



An
Bord
Pleanála

Inspector's Report

ABP-318124-23

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|-------------------------------------|---|
| Development | Construction of 23 houses (reduced from 44 houses by condition) |
| Location | Lavallin, Farranastig, Whitechurch, County Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 22/6067 |
| Applicant(s) | Reside Developments Ltd. |
| Type of Application | Planning Permission |
| Planning Authority Decision | Notification to Grant |
| Type of Appeal | First Party Appeal against Condition |
| Appellant(s) | Reside Developments Ltd. |
| Observer(s) | Eileen Geaney |
| Date of Site Inspection | 29 th May 2024 |
| Inspector | Gary Farrelly |

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2.19 hectares and is located within the village of Whitechurch, County Cork. Whitechurch is located approximately 10km north of Cork City. The subject site is located south of an existing housing estate known as Lavallin Estate which comprises of 38 no. dwellings.
- 1.2. The topography of the site slopes downwards from the northern boundary to the southern boundary. The site is bounded by the existing housing estate and associated roadways to the north and northeast, by the public road to the east, by a ditch to the south beyond which is a private road that serves a wastewater treatment plant and to the west by a ditch beyond which are agricultural lands.

2.0 Proposed Development

- 2.1. Permission is sought to construct 44 no. dwellings with connections to the mains water and wastewater services. Surface water is proposed to be treated via attenuation and petrol interceptor before discharging to a storm sewer to the west of the site. This storm sewer discharges to an existing attenuation pond located to the southwest of the subject site. The development was revised over the course of the application from 49 no. dwellings to 44 no. units.
- 2.2. A phasing plan submitted by the Applicant proposed the construction of 23 no. dwellings within Phase 2A and 21 dwellings within Phase 2B. As part of the planning authority's notification to grant permission they granted permission only for the development of Phase 2A under Condition 2. Phase 2A comprises of the following:
 - 1 no. detached 4-bed two storey dwelling,
 - 6 no. semi-detached 4-bed two storey dwellings,
 - 7 no. semi-detached 3-bed two storey dwellings,
 - 4 no. terraced 3-bed two storey dwellings,
 - 2 no. terraced 2-bed two storey dwellings,
 - 3 no. semi-detached 2-bed two storey dwellings,

and associated roadways linking from the existing estate roads and 2 no. open space areas.

2.3. Phase 2B comprises of the following:

- 2 no. detached 4-bed two storey dwellings,
- 1 no. terraced 4-bed two storey dwelling with garage,
- 1 no. terraced 4-bed two storey dwelling,
- 5 no. semi-detached 4-bed two storey dwellings,
- 4 no. semi-detached 3-bed two storey dwellings,
- 1 no. terraced 3-bed two storey dwelling,
- 6 no. terraced 2-bed two storey dwellings,
- 1 no. semi-detached 2-bed two storey dwelling.

3.0 Planning Authority Decision

3.1. Decision

In considering the application, Cork County Council (the Planning Authority) sought further information and clarification of further information in relation to a number of issues including the following:

- They considered that the development did not comply with the development plan objective of Whitechurch regarding its envisaged growth of 50 units for the period of the Plan.
- They requested a reduction of units to comply with Section 4.9.2 of the Development Plan which seeks to ensure that the size of any individual residential scheme does not exceed 50% of the overall scale of development for the settlement within the plan period.

The Planning Authority decided to grant permission by Order dated 11th September 2023, subject to 47 no. mainly standard conditions, including the following:

Condition No. 2

Permission herein is granted for Phase 2A, i.e. 23 no. dwellinghouses only, as indicated on the proposed site layout plan, drawing no. 802- RFI-101, submitted to the Planning Authority on the 15/08/2023.

Reason: In the interests of clarity to comply with the scale of growth provisions of the County Development Plan.

A financial contribution was attached as part of Condition number 47.

3.2. **Planning Authority Reports**

Planning Reports

There was a total of 3 no. area planner reports which assessed the development in terms of the principle, visual amenity and layout, residential amenity, open space, transportation, water supply, wastewater, surface water, archaeology, Part V provision and lighting. The final report recommended a grant of permission subject to a condition that only Phase 2A of the development could be built out, i.e. 23 houses. These reports were all endorsed by the Senior Executive Planner.

Other Technical Reports

- Area Engineer (report dated 17th October 2022) – They had no objection to the development subject to conditions.
- Engineering (reports dated 13th July 2023 and 22nd August 2023) – They recommended deferral of the application or for their issues to be conditioned. They required a CCTV survey of the existing sewer network and as constructed drawings to be submitted.
- Estates (reports dated 27th October 2022 and 30th June 2023) – They recommended further information for the applicant to clarify if they had control over phase 1 as there was a bond issue, whether they had permission to connect to the existing sewer network in phase 1 and requested an increase of carparking provision. They had no objection subject to conditions after the submission of further information.
- Water Services (report dated 24th August 2023) – They recommended deferral of any decision until it was demonstrated that there was adequate capacity within the wastewater treatment plant and network, details on how a foul line

would be diverted and they requested a connection agreement with UÉ. They note that UÉ are now operating, managing and funding the WWTP. The report from the Senior Executive Planner stated that they had liaised with Water Services after the issuing of this report and noted that Water Services now had no objection to permission being granted.

- Public Lighting (reports dated 7th October 2022, 30th June 2023 and 22nd August 2023) – They had no objection to the development subject to conditions.
- Archaeology (reports dated 27th October 2022, 3rd November 2022, 11th July 2023 and 28th August 2023) - They requested an Archaeological Impact Assessment as part of further information. After submission of further information, they were satisfied with the recommendations of the submitted report and had no objection subject to a condition for site monitoring.
- Housing (report dated 10th October 2022) – They had no objection to the development.

3.3. Prescribed Bodies

- Uisce Éireann (reports dated 31st October 2022 and 14th July 2023) – They stated that there were water capacity constraints within the existing water treatment plant in Whitechurch, however, that a water connection was feasible subject to upgrades. It was expected that a new source would be operational by the time the subject houses are constructed. Furthermore, they noted that the wastewater treatment plant within Whitechurch was in private ownership and that a wastewater connection was feasible without an infrastructure upgrade.
- Inland Fisheries Ireland (report dated 30th September 2022) – They noted that no information was provided on the capacity of the wastewater treatment plant, the method of final disposal or final treatment standards. They did not provide a response to the further information responses.

3.4. **Third Party Observations**

A total of 8 no. third party submissions, including from one public representative, were received by the planning authority which raised a number of issues including concerns in relation to open space provision, density, increased traffic, water and wastewater capacity, lack of facilities in the village, surface water flooding and permeability. Concern was also raised that all the allowable development within the settlement over the plan period would be controlled by a single developer.

4.0 **Relevant Planning History**

On subject site

PA Ref. 05/1025

Permission was granted to Dan Buckley to construct 131 houses, creche and associated works. Further permission granted under ref. 08/8129 for alterations to house types and site layout. Extension of duration approved under application ref. 10/8211.

Site approximately 300 metres northeast

PA Ref. 21/7400

Permission granted for 14 dwellings originally approved under application ref. 00/683.

PA ref. 00/683

Permission granted for 72 no. residential units. Duration was extended under application refs. 12/5304 and 17/7132. Extension of duration 17/7132 ceased to have effect on 31st December 2021 (prior to the adoption of the Cork County Development Plan 2022-2028).

Site approximately 400 metres northwest

PA Ref. 22/4333

Permission granted for 10 dwellings (an increase of 5 no. dwellings from the 44 dwellings granted under application ref. 19/6351).

PA Ref. 19/6351 / ABP Ref. 306603-20

Permission granted for the construction of 44 no. dwellings (approved during the previous Plan period).

5.0 Policy Context

5.1. Development Plan

- Cork County Development Plan 2022-2028

Core Strategy Statement – Section 2.13

Paragraph 3

Generally, the allocation of growth targets, seeks to ensure that the growth would be sustainable and in keeping with the scale of the settlements. It also ensures the capacity to accommodate the additional growth without damage to the settlement's character and the carrying capacity of their environment and infrastructure.

Paragraph 5

In limited circumstances, where there is outstanding planning permission for dwelling units, such developments or commitments may result in these settlements already breaching or close to breaching the 30% rate. In these cases it is considered important that an allowance for growth on-sites without the benefit of planning permission, taking into account spare capacity or the imminent construction of additional water infrastructure which failed to materialise over the course of the previous plan period is made.

Paragraph 6

This plan does not zone residential development within the boundaries of villages less than 1,500 population or villages that are due to grow in excess of 1,500 during the lifetime of the plan. Rather, each village is assigned an 'Overall Scale of New Development'. It is not intended that this figure is seen as a target, or an absolute maximum limit on development, but as an indication of the number of additional dwellings which could reasonably be accommodated within a settlement over the lifetime of this plan subject to other considerations of proper planning and sustainable development.

Objective CS 2-7: Network of Settlements – Villages

Encourage and facilitate development at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available and support the retention and improvement of key social and community facilities within villages, including the improved provision of inter urban public transport.

Objective HOU 4-7: Housing Density on residentially zoned land

Medium C (Min Net Density of 5 / Max Net Density of 20)

Table 4.1: Within Villages generally applicable for future development on edge of centre sites.

Section 4.9.2 Density Approach to Villages

In order to ensure some diversity in design and to encourage the delivery of units it is recommended that the size of any individual residential scheme should not normally be over 50% of the Overall Scale of Development within the Plan period.

Volume 4 of CDP: Section 2.16 - Whitechurch

Whitechurch is designated as a village within Metropolitan Cork within Volume 4 of the Development Plan. The vision for Whitechurch to 2028 is to secure an increase in the population of the settlement to retain and improve local services and facilities and to strengthen infrastructure provision and public transport connections. It is envisaged that a maximum growth of 50 units over the lifetime of the plan would represent a sustainable level of growth in Whitechurch and would reflect the established grain of development in the village. Lands within or closest to the village core are to be developed first.

Objective DB-01

Within the development boundary of Whitechurch encourage the development of up to 50 dwellings during the plan period.

5.2. National Policy

- Project Ireland 2040 – National Planning Framework and National Development Plan 2021-2030
- Climate Action Plan 2024

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.4. National Guidance

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

Table 3.3 Areas and Density Ranges – Metropolitan Towns and Villages

Metropolitan Villages are small in scale with limited infrastructure and services provision. These settlements are identified for incremental growth that takes account of the capacity of existing services and infrastructure (including public transport and water services infrastructure). Density should be tailored to reflect existing density and / or built form but should not generally not fall below 25 dph.

5.5. Natural Heritage Designations

The subject site is not located within any designated site. The nearest designated sites are the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) approximately 8km northeast of the site, and the Cork Harbour Special Protection Area (SPA) (Site Code 004030) approximately 10km southeast of the site. Ardamadane Wood, a proposed Natural Heritage Area (pNHA), is located approximately 4.5km southwest of the subject site.

5.6. Environmental Impact Assessment (EIA) Screening

Having regard to the nature, size and location of the proposed development, comprising the construction of 44 no. residential dwellings on serviced lands within an existing settlement, on a site area of 2.19 hectares, and to the criteria set out under Schedule 7 of the Planning and Development Regulations 2001, as amended, 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 by the Applicant on 29th September 2023 which can be summarised as follows:

- The subject appeal relates to the omission of condition no. 2.
- The development originally applied for comprised the construction of 49 dwellings which was reduced to 45 no. units at further information stage and to 44 no. units in a subsequent clarification submission.
- The council's decision is based on the incorrect application of the DB-01 objective for Whitechurch. Application refs. 21/7400 and 22/4333 were submitted to the council before the 2022 plan was adopted. The 14 units approved under 21/7400 replaced 14 no. units originally permitted under PA ref. 00/683 (extended by 12/5304 and 17/7132) and are part of an unfinished housing estate which commenced almost 20 years ago.
- The DB-01 objective is based on developed units and not permitted units. Based on the PA's approach there would have to be 100% delivery of 50 no. permitted units for Whitechurch to achieve the CDP unit allocation.
- A review of commencement notices on the BCMS database identifies that commencement of the 22/4333 permission commenced in January 2023 and relates to 5 no. units or 10% of the maximum CDP development and this application was submitted prior to the adoption of the CDP.
- As the rate of commencement notices is much lower than the rate of permissions in the village, it is clear that there is not a 100% correlation between permitted and developed units in Whitechurch and if the village is to achieve the DB-01 objective of developing 50 units during the plan period, it is prudent that a number of units greater than 50 has to be permitted.
- The provision of 44 no. units developed over 2 phases on a centrally located site is consistent with the DB-01 objective and the sequential and sustainable development of the area.

- The site is served by very high-quality infrastructure and facilities including a wastewater treatment plan which is designed for 3000PE and is currently operating at 350PE. The village also has a reservoir with a capacity of 960m³ which has been taken in charge by the council. The village has a range of services and community facilities and is served by a public bus service to Cork city.
- Sequentially, the development represents a logical extension to the village core and given the planning history of the site, it represents the best opportunity to complete an unfinished estate in a central location and timely fashion.
- The omission of the units in an unfinished estate is encouraging growth on more peripheral sites in a non-sequential manner which is not in accordance with Section 28 Guidelines.
- The subject site complies with Section 28 objectives in that it will strengthen the existing village core and complete a housing estate first commenced over 20 years ago, represents sustainable infill development and it will provide for sequential housing development that already has the necessary services and supporting infrastructure.
- The density is in accordance with Section 28 Guidelines.
- In relation to the CDP objective that the size of any individual residential scheme should not be over 50% of the overall scale of development for the settlement, it is proposed to deliver the scheme in two phases. These phases can and will be delivered over a period of 3-5 years, which would mean it would span two development plans.
- It is important to have regard to Section 2.3 of the Section 28 Guidelines in relation to sequential development.
- Condition no. 2 is contrary to the 2007 Development Management Guidelines as it would have an extremely negative and detrimental impact on the development. It is unnecessary and unreasonable and radically alters the nature of the development by halving the number of units permitted.

6.2. Planning Authority Response

The planning authority did not issue a response to the grounds of appeal.

6.3. Observations

An observation was received from Eileen Geaney, on behalf of Whitechurch Development Committee, which can be summarised as follows:

- The phasing of the development over a 3–5-year period is welcome and would provide opportunities for residents to embed in the community on a phased basis.
- The density proposed is consistent with the existing estate.
- The water capacity is of concern in Whitechurch as water from other reservoirs was drawn to Whitechurch over the summer 2022.
- The reference to an estimate of 350PE or 12% capacity in the appeal document is an underestimation based on the number of houses already in the village.
- Safe access for pedestrians and motorists is important at building phases and beyond.
- The public transport provision in the village is inadequate and is only served by one bus.
- The village is small and rural in nature and such rural character and unique community ethos should be retained.
- A village design plan is required for Whitechurch which would allow the village to develop in a well-designed and coordinated fashion.

7.0 Assessment

Section 139(1)(c) of the Planning and Development Act 2000, as amended

- 7.1. The Board should note that this first party appeal relates only to Condition Number 2 of the Planning Authority's (PA) notification to grant permission and whilst one observation has been submitted, there have been no third party appeals against the decision of the PA. The issues raised within the observation were considered by the planning authority at application stage or are outside the scope of this planning application. Having regard to this, to the nature of the development and to the content and nature of condition number 2, I am satisfied that an assessment of the application, as if it had been made to the Board in the first instance, is not warranted. Therefore, it is my view that this appeal can be determined in accordance with Section 139(1)(c) of the Planning and Development Act 2000, as amended.
- 7.2. Notwithstanding my conclusion above, the Board should note that having reviewed the design and layout of the overall scheme for 44 no. houses originally proposed by the Applicant, as submitted to the PA under clarification of further information on 15th August 2023, and to the reports of the planning authority, to the submissions received and having inspected the site, I am satisfied that the overall design and layout of the scheme is in compliance with the objectives set out in the Cork County Development Plan 2022-2028 (CDP), namely objective HOU 4-6, and in accordance with the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), in terms of development standards. I consider that the development will not have any adverse impact on adjoining residential amenity or visual amenity and therefore I have no objection to the proposed development of 44 no. dwellings in this regard.

Condition Number 2

(a) Housing Allocation for Whitechurch

- 7.3. The Board should note that Whitechurch is designated as a village (and not a key village) within the Cork Metropolitan Area under Volume 4 of the CDP, and therefore sits at the bottom of the settlement hierarchy list. I note that Section 2.16.4 of Volume 4 of the CDP states that it is envisaged that a maximum growth of 50 units over the lifetime of the Plan would represent a sustainable level of growth for the village.

Objective DB-01 seeks to encourage the development of up to 50 dwellings during the plan period.

- 7.4. Notwithstanding this, the Board should note that Section 2.13.1(6) of the Core Strategy Statement states that “*no lands are zoned for residential development within villages less than 1,500 population but rather are assigned an overall scale of new development **which is not intended as a target or an absolute maximum limit on development** (my emphasis), but as an indication of the number of additional dwellings which could reasonably be accommodated within a settlement over the lifetime of the plan.*”
- 7.5. It appears that the PA have considered the 50 figure as a target/absolute maximum limit and, as a result, they have considered that the overall development would exceed this figure for the village. I note that they have based this assessment on 19 already permitted units within the village. I also note that the Applicant disputes this 19 figure and I will examine this further below. However, notwithstanding this figure, it is my view that it is open to the Board to consider granting permission for the overall development of 44 no. units, irrespective of whether it exceeds the 50 no. figure. My reasons for this is due to the terminology outlined under Section 2.13.1(6) which clearly states such a figure is not a target or an absolute maximum limit.
- 7.6. However, I consider that any such development is required to be in keeping with the scale of the settlement and should ensure that there is sufficient infrastructural capacity to accommodate this additional growth. I will assess this further below.

(b) Existing planning permissions

- 7.7. The Board should note that Section 2.16.3 of Volume 4 of the CDP acknowledges that there are current permissions for developments of 44 units to the northwest of the village and 72 units (partly developed) to the east of the village.
- 7.8. As stated above, the PA accounted for 19 no. units already permitted within the village as part of their assessment, thereby leaving a remaining allocation of 31 units (if the 50 units are to be interpreted as a maximum target).
- 7.9. I note that permission was granted for 10 dwellings approximately 400 metres northwest of the site under application ref. 22/4333, which represented an increase of 5 units from what was previously granted within the overall site under application ref.

19/6351 (increasing the development from 44 no. to 49 no. units). I note that Section 2.16.3 of Volume 4 of the CDP does not account for these 5 units and I am satisfied that these units should be calculated as additional units from the date of the adoption of the Plan.

- 7.10. Furthermore, I note that permission was granted for 14 units approximately 300 metres northeast of the site under application ref. 21/7400. However, I note that this site formed part of a wider development of 72 no. units previously approved under application ref. 00/683 (extended under application refs. 12/5304 and 17/7132) and which was substantially complete prior to the adoption of the current Plan.
- 7.11. The Board should also note that Section 2.16.3 of Volume 4 of the CDP acknowledges this 72 unit development as a current permission, and therefore it appears that this development has already been accounted for.
- 7.12. Having regard to the above, it is my view that 5 no. units have been permitted since the adoption of the Plan, thereby leaving a remaining allocation of 45 no. units (if the 50 units are to be interpreted as a maximum target). Therefore, I consider that the removal of condition no. 2, permitting 44 no. units, would not result in a contravention of objective DB-01 in this regard.
- 7.13. Additionally, the Board should note that paragraph 5 of Section 2.13.1 of the CDP does provide for an allowance for growth where there are outstanding planning permissions resulting in a breach or close to a breach of the settlement target.

(c) Overall Scale of development for Whitechurch

- 7.14. I note that the PA outlined that it was not desirable for one site to excessively dominate the growth of the settlement where there are other development opportunities for growth within the village. I note the sequential arguments put forward by the Applicant which I consider reasonable.
- 7.15. The Board should note that paragraph 4.9.2 of the CDP states that “**it is recommended**” (my emphasis) that the size of any residential scheme should not normally be over 50% of the overall scale of development within the Plan period. Having regard to this terminology, it is my view that this is not a definitive requirement across every development site.

- 7.16. I note that the subject site is located approximately 150 metres south of the village centre which is connected via a public footpath. Additionally, Uisce Éireann has provided confirmation that a wastewater connection is feasible without the requirement for an infrastructure agreement for the 44 no. units and that a water source will be operational by the time the 44 no. units are completed.
- 7.17. I note that the density of the proposed development is 20 units per hectare which is in accordance with the maximum density outlined for the Medium C density category under Objective HOU 4-7 of the CDP. Having regard to this, to the close proximity of the site to the village centre, to the design and layout of the scheme, to the location of the site being contiguous to an existing housing estate and to the available water and wastewater infrastructure to serve the development, I am satisfied that the location and scale of the development is appropriate to the village and is in accordance with objective CS 2-7 of the CDP. Therefore, I have no significant concerns with the proposed development site accommodating a scale of development above the 50% recommendation.

Material Contravention

- 7.18. Notwithstanding my conclusions above, if the Board are minded to come to a different interpretation and consider the overall development of 44 no. units to materially contravene objective DB-01 of the development plan, I have assessed the development against the four criteria outlined under Section 37(2)(b) of the Planning and Development Act 2000, as amended, which is the criteria that allows the Board to grant permission in the event of a material contravention.

(i) The proposed development is of strategic or national importance.

- 7.19. Having regard to the nature and scale of the development, i.e. a housing project of 44 no. units, I do not consider the project to be of a scale or importance in terms of a national or strategic context.

(ii) There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.

- 7.20. It is my view that objective DB-01 is unclear in terms of it representing a maximum figure for development as it is inconsistent with Section 2.13.1(6) of the core strategy

statement which clearly states such a figure is not a target or an absolute maximum limit.

- (iii) Permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.

7.21. The housing allocation and core strategy set out in the Cork County Development Plan 2022-2028 is taken from the NPF and RSES for the Southern Region. I note that there is nothing within these documents or within Section 28 Guidelines, Section 29 Directives or Government Policy that would allow for a settlement strategy to be overridden.

- (iv) Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.22. I note that no developments have been granted in Whitechurch since the making of the development plan that have overridden the settlement strategy.

Conclusion

7.23. Therefore, it is my view that Section 37(2)(b)(ii) would allow for consideration to be given to the material contravention of the Plan, where such was considered to arise.

8.0 Appropriate Assessment (AA) Screening

8.1. I have considered the overall project of 44 no. dwellings in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 8km southwest of the Blackwater River (Cork/Waterford) SAC (Site Code 002170) and approximately 10km northwest of Cork Harbour SPA (Site Code 004030).

8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Having visited the site and having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and the designated site. The nearest watercourse is the River Bridge which is located approximately 350 metres east of the site. A further watercourse is located approximately 880 metres southwest of the site.
- To the proposed surface water treatment via attenuation and petrol interceptor before connecting to an existing storm water mains which discharges to an attenuation pond to the southwest of the site.
- To the proposed wastewater connection to a wastewater treatment plant operated by Uisce Éireann and which has capacity to cater for the overall development without an infrastructure upgrade requirement.
- Having regard to the distance from the European Site regarding any other potential ecological pathways and intervening lands.
- Having regard to the screening determination by the planning authority.

8.3. I conclude that on the basis of objective information, that the development would not likely have a significant effect on any European Site, either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. Having regard to the nature of the condition the subject of this appeal, I am satisfied that the determination of the application by the Board as if it had been made to it in the first instance would not be warranted.

9.2. I recommend that Condition Number 2 should be **Removed** for the following reasons and considerations.

10.0 Reason and Considerations

1. Having regard to the design and layout of the scheme and to the following:
 - (a) to the core and settlement strategy of the Cork County Development Plan 2022-2028, which was adopted on 6th June 2022, and to the associated population targets being based on the Implementation Roadmap for the National Planning Framework' (2018) and the Regional Spatial and Economic Strategy for the Southern Region;
 - (b) to the designation of Whitechurch as a village within the Cork Metropolitan Area;
 - (c) to Objective DB-01 of the Cork County Development Plan 2022-2028 which encourages the development of up to 50 dwellings within Whitechurch during the Plan period;
 - (d) to Section 2.13.1(6) of the Core Strategy Statement which states that the dwelling figure for each village is not intended to be seen as a target or an absolute maximum limit on development;
 - (e) to the pattern of permitted residential development within the settlement boundary of Whitechurch since the adoption of said Plan;
 - (f) to Section 2.16.3 of Volume 4 of the Plan which acknowledges the existing permissions for the village;
 - (g) to Section 2.13.1(5) of the Plan which provides for an allowance for growth where there are outstanding planning permissions resulting in a breach or close to a breach of the settlement target;
 - (h) to paragraph 4.9.2 of the Plan which recommends the size of any residential scheme should not normally be over 50% of the overall scale of development within the Plan period;
 - (i) to the location of the site being in close proximity to the village centre and adjacent to an existing housing estate and to the existing infrastructure capacity that can accommodate the overall development,

(j) to the density of the development being in accordance with objective HOU 4-7 and appropriate to the scale of the village in accordance with objective CS 2-7, and

(k) to Section 37(2)(b) of the Planning and Development Act 2000, as amended,

the Board considers that the removal of Condition Number 2 of the Planning Authority's decision to grant permission, would be in the interest of the proper planning and sustainable development of the area and would not result in a material contravention of the Cork County Development Plan 2022-2028.

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

10th July 2024

Appendix 1

(a) Form 1: EIA Pre-Screening

| | | | |
|---|--|--|--|
| An Bord Pleanála Case Reference | ABP-318124-23 | | |
| Proposed Development Summary | Construction of 44 no. dwellings, connection to wastewater treatment plant and discharge of surface water via attenuation and petrol interceptor to attenuation pond to southwest of site. | | |
| Development Address | Lavallin, Farranastig, Whitechurch, County 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 | | | |
| Yes | X | Class 10(b)(i) Construction of more than 500 dwelling units. | The proposal is for 44 no. dwellings and the subject site is within an urban |
| | | | Conclusion |
| | | | No EIAR or Preliminary Examination required |
| | | | Proceed to Q.4 |

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| | | 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. | area that measures 2.19 hectares. | |
|--|--|--|-----------------------------------|--|

| 4. Has Schedule 7A information been submitted? | | |
|--|---|----------------------------------|
| No | X | Preliminary Examination required |
| Yes | | Screening Determination required |

(b) Form 2 - EIA Preliminary Examination

| The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations. | | |
|--|---|----------------------|
| | Examination | Yes/No/ Uncertain |
| <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 44 no. dwellings within the settlement boundary of Whitechurch.</p> <p>The development will consist of typical construction related activities and works.</p> <p>Surface water to be discharged to an existing attenuation pond via attenuation and hydrobrake. The proposed attenuation is designed to cater for a 100 year storm event and an allowance of 20% for climate change.</p> <p>Wastewater to be discharged to an existing wastewater treatment plant that has adequate capacity to cater for the proposed development.</p> | No |
| <p>Size of the Development Is the size of the proposed development exceptional in</p> | <p>The development site measures 2.19 hectares. The size of the development is not exceptional in the context of the existing urban environment.</p> <p>There are live permissions for the construction of 19 dwellings (Refs. 22/4333 and 21/7400) within other</p> | No |

| | | | |
|--|---|--|------------------|
| <p>the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p> | <p>areas of the village, however, there is no real likelihood of significant cumulative effects with existing and permitted projects in the area.</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 subject site is not located within any designated site. The nearest designated sites are the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) approximately 8km northeast of the site, and the Cork Harbour Special Protection Area (SPA) (Site Code 004030) approximately 10km southeast of the site. Ardamadane Wood, a proposed Natural Heritage Area (pNHA), is located approximately 4.5km southwest of the subject site.</p> <p>My Appropriate Assessment screening undertaken concludes that the proposed development would not likely have a significant effect on any European Site.</p> <p>The subject site is located outside Flood Zones A and B for coastal or fluvial flooding.</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: 10th July 2024

Gary Farrelly