construction or operational stage of the development for the following reasons:

- The development does not overlap with any European Site.
- The site does not support roosting/nesting and has suboptimal foraging in respect of Grey Heron which is of special Conservation Interest for the SPA. The site does not support habitats of Qualifying Interests for the SAC.
- The scale and duration of the works and the existing landscape/built form along with the absence of heronry and the suitable riparian buffer results in limited potential for fight or flight from Grey Heron as a result of light, noise, visual disturbance and human related activity during construction and operation.
- In terms of the three-surface water and (potential) groundwater pathways to the European Sites, the report concludes that a Construction Environmental Management Plan will include the deployment of an Aquatic Environmental Protection System that would protect the water quality of the Glashaboy River, particularly during the installation of the two new outfalls.
- Water pollution events are likely to be of a low magnitude and infrequent once the CEMP and best practice measures have been adhered to.
- The distance to the European Sites, dilution effects, and employment of best practice measures would result in significant effects on the European Sites being unlikely.
- Potential for operational stage effects is considered to be limited as surface water will discharge via a silt trap and fuel interceptor.

8.7.2. Whilst I agree with the majority of the conclusions set out in the Applicant's Appropriate Assessment Screening Report, I am of the view that some of the measures set out as Best Practice would qualify as mitigation measures, which cannot be considered at Stage 1.

8.7.3. The report details the deployment of an Aquatic Environmental Protection System. This is required in order to protect the water quality of the Glashaboy River prior to the commencement of site investigations, vegetation removal, site clearance and during construction works and, in particular, during the construction of the two new outfalls to the Glashaboy River. The report states that the main contractor will submit a Method Statement which will include details of the AEPS to allow consultation and approval of Inland Fisheries Ireland. In my opinion, and employing the precautionary approach, I

consider that the AEPS is required as a direct result of the need to minimise potential impacts on the water quality of the Glashaboy River and consequently, the Cork Harbour SPA 3km downstream. It cannot be categorically ruled out that without the AEPS, water quality and prey resources would not be subject to significant effects.

- 8.7.4. On the basis of the information provided with the application and the appeal and particularly having regard to the inclusion of mitigation measures within the Appropriate Assessment Screening Report, the Board cannot be satisfied that the proposed development individually, or in combination with other plans and projects approved in the local area, would not result in adverse effects on the integrity of the Cork Harbour SPA in view of the site's Conservation Objectives.

9.0 Recommendation

- 9.1.1. Having regard to the foregoing, I recommend that the Board refuse planning permission for the following reasons:

10.0 Reasons and Considerations

1. The proposed development, by reason of its excessive height, scale, and massing, in addition to the excessive density proposed, would constitute overdevelopment of the site resulting in an obtrusive and visually incongruous development that would be out of character with the pattern of development in the vicinity and would result in a substandard form of development by reason of the excessive level of single aspect units that would fail to provide quality residential amenity for future occupiers. The development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site and the scale and density of development proposed, the lack of suitable public transport and pedestrian linkages, and the excessive walking distance to services, it is considered that the proposed development would be excessively car dependent. Furthermore, the proposed parking provision and the car dependant nature of the development is such that overspill parking on the local road network, in the absence of pedestrian infrastructure, would endanger pedestrian safety by

reason of a traffic hazard. The development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the inclusion of mitigation measures within the Appropriate Assessment Screening Report, the Board cannot be satisfied that the proposed development individually, or in combination with other plans and projects approved in the local area, would not result in adverse effects on the integrity of the Cork Harbour SPA in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from considering a grant of permission for 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.

Terence McLellan
Senior Planning Inspector

30th August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317662-23		
Proposed Development Summary	Construction of 40 apartments and all ancillary works.		
Development Address	Knocknahorgan (townland), Sallybrook, Glanmire, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10 (b) (i), threshold >500 dwellings.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317662-23	
Proposed Development Summary	Construction of 40 apartments and all ancillary works.	
Development Address	Knocknahorgan (townland), Sallybrook, Glanmire, Co. Cork	
<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</p> <p>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 proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the</p>	<p>The size of the development would not be exceptional in the context of the existing environment to the extent of warranting an EIAR.</p>	No.

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p>Location of the Development</p> <p>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 has a hydrological connection to the Cork Harbour SPA via the Glashaboy River and the wastewater network. Appropriate Assessment was not screened out due to the inclusion of mitigation measures in the Stage I AA Screening Report please refer to section 8 of this report.</p> <p>The site is zoned for residential use in the CDP which itself was subject to SEA & AA. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</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>		

Inspector: _____

Date: _____