



An
Bord
Pleanála

Inspector's Report

ABP-318403-23

Development	270 residential units, creche, temporary WWTS and all associated works.
Location	Castleredmond, Midleton, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	235707
Applicant(s)	Glenveagh Homes Ltd.
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Split Decision
Type of Appeal	First & Third Party
Appellants	First Party: Glenveagh Homes Ltd. Third Party: Castleredmond Residents Association Declan & Aine Connolly Aileen & John Murray

Alan J. Smith

Gordon & Alision Callinan

Tim O'Leary

Ballinacurra East/ Gearagh Road

Residents

Liam McCarthy

Patrick Lynch

Date of Site Inspection

5th January 2024

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 7.91 hectares, comprises lands approximately 1.7 km to the south east of Midleton town centre. Midleton train station is approximately 2.4 km to the north west of the subject site. The lands are located to the east of the Castle Redmond housing development which is located to the eastern side of the R630 – Midleton to Ballinacurra West, on to Whitegate, regional road. The site is approximately 460 m to the east of the R630.
- 1.2. The subject lands consist of a number of agricultural fields and are under grass. Site boundaries consist primarily of hedgerows though block walls form the boundary with the existing Castle Redmond development. The subject lands are not flat and rises from the south west to the north east, though the contours are not uniform throughout the site. The lands to the west are in residential use and those to the south and east are primarily in agricultural use/ are undeveloped. Electricity powerlines cross the western part of the site on a south to north axis. To the east/ north east of the site is Rocky Road, a rural road with detached houses located on the western/ south western side of the road. Construction work is underway on a housing development to the north of the site.
- 1.3. It is proposed that access to the site will be through the Castle Redmond residential development. An existing short cul-de-sac is located to the eastern side of this residential development, and which will allow for access to the subject site. It is noted that there are no footpaths along the length of this cul-de-sac, though there are grass verges with trees planted on them. A capped and pebble dashed wall forms the boundary of adjoining houses/ the lands to the east and the cul-de-sac. A second access is proposed to the north, and this is through the housing development that is under construction on the R630.
- 1.4. The R630 road is served by Bus Éireann routes 240/ 241 and 261 and which provide up to two buses an hour to Midleton and Cork City. In the opposite direction buses diverge to Ballinacurra, Trabolgan and Ballycotton. As per the current timetable, a train operates every 30 minutes during the daytime between Midleton and Cork Kent station.

2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises the construction of 270 residential units, a creche, open space, a temporary wastewater treatment plant as well as all associated site works.
- 2.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Gross Site Area	7.91 hectares – Includes Metropolitan Green Belt zoned lands.
Net Site Area	7.25 hectares
Site Coverage	50%
Plot Ratio	1.95
No. of Units	270
Apartments	28
Houses	242
Building Height	1 to 3 storeys
Density –	37.2 units per hectare
Open Space Provision	1.21 hectares – 16.7% of Total Site Area
Car Parking –	
Residential - Houses	364
Residential – Apartments	28 – Communal Spaces
Visitor/ Accessible Spaces	3
Creche	9 – one of which is accessible
Total Parking	404
Bicycle Parking –	
Total for creche	12
	All residential units can provide for bicycle parking in their back gardens.
Non-residential	
Creche	268.8 sq m – 60 no. spaces

Table 2: Unit Mix

Houses				
Type	Description	Floors	Bedrooms	Number
B1/ B2	Semi-Detached	3	4	12
C	Semi-Detached	2	3	16
D	Townhouse – end	2	3	67
E5	Townhouse – mid	2	2	120
F	Townhouse – Corner	2	3	15
F1	Shallow Unit – Corner	2	3	4
F2	Shallow Unit – End	2	3	5
F3	Shallow Unit – Corner	3	4	3
Total				242
Apartments				
P1/ P3	Ground Floor Apartments	1	1	14
P2/ P4	First Floor Apartments	1	1	14
Total				28
Total Overall Residential Units				270

- 2.3. The proposed creche, is located to the western side of the site and has a stated floor area of 268.8 sq m thereby providing capacity for 60 children.
- 2.4. Two access points are provided to the subject site. One is from an existing cul-de-sac to the eastern side of ‘The Courtyard’ and the other is from a proposed connection to a housing development permitted to the north of Redmond Castle. The subject development has an internal road network that allows for vehicles/ pedestrians to access all parts of the site, whether they enter the site from the southern or the northern access point.
- 2.5. A temporary wastewater treatment plant is proposed to the north east of the site, this will be in use until such time as the Midleton Waste Water Treatment Plant is upgraded by Uisce Éireann. A temporary pumping station is also proposed to the south west of the site.

3.0 Planning Authority Pre-Application Opinion

- 3.1. A LRD/ Section 247 Consultation Meeting took place on the 6th of March 2023 between representatives of the applicant and the Planning Authority, Cork County Council. It was proposed that 270 residential units and a creche be provided on this site.
- 3.2. The following issues were identified during this LRD meeting:

- Modal shift is increased to 30% and although the Lakeview roundabout is at capacity during peak times, the development will not have a significant impact on this.
- Query over the need for an Ecological Impact Assessment (EclA) and additional surveys to inform the AA/ NIS.
- Preference for tree planting in the public domain and not in private gardens.
- Issue of the temporary waste water treatment plan – confirmed that a definitive timeframe was in place for the provision of a permanent facility to serve this development.
- Further details required on open space and green space provision.
- Noted that no wildflower planting was proposed.
- Issue over the rising main and storage capacity. Connection to Castle Redmond is noted, but the services here have not been taken in charge to date.
- Road network was considered and the potential signalisation of the R630 junction.
- Need for EIAR to clarify cumulative issues.
- Clarity required on school provision in the area.
- Noted that there was on-going development in the area.

3.3. The Planning Authority issued an opinion on the 30th of March 2023 and considered that **further details required addressing in order to constitute a reasonable basis for an application**. These, summarised, were identified as follows:

- Survey work and baseline data to be established prior to the completion of the AA Screening Report, NIS, EclA, the site layout, landscaping proposals and SuDS proposals. Full integration of recommendations and mitigation measures contained in the EclA and NIS shall be incorporated into the site layout, landscaping proposals and SuDS proposals.
- To have full regard to the advice note issued by Cork County Council in relation to AA, EclA and the landscaping plan and to submit a Green Infrastructure Statement in accordance with Objective GI14-3 and a Drainage Impact Assessment Report as per Objective WM 11-10 of the Cork County Development Plan. The Planning Authority note that the lack of an updated EclA, Drainage Impact Assessment Report

and a Green Infrastructure Report limit the extent of assessment of the proposal at this time.

- Need to assess the potential for ex-situ impacts on birds in the Cork Harbour SPA, survey data provided to date is limited. Further consideration required for in-combination assessment. Full details of the qualifications and experience of the ecologists who prepared these assessments to be provided.
- The EclA was received too late for a full assessment, however it was noted that the field surveys were undertaken in December 2022, which is not an optimum period for such surveys.
- Need for the Landscape Plan to be cross checked to ensure that there are no Invasive Species on the Amber List to be included within the scheme. Tree planting to be with native species and ensure that the plan is compatible with the All-Ireland Pollinator Plan.
- Concern in relation to the EIA and the potential impact of development on adjoining lands that would provide for a cumulative total of over 500 units on more than 10 hectares of land. The Planning Authority considered that the subject proposal may require an EIAR unless it could be shown that the “cumulative” concern could be adequately addressed.

Other points referred to the need for fully detailed drawings on all proposed structures, need to ensure that quality open space is provided, details in relation to the proposed treatment system, special contributions to be levied for cycling infrastructure and the Lakeview slip road, need for a detailed assessment of education space availability/ demand, provision of a fully detailed public lighting plan, provision of a site specific CEMP, details in relation to the creche, provision of a taking in charge map, details on Part V housing, provision of EV charging points for vehicles, ensure that the proposed attenuation system is suitable for the site and details of a completed geophysical survey to be provided. The Planning Authority referred to the dependency of the development on access to adjoining lands and this was to be fully detailed in any submitted application.

- 3.4. The applicant made a response to the raised issues, report dated May 2023. All raised issues were responded to in this report. Additional details provided in relation to rights of way/ access to services etc.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority decided a split decision, granting permission for Phase 1 consisting of the southern portion of the subject lands and providing for 110 residential units, the childcare facility, temporary wastewater treatment system and all associated site works. Permission was refused for Phases 2 and 3 consisting of the northern portion of the site and includes 160 residential units and all related site works.

In terms of the grant of permission for 110 units in Phase 1, the conditions are generally standard except for the following:

'4. Construction access shall be via the Rocky Road route only as per plans submitted on the 23rd August. No deviation to same shall be permitted without the prior written consent of the Planning Authority

Reason: In the interests of residential amenity.

6. A plan should be provided before commencement detailing how the temporary WWTP and WWPS will be decommissioned after their use.

Reason: In the interest of public safety.'

27. The adjoining Castleredmond Estate is not in the charge of Cork County Council. Written permission shall be sought from the legal owner of Castleredmond estate prior to any connection to the roads and services within this estate.

Reason: In the interest of proper development.

The following reason was provided for the refusal of phase 2:

'It is considered that proposed phases 2 and 3 (as identified on drawings submitted on the 23rd August 2023) of the proposed development are premature pending the completion of a 3rd party access road which is outside the control of either the applicant or the Planning Authority to ensure completion. Without this completed 3rd party road, there is existing deficiency in the road network serving the area of the proposed development and the development (if permitted in totality) would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. Therefore, to permit phases 2 and 3 at this juncture would be contrary to the proper planning and sustainable development of the area.'

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning Report reflects the decision to part grant and part refuse permission for the proposed development. Concern was expressed about how a vehicular/ pedestrian link could be provided to the houses on the northern part of the subject site. In addition to the report of the Executive Planner, a second report was prepared by the Cork County Council Senior Planner. This included the following:

‘The proposed development is dependent on the adjoining development and developer (O’Flynn Construction) in particular, the road network. In aggregate, with the O’Flynn lands and the permitted development therein, the EIA thresholds has been reached. The two landholdings of Glenveagh and O’Flynn collectively form the same zoning objective MD-R-04 (for Medium A Density Residential Development) and adjoins further development lands to west and north of same. it is therefore prudent to satisfactorily address statutory EIA requirements. In the interim, given the over-arching housing supply issues facing the County, the proposed project phasing plan and the findings of the traffic modelling, it is considered prudent to enable phase one of the scheme to proceed, prior to determination of EIA question and facilitation of completion of necessary roads network.’

4.2.2. Other Technical Reports

- Area Engineers Report:
 - Roads and Transportation: Concern about the potential impact of traffic on the Lakeview Roundabout (N25 and R630) and need to review the compatibility of the scheme with the proposed Ballinacurra to Midelton Cycleway project. Recommend that the proposal be referred to the Cork County Council Traffic and Transportation Department.
 - Surface Water: No concerns.
- Estates Primary Report: No objection subject to recommended conditions.
- Cork National Roads Office: No objection to the development and recommend that measures be taken to reduce vehicle trips for example the use of car sharing schemes.
- Environment Report: No objection subject to conditions.

- Part V: No objection – application may be validated.
- Housing Report: No objection to this development, notes the demand for social housing in the Midleton area.
- Public Lighting: No objection subject to recommended conditions.
- Water Services: No objection subject to recommended conditions.
- Ecology: No objection to the proposed development subject to recommended conditions.

4.2.3. Prescribed Bodies

- Uisce Éireann:
 - Water Supply: Notes that the water supply connection is to a third-party system, proof of permission for connection to this system will be required. In addition, some localised upgrades may be required to existing systems.
 - Foul drainage, it is reported that upgrades to the public system are underway, and a separate project is due to be completed in 2026. Pre-treated foul drainage will be accepted by Uisce Éireann in advance of the completion of the capital projects underway/ proposed in the area.
- Inland Fisheries Ireland: Request that it is ensured that the existing foul drainage system has adequate capacity to serve this development.
- Transport Infrastructure Ireland: Considers that ‘the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):’
 - Adverse impact to an existing national road junction,
 - There are proposals for a future national road scheme in the area and this development would adversely affect this,
 - Need for a Traffic and Transport Assessment to assess the impact of this development on the existing road network.

4.2.4. Third Party Observations

A total of 47 valid submissions were received from members of the public. Submissions were received from the Ballinacurra East/ Gearagh Road Residents, the Castleredmond Residents Association, as well as from individual members of the public. The issues raised include the following summarised comments, which I have grouped under appropriate headings:

Principle of development:

- Support for housing in the area, but concern about the lack of capacity/ infrastructure to serve such development.
- Need for the development to ensure that access is provided to adjoining lands – legal privilege has been identified for such access.
- The proposed density is too high for this area.
- There is an issue with subsidence in this area.

Impact on traffic in the area:

- The proposed development will increase the volume of traffic in the area.
- Existing road network is dangerous due to the speed of traffic on the Whitegate Road.
- Construction traffic should not be allowed to pass through the estate onto Rocky Road.
- Concern about road safety issues through the lack of traffic calming measures, the location of the creche and existing traffic volumes in the area.
- Need for segregated cycle tracks and suitable footpaths in the area and to serve this development.
- Not certain that traffic will be allowed to access the new roads within the developments underway to the north of Castleredmond. All traffic will be routed through the Castleredmond Estate.

Foul drainage:

- Concern about the temporary wastewater treatment system (WWTS). Uncertainty over how long this will be in place.
- Potential for odours and noise from this treatment system.

- The location of the temporary WWTS is on green belt lands and this will be fenced off, thereby preventing access to these lands, which is contrary to the zoning in the development plan.

Water Supply:

- Need for a suitable public water supply in the area.
- Existing deficiencies in the water supply network in the area.

Impact on the character of the area:

- Opposed to the demolition of the wall into Castleredmond Estate.
- There is a shortfall in social and educational infrastructure in the immediate area.

Environmental Impacts:

- There are Buzzards in the trees on adjoining lands which will be affected by the development.
- Impact on the environment through the increase in car use in the area.
- Negative impact on birds, badgers, foxes, rabbits and other species as a result of this development.
- There is a need for an Environmental Impact Assessment Report to be prepared considering the size of the site area and development in the immediate area.

Impact on residential amenity:

- The Castleredmond area consists of limestone, concern about noise if rock breakers are to be in use here.
- Shortfall in public open space; may result in the use of open space on adjoining lands that will not be paid for by those who use it. These spaces have not been taken into charge to date.
- Potential increase in noise and dust pollution as a result of the proposed development.
- Concern about safety and security as an existing cul-de-sac will be opened up as a through road.
- Potential for overlooking from the proposed development of existing housing in the Castleredmond Estate.
- Potential for loss of light to existing properties.

- Loss of greenery within the Castleredmond Estate to enable this development to proceed.

General Comments:

- Existing residential developments in the area have not been taken into charge to date.
- Need for electric vehicle charging points.
- There are very few differences between this application and a previous application under PA Ref. 23/5093 (Note: this previous application was declared to be invalid).
- There is a lack of consideration in submitted documents to other developments in the immediate area.
- Concern that there is a lack of oversight in the review of submitted documents in support of this application.
- Concern about access to water in the case of a fire related emergency.
- Issue over the location of public site notices.
- Site notices should be in yellow.
- Over procedural issues have been raised in the letters of objection to this development.

A number of the letters of objection were supported with photographs and plans etc.

5.0 Planning History

The following relates to the planning history on this site:

PA Ref. 07/9456 refers to a September 2007 decision to refuse permission for a residential development of 250 residential units and creche consisting of 146 no. houses and 104 no. apartments, 1 no. playing pitch, ancillary recreational facilities and associated site works and services and amendments to the N25 Lakeview roundabout.

Permission was refused as the development was considered premature pending resolution of issues in relation to the local road network.

The following refers to the lands to the west of the subject site:

PA Ref. 23/5703 refers to an application for the following phase 4 residential development. The demolition of outbuildings associated with Lakeview House and the construction of 34 no. residential units (comprising a mix of 2 and 3 bed, detached, semi-detached and terraced units) and all associated ancillary development works including access, footpaths, parking, drainage, landscaping, and amenity areas. Access to the proposed development will be via the vehicular access permitted to the south west under Cork County Council ref. 21/7428 and 22/4753. The proposed development is situated within the curtilage of Lakeview House (Protected Structure ref. RPS-00519).

PA Ref. 22/6688 refers to a March 2023 decision to grant permission for the following Phase 3 residential development at Lakeview, Castleredmond, Midleton, comprising the construction of 35 no. residential units (comprising a mix of 2, 3 and 4-bed, detached, semi-detached and terrace units) and all associated ancillary site development works including access, footpaths, parking, drainage, landscaping, and amenity areas. Access to the proposed development will be via the vehicular access permitted to the west under Cork County Council ref. no. 21/7428 & 22/4753. The proposed development is situated within the curtilage of Lakeview House (Protected Structure ref. RPS-00519).

PA Ref. 22/4753 refers to an August 2022 decision to grant permission for the following phase 2 residential development at Lakeview, Castleredmond, Midleton, comprising the construction of 99 no. residential units (comprising a mix of 2,3 and 4-bed, detached, semi-detached and terraced units) and permission for the demolition of rear annex's associated with Lakeview House (protected Structure ref. RPS-00519) and the change of use and extension of Lakeview House to provide a creche, and all associated ancillary development works including a temporary wastewater treatment plant and pumping

station, new vehicular access and signalised junction on to the Whitegate Road (R630), footpaths, parking, drainage, landscaping and amenity areas.

PA Ref. 21/7428 refers to a July 2022 decision to grant permission for 97 no. residential units (comprising a mix of 2 ,3 and 4-bed, detached, semi-detached and terraced units) and permission for the demolition of rear annex's associated with Lakeview House (protected structure Ref. RPS-00519) and the change of use and extension of Lakeview House to provide a creche, and all associated ancillary development works including a temporary wastewater treatment plant and pumping station, new vehicular access and signalized junction on to the Whitegate road (R630), footpaths, parking, drainage, landscaping and amenity areas.

The Planning Authority report includes a detailed list of applications on the adjoining lands to the subject site.

6.0 Policy Context

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Planning Objective 13 provides that "In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve

targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy 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’.
- National Policy Objective 35 seeks ‘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’.

6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2022).
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DHLGH, 2024).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).

- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy for the Southern Region

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (The Six Munster Counties plus Wexford, Carlow, and Kilkenny) including the Cork County area, and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas. Midleton is located within the designated metropolitan area. A listed priority is the ‘Upgrade of the R630 Regional Road linking Midleton to Whitegate Road (Energy Hub)’ with intention to upgrade this to National Road standard, and improvements to the railway line to Midleton. Under section 4.0 ‘National Enablers’ is included:

‘Progressing the sustainable development of new areas for housing, especially those on public transport corridors such as Monard and urban expansion areas on the rail corridor such as at Carrigtwohill, Midleton, Cobh and Blarney’.

Section 7.3 ‘Monard Strategic Development Zone and Strategic Residential Growth Nodes on the Metropolitan Rail Line’ includes a list of infrastructure improvements including for the Midleton area.

6.2.2. Cork Metropolitan Area Transport Strategy (CMATS) 2040

The Cork Metropolitan Area Transport Strategy 2040 proposes a number of enhanced public transport services to be created over the next two decades, including a light rail system between Ballincollig and Mahon Point via Cork City Centre; eight new railway stations, upgrades to the railway network and 100 km of bus lanes. A key principle for

CMATS is to reduce dependency on the private car within the Cork Metropolitan Area, while encouraging the use of sustainable transport options.

6.3. Local/ County Policy

6.3.1. Cork County Development Plan

6.3.2. The Cork County Development Plan 2022 - 2028 is the current statutory plan for County Cork including Midleton/ the subject lands. Volume 1 provides the 'Main Policy Material' and relevant chapters to this development include Chapter 2 – Core Strategy, Chapter 3 – Settlements and Placemaking, Chapter 4 – Housing (provides details on housing mix, density), Chapter 6 – Social and Community, Chapter 11 – Water Management and Chapter 12 – Transport and Mobility (provides details on car parking and bicycle parking etc). Chapter 14 covers Green Infrastructure and Recreation and Chapter 18 – Zoning and Land Use.

6.3.3. The Core Strategy in Chapter 2 is supported with Appendix B which provides 'Core Strategy Tables'. Midleton, one of the designated Main Towns, is located within the 'County Metropolitan Cork Strategic Planning Area'. I have extracted the following relevant information for Midleton from Appendix B:

2016 Census Population	2028 Target Population	Net New Units required for the Plan Period
12,496	19,423	2,647

6.3.4. Volume 4 of the plan covers South Cork, and which includes Midleton, one of the Main Towns in the County. Section 3.3 of Volume 4 specifically refers to Midleton and its development.

6.3.5. The majority of the subject site is zoned for Residential uses – MD-R-04, which allows for the development of housing and is located within the development boundary of Midleton. The objective for these lands is as follows:

'Medium A Density Residential Development to include a mix of house types. Consideration may also be given to the provision of a nursing home. Proposals should take cognisance of the period property in the near vicinity and should include detailed landscaping proposals for the site. Provision of a new purpose-built primary school can also be accommodated on this site, subject to agreement with the Department of

Education and Science. The development proposal shall also include a detailed Traffic and Transport Assessment and road safety audit.

The site supports two habitats of ecological value (semi natural grassland and scrub/transitional woodland). The biodiversity function of these habitats is to be protected as much as possible through the inclusion of buffer areas and green infrastructure corridors.'

Under Section 4.8.10 of the plan, Medium Density 'A' it is stated: 'An increased minimum threshold is proposed for the Medium A Density category to 30 units/ha as per the Guidelines. The category allows for the provision of apartments within the unit typology mix but it is not a requirement. This category is generally applicable to suburban and greenfield sites in larger towns >5,000 population and those planned to grow >5,000 population over the lifetime of the Plan.' Under Objective HOU 4-7 it indicates a minimum density of 30 units net per hectare and a maximum net density of 50 units.

6.3.6. A small section of the subject site, to the north east, is outside of this development boundary and forms part of the Metropolitan Cork Green Belt with an objective 'to preserve the character of the area and (subject to certain exceptions) reserve the land generally for agriculture, open-space or recreation uses.'

6.3.7. In the interest of clarity, the site is located to the south of the N25 and Midleton and is located within Flood Zone C. The Cork County Development Plan 2022 - 2028 clearly indicates the extent of Flood Zones A and B, and the site is not within or adjacent to these areas.

6.4. **Natural Heritage Designations**

Great Island Channel pNHA is approximately 0.78 km to the west of the subject site.

7.0 **The Appeal**

7.1. First and Third-Party appeals were lodged. The First-Party appeal was against the decision of Cork County Council to refuse Phases 2 and 3 of the proposed development. A total of 9 third party appeals were received. Issues raised in these are similar, but I have summarised the main points as follows:

7.2. **Third Party Appeals:**

7.2.1. **Castleredmond Residents Association**

A number of issues have been raised as follows:

- **Need for EIA:** Planning Authority decision is flawed as application was for 270 units and not the permitted 110 units. Cannot grant permission to get around the need for EIA. Development in the area would exceed the number of units and site area threshold for EIA. Note that a special contribution has also been removed from the decision to grant permission. Upgrade works to water services were to facilitate 270 units and not the permitted 110, uncertainty over what was permitted.
- **Impact on Castleredmond Estate:** Not opposed to housing in the area but are concerned about the impact on this housing estate. There is a need for an upgrade of the entrance to Castleredmond Estate, however this estate is not in charge, and this may restrict the ability of Cork County Council to carry out works here.
- **Deficiencies in the Application:** Site notice should be yellow, concern about the location of the site notices, issue over demolition of a wall, letter of consent/ volume of traffic through the O'Flynn lands development which did not include through traffic, there is no obligation on O'Flynn to open up their lands for access, and the red line boundary does not extend to include all services proposed/ to be upgraded to facilitate this development. The need for EIA is raised again, the applicant considers their site to be independent of the adjoining lands even though a letter of consent and access through these lands is required.
- **Taking in Charge Issues:** Castleredmond has not been taken in charge despite requests to Cork County Council to do so. Works required to facilitate the development will impact on this estate and delay the taking in charge process.
- **Impact on Services:** There is no certainty that the existing infrastructure can accommodate the proposed development.
- **Impact on Traffic:** Concern about construction traffic and the increase in traffic through the estate. Long traffic queues are standard on the R630 at peak times. Necessary upgrade/ improvements works are not proposed as part of this development.
- **NIS:** Not all potential in-combination effects have been considered.

Request that permission be refused for the proposed development.

7.2.2. Alan J. Smith:

The following points are made:

- The development is contrary to the RSES and the need for road improvements to the R630.
- Concern about traffic volumes and the impact of this development on traffic in the area.
- Access to the site will impact on existing residential amenity.
- Concern about impact from construction activities and increase in noise/ vibration during the construction phase. Request that working times be limited to Monday to Friday only.
- The grant of permission/ attached conditions did not provide for silt traps and other measures to protect ecology.
- Lack of certainty in relation to the temporary waste water treatment plant, and its future decommissioning.
- Shortfall in educational provision in the area.

Request that permission be refused due to the lack of infrastructure, traffic congestion issues and the development is premature.

7.2.3. Declan & Áine Connolly:

The following points are made:

- There is no obligation on O'Flynn Construction to facilitate the proposed development and access through their lands.
- Potential for flooding issues.
- Water supply is poor in the area with regular boil notices in place.
- Concern about the proposed waste water treatment system through nuisance and the nature of its use.
- Traffic issues in the area will be made worse by this development and insufficient improvements are proposed.
- Concern about safety through the increased traffic in the area.

- Submitted documentation does not accurately reflect what is proposed – out of date photographs in the Planning and Design Statement.
- Issue over the taking in charge of Castleredmond Estate, this has not been completed to date.
- Insufficient oversight in the documentation – one person is Author, Reviewer and Approver.
- The proposed density is out of character with the existing area.

7.2.4. **Aileen & John Murray**

The following points are made:

- Traffic: Traffic issues in the area will be made worse by this development and insufficient improvements are proposed. The split of traffic movements has not been confirmed in the documentation.
- Construction Traffic: Concern over construction traffic movements.
- Wastewater Proposals: No certainty over the ‘temporary’ nature of this system, and potential impact on existing services in the area.
- Odour and Noise: Potential negative impacts from noise and odours associated with the wastewater treatment system.
- Flooding Concerns: Potential for flooding associated with the development of this site.
- EIA Requirements: Should be based on the proposed 270 units and not the permitted 110 units.
- Impact on the Taking in Charge process: The development of a watermain through Castleredmond Estate may delay the taking in charge process of this estate.

7.2.5. **Gordon & Alison Callinan**

The following points are made:

- Inadequate road access to serve this development.
- Inadequate water supply and foul drainage in the area.
- Public transport in the immediate area is not of a good quality.
- Concern about flooding.

- Concern about the temporary wastewater treatment system.
- The ecological assessments are insufficient.

7.2.6. **Liam McCarthy:**

The following points are made:

- Support for housing in the area.
- Concerned about the demolition of the wall between Castleredmond Estate and the adjoining lands to the east to facilitate this development.
- Traffic concerns about existing and proposed traffic volumes.
- Use of Castleredmond will have a negative impact on the residential amenity of those living there.
- Complications over the status of Castleredmond Estate.
- Insufficient consideration in relation to noise and vibration on existing residents.

7.2.7. **Ballinacurra East/ Gearagh Road Residents**

The following points are made:

- Support for development along the railway line to Midleton.
- Flooding in the area has been devastating.
- Traffic concerns in relation to the R630.
- Lack of amenities proposed to serve this development.
- Potential for an additional 160 units and how will they be accessed.
- Works in the area have not been completed to date and include the Midleton Flood Relief Scheme and road improvements.

7.2.8. **Patrick Lynch:**

The following points are made:

- Access not possible to internal reports of Cork County Council.
- Concern about flooding in the area.
- The development is at variance with TII road policy for National Roads.
- The use of green belt land to facilitate the development is a material contravention of the Cork County Development Plan.

7.2.9. Tim O'Leary:

The following points are made:

- Need for EIA: Planning Authority decision is flawed as application was for 270 units and not the permitted 110 units. Cannot grant permission to get around the need for EIA. Development in the area would exceed the number of units and site area threshold for EIA. Note that a special contribution has also been removed from the decision to grant permission. Upgrade works to water services were to facilitate 270 units and not the permitted 110, uncertainty over what was permitted.
- Impact on Castleredmond Estate: Not opposed to housing in the area but are concerned about the impact on this housing estate. There is a need for an upgrade of the entrance to Castleredmond Estate, however this estate is not in charge, and this may restrict the ability of Cork County Council to carry out works here.
- Deficiencies in the Application: Site notice should be yellow, concern about the location of the site notices, issue over demolition of a wall, letter of consent/ volume of traffic through the O'Flynn lands development which did not include through traffic, there is no obligation on O'Flynn to open up their lands for access, and the red line boundary does not extend to include all services proposed/ to be upgraded to facilitate this development. The need for EIA is raised again, the applicant considers their site to be independent of the adjoining lands even though a letter of consent and access through these lands is required.
- Taking in Charge Issues: Castleredmond has not been taken in charge despite requests to Cork County Council to do so. Works required to facilitate the development will impact on this estate and delay the taking in charge process.
- Impact on Services: There is no certainty that the existing infrastructure can accommodate the proposed development.
- Impact on Traffic: Concern about construction traffic and the increase in traffic through the estate. Long traffic queues are standard on the R630 at peak times. Necessary upgrade/ improvements works are not proposed as part of this development.
- NIS: Not all potential in-combination effects have been considered.

Request that permission be refused for the proposed development.

7.3. **First Party Appeal:** The applicant has submitted an appeal against the decision of Cork County Council to refuse Phases 2 and 3 of the proposed development. The following comments are made, in summary:

- The proposed development will not endanger public safety by reason of traffic hazard/ or obstruct road users: Traffic to the development is to be split with 60% routed through the O'Flynn Construction development which is underway at present, as permitted under PA Ref. 21/7428, and the permitted PA Ref. 22/4753. The TTA models the 60/40 split and 100% of the traffic passing through the Castleredmond estate. The O'Flynn development will be completed in 2025 and the subject development will take place in a phased manner. Control of development may be undertaken by way of condition.
- There is no requirement for an Environmental Impact Assessment Report: The Planning Authority considered there to be a need for the preparation of an EIAR. An EIA Screening Report was submitted in support of the application, and it found no need for an EIAR. No significant impacts on the environment were likely as a result of this development. The proposed development is not dependent on the development of the adjoining scheme by O'Flynn Construction.

Request that the decision of the Planning Authority to refuse permission for Phases 2 and 3 be overturned.

Note: Both first- and third-party appeals have included a range of supporting documentation, photographs, and plans.

7.4. **Planning Authority Response**

Cork County Council have no further comment to make as all issues have been addressed in their technical reports as already submitted.

7.5. **Applicants Response to Third Party Appeal**

The applicant/ first party notes that the issues raised in the third-party appeals are generally similar. The development is in accordance with National and Local Planning Policy, will not give rise to any adverse traffic impacts, will not adversely affect residential amenity, does not require an EIAR and the application has been supported

with a range of documentation. These issues have been detailed in the first party response.

In summary: Both the 60/40 split and 100% vehicular traffic flow through the Castleredmond estate have been modelled in the submitted TTA. Construction traffic will use Rocky Road to the north of the site and will not require having to pass through the existing Castleredmond estate. There is no requirement for an EIAR as the development is a standalone project and does not rely on the adjoining O'Flynn Construction development to progress, with particular reference to traffic movements. The provision of 270 residential units is subthreshold. The submitted application was accepted and assessed by Cork County Council and is therefore considered to be a valid submission despite comments to the contrary by third parties.

7.6. Third Party Response to First Party Appeal

The following comments were made:

- Declan & Aine Connolly – The submitted TTA does not demonstrate the impact of 100% of the traffic going through Castleredmond estate. Permission should be refused due to the lack of an EIAR.
- Liam McCarthy – Peak traffic will be 200 vehicles and the submitted TTA does not model 100% of the traffic passing through Castleredmond estate. This is a potential traffic/ pedestrian safety issue with specific reference to children playing in Castleredmond. The TTA only bases population on the smaller Cloyne ED and not the Midleton Rural ED which Castleredmond is located within. Opposed to the proposal to condition that only Phase 1 be occupied pending the delivery of the access road to serve Phases 2 and 3. Requests that permission be refused for this development.
- Aileen & John Murray - The submitted TTA does not demonstrate the impact of 100% of the traffic going through Castleredmond estate. Permission should be refused due to the lack of an EIAR.
- Tim O'Leary - The submitted TTA does not demonstrate the impact of 100% of the traffic going through Castleredmond estate. Glenveagh are relying on third party access to provide for full vehicular movement to and from the development site. There is no certainty that such a right of way will be permitted. Traffic congestion

has deteriorated in the area due to the volume of vehicles using the local road network. Permission should be refused due to the lack of an EIAR and due to public safety issues.

- Castleredmond Residents Association – Concern that 100% of the traffic may pass through Castleredmond and there is no certainty that a right of way to use the O’Flynn Construction lands to access Phases 2 and 3 will be permitted. Revisions to the approved Part 8 upgrades to the R630 do not provide any certain regarding modal shift. The lack of consistency regarding the development and the non-need for an EIAR are raised as an issue of concern. There is interdependency as the applicant proposes to use the O’Flynn Construction site to access Phases 2 and 3, yet 100% of the traffic can be routed through Castleredmond, even though this is not intended. 231 houses have been approved on the O’Flynn Construction lands. They are separate developers but are using the same agent. A recently installed telecom structure on the R630 may prevent access to the O’Flynn Construction lands. Request that permission be refused for the proposed development.

7.7. Observations

None received.

8.0 Assessment

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Traffic and Access
- Impact on the Character of the Area
- Density & Scale of Development
- Impact on Residential Amenity
- Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)

- Environmental Impact Assessment (EIA)

8.2. Principle of Development

- 8.2.1. The subject lands are suitably zoned for residential development, and associated facilities such as a creche are also acceptable on these lands. The Planning Authority had no issue in relation to the development of this site for residential use as proposed by the applicant.
- 8.2.2. The refusal of part of this development was on the basis of uncertainty over access through third party lands. The Planning Authority permitted development on the Phase 1 lands only as indicated on drawing no. AV 22090-P-0015 – ‘Proposed Phasing Plan.’ This provides for 110 units and the proposed creche, as well as all associated site works. Two access points are permitted, through Castleredmond Estate, and secondly through a permitted residential development to the north of Castleredmond. A temporary wastewater treatment plant is also permitted under this permission, this is located to the north east of the site and is located on lands zoned for Metropolitan Green Belt use.
- 8.2.3. Although not forming part of the reason for refusal, the need for EIA was referred to in the Executive Planner and the Senior Planner’s reports. The Senior Planner considered that part of the development could progress in advance of preparation of an EIAR as there is a pressing need for housing in the county. These issues will be addressed in my assessment.

8.3. Traffic and Access

- 8.3.1. The reason for refusal for Phases 2 and 3 of the overall development referred to a deficiency in the local road network which would endanger public safety by reason of traffic hazard or obstruction of road users. The third-party appeals referred to a number of issues in relation to traffic and access, including concerns that the development would add to existing congestion in the area, concerns about safety as traffic would pass through Castleredmond estate and also concerns about traffic associated with the construction phase of this development.
- 8.3.2. The development site is located to the east of the R630, and which joins the N25 to the north at the Lake View Roundabout. The N25 is somewhat unusual at this point as it provides for a by-pass of Midleton (to the south of the town centre) but the section of road to the west/ Cork City side is dual carriageway and that to the east/ Waterford side

is single carriageway only. Other accesses to Midleton are available to the east (Youghal Road) and west (Cork Road) sides but this junction functions as the main access to the southern part of the town, and the lands to the south of the N25 towards Ballinacurra. Additional capacity is provided for those coming from the subject lands/ areas to the south heading westwards via a slip road that by-passes the roundabout, however the proximity of the turn-off in relation to the roundabout reduces its usefulness. In addition, there is no such facility for those heading south from the west along the N25. Access to Castleredmond is approximately 500 m to the south of the Lakeview roundabout.

- 8.3.3. The development plan lists the upgrade of the N25 Carrigtwohill to Midleton road and the upgrading of the R630 to National Road status. There are no specific proposals to upgrade the N25 to the east of Midleton. Transport Infrastructure Ireland (TII) reported concern that the development would have a negative impact on a national road and its associated junction, and therefore would be contrary to national policy. They also request that a Traffic and Transport Assessment (TTA) be undertaken in accordance with TII requirements, and they also report that the site is within an area under consideration for a future national road scheme. A TTA has been submitted with the application and I have found no specific layout or proposal for road upgrades in this area on the TII website.
- 8.3.4. The submitted TTA demonstrates that the development will increase congestion and movements on the Lakeview Roundabout (R630 and N25). The TTA indicates that this junction is already operating at or over peak capacity with a Level of Service E (Extremely Unstable – At or over capacity) for the morning peak and a Level of Service F (Breakdown – junction over capacity with unacceptable delays/ standstill) for the evening peak. The TTA overly relies on sustainable transport improvements in the area, such as footpath and cycle track provision/ upgrades but also the introduction of signalisation at junctions, particularly that serving the approved Lakeview residential development.
- 8.3.5. The subject lands have gone through the development plan process and have been zoned for residential use with a density in the range of 30 to 50 units per hectare. The provision of 37 units per hectare is in accordance with this density. The SEA and Development Plan process would have considered the capacity of public services, including the road network, to be able to accommodate development within that

specified range. I refer back to the Cork Core Strategy and that 2,647 units are proposed over the period 2022 – 2028 on residentially zoned lands, such as the subject site. The adopted plan includes the development of housing on these lands, without any specific engineering requirements to facilitate this development and the existing road network can accommodate the proposed increase in traffic. The subject lands are therefore suitable for the density and number of units proposed.

- 8.3.6. Construction of the first phase of the Lakeview residential development is underway and permission is in place for the development of the second phase which would include the completion of the internal road network, therefore allowing for a connection to the subject development site. The submitted Traffic and Transport Assessment has considered traffic movements in the area including the use/ or not use of the link through the Lakeview development site. In either case, all traffic will utilise the R630, and provision of a signalised junction to/ from Lakeview will regulate traffic onto the R630 and in turn onto the Lakeview/ N25 roundabout. I note the recent provision of a left turn filter lane onto the N25 from the R630, though I consider that this only has marginal benefits to traffic, primarily in the AM peak for those heading westbound from the southern part of the R630.
- 8.3.7. The provision of a second access to and from the subject site is desirable, allowing for permeability between the permitted Lakeview residential development, the subject site and the existing Castleredmond estate. For example, the opening up of routes may allow for reduced vehicular traffic use for those availing of the proposed childcare facility. Concern was expressed about the requirement of the developer of Lakeview, O'Flynn Construction, to allow access over this road, the reason for refusal as issued by the Planning Authority.
- 8.3.8. I therefore consider it appropriate to condition that Phases 2 and 3 shall not be occupied until the connection to Phase 1 from Lakeview is fully operational. This connection is to Phase 1 and while completion of this link is underway, it would allow the developer of the subject site to commence development and complete the first phase in an orderly manner. I do not consider that the completion of the three phases of this development, without the completion of the link through Lakeview would give rise to a traffic hazard. I do consider it appropriate, and in the interests of proper planning, that such a link be completed in advance of the full development of the subject site.

8.3.9. Concern has been expressed about the volume of traffic that may pass through Castleredmond estate and the use of the cul-de-sac to access the subject lands. I am satisfied that the opening of this wall to provide for a through road was to be expected and would not give rise to a traffic hazard. This cul-de-sac serves no useful function at present and clearly it was designed to allow access to the lands to the east of Castleredmond. The estate is a low-speed environment with traffic calming measures in place and I saw no reason, whilst on site, as to why the proposed development would give rise to traffic safety issues.

8.4. Impact on the Character of the Area

8.4.1. The proposed development primarily provides for a mix of semi-detached and terraced houses on lands to the south of Midleton that are currently in agricultural use and are under grass. The adjoining area consists of/ is proposed to consist of similar type housing. I am therefore satisfied that that the proposed development will integrate with the existing form and character of development that is established in the area. As already reported, the subject lands are zoned for residential development and the submitted proposal is in accordance with this.

8.5. Density and Scale of Development

8.5.1. The proposal is for 270 units on a net site area of 7.25 hectares giving a density of 37.24 units per hectare. The Planning Authority raised no issue of concern in relation to the density and the scale of development proposed on this site.

8.5.2. Some comment was made in the third party appeals regarding the density not in keeping with existing development in the area, however I am satisfied that the density is acceptable and is in accordance with the requirements of the Cork County Development Plan 2022 – 2028 for these zoned lands in Midleton. The area is characterised by similar type housing and the proposed density will ensure integration with the existing form of development here.

8.6. Impact on Residential Amenity

8.6.1. Cork County Council did not raise any issues of concern in relation to existing and proposed residential amenity. Some comment was made in the third party appeals regarding potential overlooking leading to a loss of privacy and loss of light, though these comments were not expanded to specific issues. The proposed development is

primarily in the form of two-storey houses and the proposed separation distances between existing houses in Castleredmond/ Woodberry Heights and the subject development is in excess of 22 m and is therefore acceptable. The proposed houses are provided with gardens in excess of 11 m, and this is acceptable/ appropriate for such units. The design has clearly had regard to overlooking and such issues have been addressed in full. I therefore have no concerns regarding loss of privacy and daylight to existing houses in the area.

- 8.6.2. Residential Standards: The proposed development provides for a mix of houses and apartments, and I consider this mix to be acceptable as it would meet a range of tenure types. The applicant has provided a breakdown of the floor areas for each of the unit types. All units meet/ exceed the minimum requirements and adequate storage space is proposed to appropriately serve the needs of the future residents of these units. Adequate private amenity space is allocated to each unit, two-bedroom townhouses are allocated a minimum of 49 sq m and this is acceptable for such units. The larger houses are allocated an appropriate larger area of private amenity space, with over 80 sq m for some of the three- and four-bedroom houses.
- 8.6.3. The apartments/ maisonettes are provided with adequate private amenity space with a minimum of 32.1 sq m for a 1-bedroom apartment. Storage provision is also acceptable for these units. All of these maisonettes are provided with either dual or triple aspects and I consider that this will provide for a good quality of residential amenity for the occupants of these units.
- 8.6.4. Public Open Space: The public open space is located throughout the site area and this dispersal allows for easy access to an area of space for the residents of this development. A total of 1.21 hectares/ 16.7% of the site area is allocated as open space. The public open space areas are suitably overlooked by residential units and narrow/ incidental areas of open space are limited to an acceptable level.
- 8.6.5. Reference was made in the third party appeals to the lack of open space, but I am satisfied that there is no such shortfall. Some of the open space areas indicate the provision of play space and also suitable areas for kickabout space; the final design of this is important and in the event that permission is granted, final details can be agreed with the Planning Authority.

8.6.6. **Childcare Provision:** The proposed development includes the provision of a childcare facility with a stated floor area of 268.8 sq m and which can accommodate 60 children, though the number of children that may be accommodated depends on age etc. The applicant has provided a 'Childcare Demand Report' in support of the application. In the interest of clarity, I have summarised the requirements for childcare provision for this development.

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 bed	2022 Apartment Guidelines – without 1 bed and only 50% of 2 beds
Number of proposed Units	270	242	182
1 Facility with capacity for 20 children for every 75 units	72	65	49

8.6.7. The Planning Authority raised no issues of concern in relation to the proposed childcare facility. This facility will serve the needs of the subject site and will also meet the need for childcare in the immediate area. This is to be welcomed and will encourage the integration of this development into the area. The Childcare Demand Report identifies other such facilities in the area and calculates that there is capacity for 81 children within these. I consider the nature and location of the childcare facility to be acceptable. As already reported, the opening of an access to/ from Lakeview will ensure that this facility is easily accessible to a larger residential area that has a need for such a service.

8.6.8. **Car Parking:** The proposed development provides for adequate car parking to serve the needs of the residents of this development. The majority of the houses are provided with in-curtilage parking for two cars per three/ four-bedroom unit. All other houses are provided with one parking space and each of the maisonettes have access to one parking space which is located in a communal area. I have no objection to the proposed car parking provision and I consider it to be acceptable in terms of compliance with the requirements of the Cork County Development Plan 2022 – 2028.

8.6.9. **Conclusion on Residential Amenity:** I am satisfied that the proposed development will provide for a high quality of residential amenity as the housing is of a high quality with a good mix of types and each unit is provided with good floor space/ private amenity. The layout of the site is acceptable and will ensure integration with the adjoining residential developments. The internal layout is of a good quality and allows for good permeability throughout the site area. I am satisfied that the proposed development will not impact on existing residential areas in terms of loss of privacy through overlooking and loss of daylight through overshadowing. Adequate separation distances are provided to ensure the protection of residential amenity. I have no objection to the development in terms of residential amenity and I consider it to be acceptable in terms of compliance with the requirements of the Cork County Development Plan 2022 – 2028.

8.7. **Infrastructure and Flood Risk**

8.7.1. Water supply and foul drainage: Uisce Éireann noted that the proposed water supply will require connection to a third-party system that is not in the control of Uisce Éireann; demonstration of proof of permission to connect to this network is required and conditions also proposed in relation to pipe sizes etc. that from the water supply network.

8.7.2. In terms of foul drainage, there is a capacity issue in the Midleton area, however two projects are underway and due for completion in 2026, and which will resolve issues in the area. Uisce Éireann will receive treated effluent prior to the completion of these projects and the applicant proposes to provide for a temporary waste water treatment plant on lands to the north east of the site, as well as a temporary pumping station to the south west. Uisce Éireann and Cork County Council have raised no issues of concern in relation to this aspect of the development.

8.7.3. I note that concern was raised in the third party appeals about the length of time of use of this temporary system, in addition to concerns about noise/ odours from the wastewater treatment plant. The nature of such systems is that they are removed when a permanent solution is provided. There is a sufficient buffer between the proposed houses and the location of the treatment plant. I also note the concerns regarding the location of this system and again I have no concern about this. This treatment plant will only be in place for a short period of time and will not result in the loss or erosion of the Metropolitan Green Belt as outlined in the Cork County Development Plan 2022 – 2028.

This area of land will be suitably fenced off and the actual foul drainage system located within this area is small in the context of this green belt zoned land. The lands on which the pumping station is located, when removed, can provide for additional public open space for the benefit of residents.

- 8.7.4. I am satisfied that the applicant can provide for suitable foul drainage and water supply to serve this residential development. Whilst there are issues in relation to foul drainage capacity, I am satisfied that this matter will be addressed in a timely manner through the upgrades to the public foul drainage system. These upgrades will facilitate existing and permitted development in the Midleton area and are not dependent on the subject application/ appeal. The temporary wastewater treatment plant will allow for organic treatment of the foul water from this development before it is treated in the Midleton plant and its eventual discharge.
- 8.7.5. Surface Water Drainage: Cork County Council did not raise any issues of concern in relation to surface water drainage. A suitable surface water drainage is proposed, and which includes an attenuation tank that allows for controlled discharge through the adjoining Castleredmond estate at greenfield rates.
- 8.7.6. Concern was expressed by third parties about potential flooding issues as a result of this development. A 'Site-Specific Flood Risk Assessment Report' dated April 2023 – prepared by Denis O'Sullivan & Associates Consulting Engineers (DOSA) has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009' and OPW data was also included in the assessment. The topography of the site is outlined in Section 1.4 of the SSFRA.
- 8.7.7. The Owenacurra River flows from north to south and discharges into Cork Harbour. There are no records of historical flooding on the site, though Midleton itself has a record of flooding.
- 8.7.8. The submitted report has regard to the following forms of potential flooding:
- Tidal: the site is located outside of the 0.1% AEP coastal flood event and is therefore located in Flood Zone C for tidal flood risk.
 - Fluvial: CFRAM and other studies indicate that fluvial flooding does not extend to these lands, and the site is therefore in Flood Zone C.

- Groundwater: The aquifer vulnerability map classifies this site as having a moderate to extreme vulnerability. There is no historical record of groundwater flooding on site and there are no indications of any springs or wells on this site. There are no concerns therefore due to flooding due to groundwater risk.
- Pluvial: There is no record of such flooding on these lands and the proposed SuDS measures will ensure that adequate drainage is provided on site.

8.7.9. The subject site is therefore located in Flood Zone C and is suitable for residential development. There is no requirement for a detailed flood risk assessment of the proposed development.

8.7.10. From the submitted information and the available information, I am satisfied that the risk of flooding on site is low and that that the proposed development will not adversely affect adjoining lands. The subject lands are located within Flood Zone C and Cork County Council did not raise any issues of concern regarding the proposed surface water drainage and flood measures. I note the concerns raised in the third-party appeals regarding flooding, and I also note the recent flooding in late 2023 in the area, however, no such concerns apply to this site and the implementation of a suitable SuDS system will ensure that the site is suitably drained. The submitted Infrastructure Report clearly indicates that an additional 20% allowance for the effect of climate change has been included in the proposed attenuation system and also in the design criteria for rainfall depth.

8.7.11. I have no objection to the development in terms of infrastructure and flood risk and I consider it to be acceptable in terms of compliance with the requirements of the Cork County Development Plan 2022 – 2028.

8.8. Other Matters

8.8.1. **Ecological Impact Assessment (EclA):** The applicant engaged Enviroguide Consulting to prepare an Ecological Impact Assessment (EclA), dated May 2023, and this was included in support of the application. Concern was raised in the third-party appeals that the information provided was not comprehensive enough and that not all species have been identified in the EclA.

8.8.2. I am satisfied that the information provided is acceptable. The submitted report is comprehensive and I am satisfied that the 'Zone of Influence (ZOI)' considered/ used

by the applicant is appropriate to ascertain the impact of the development on the ecology of the area. Suitable surveys were undertaken in December 2022 and April 2023. Details of the Baseline Ecological Conditions are provided in Section 5 of the EclA. Two SACS, two SPAs and twenty pNHAs are located within 15 km of the subject site, there are no NHAs within this ZOI. Figures 5 and 6 demonstrate the location of these sites. Details of the surveyed species are provided in Sections 5.1.4 of the applicant's report.

- 8.8.3. As per Section 5.2.1.6 of the EclA, the majority of the site area is described as Agricultural Grassland (Improved)(GA1) and with a habitat that 'is of low biodiversity value in its current state and is deemed to be of negligible ecological value.' Other areas of land have been impacted by activity with 'Spoil and Bare Ground (ED2)' in an area that has been 'poached due to vehicle and livestock passage.' No evidence of badgers was found on site. Bats were found to forage/ commute through the site and a total of three bat species were identified.
- 8.8.4. The potential impact of the development on ecology is provided in section 6 of the EclA. Management of invasive species will have to be undertaken during the construction phase of the development. Full consideration is given to potential impact on adjoining lands and on hedgerows/ walls within/ adjoining the site. Impacts on flora, mammals, and bats is considered to be short to medium term. The impact on birds will be permanent, positive, significant through the proposed landscaping to be provided on this site. The do-nothing impact would see the lands remain in agricultural use. Appropriate mitigation measures are provided in Section 7 of the EclA and Monitoring is outlined in Section 8. Section 9 considers the Cumulative Impacts and references development to the west and south west of the site. Overall, the proposed development will not have a significant impact on any valued habitats, designated sites, or valued species.
- 8.8.5. Comment on EclA and supporting reports: The submitted report and details are noted and it is clear that there will be change in the character of this landscape from farmed lands to a permanent residential development. The land is zoned for such uses, and it has been reported that the lands can be serviced for such development. The suitability of the zoning applied to these lands has been considered through the Strategic Environmental Assessment (SEA) process. I note reference by third parties to birds in the area that have not been detailed in the EclA. The submitted report is robust and thorough and it has to be expected that not all species can be identified during the

appropriate surveys. In any case, the proposed mitigation measures will apply to flora and fauna, including those not identified.

- 8.8.6. I therefore consider that the EclA demonstrates that the proposed development would not have a significant impact on flora and fauna. The appropriate landscaping of this site, the provision of such measures as bat friendly lighting and hedgerow highways will ensure that such species continue to inhabit these lands.
- 8.8.7. Archaeology: An Archaeological Assessment by John Cronin & Associates reports that there are no known features in the area and the site has been in agricultural use for some time, back to the mid-19th century, though evidence of an early field system was found in the geophysical survey. Recommended that an archaeologist be employed to carry out an Archaeological Impact Assessment (AIA) prior to the commencement of site preparation works. I note this recommendation and I also note that the Planning Authority did not provide for a specific condition in relation to this.
- 8.8.8. **Availability of services:** The subject site is located to the south of Midleton, and the adjoining area provides for a range of social, educational, and sporting facilities. In support of the application, a 'School Demand Report' has been provided and this demonstrates that there is capacity in existing primary schools, and capacity in second level schools though at a restricted level with only 20 places available. The submitted report indicated that additional capacity is proposed in the area.
- 8.8.9. **Taking in charge:** A concern raised by those residing in Castleredmond was that the proposed development and the use of the route through this residential development may further slow down the Taking in Charge process by Cork County Council. I am not aware of what stage this process is at, however, it is a separate process to the receipt of planning permission. A grant of planning permission does not imply that development may occur immediately as compliance conditions and other requirements will have to be completed prior to the commencement of development. The Taking in Charge process should continue to progress without impact from the assessment of the planning application.
- 8.8.10. **Procedural Issues:** A number of procedural issues were raised including queries on submitted reports and their oversight and also in relation to the public notices. I am satisfied that the submitted information is adequate in order to assess both of the

appeals, and the information submitted by the applicant is not prejudicial to third party rights.

9.0 Appropriate Assessment (AA)

Stage 1 – Appropriate Assessment Screening

9.1 The applicant has engaged the services of Enviroguide Consulting, to prepare an appropriate assessment screening; the submitted report is dated May 2023. I have had regard to the contents of same.

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

9.2.1 The areas addressed are as follows:

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

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

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

9.3.2 The subject site is located to the south of Midleton on lands to the east of Castleredmond estate to the east of the R630 road. The site is approximately 740 m to the east of the Owenacurra River/ Estuary. The site area is 7.9 hectares, and the lands are currently in agricultural use/ under grass and associated uses. The proposed development is for 270 residential units in the form of houses and apartments. Also proposed are a creche, open space, road network, a temporary wastewater treatment plant and all associated infrastructure works.

9.3.3 Field surveys were undertaken in December 2022 and April 2023, these informed the Ecological Impact Assessment (EclA) as well as the AA Screening Report. Winter Bird Surveys were undertaken in November 2022, January, February x 2 and March 2023 and no target species using the subject site as ex-situ foraging habitats were identified. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

9.3.4 A total of four European Sites have been identified as located within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>Great Islands Channel SAC</p> <p>Conservation Objectives: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC.</p> <p>Qualifying Interests: Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows [1330]</p>	(001058)	0.55 km to the south west
<p>Ballymacoda (Clonpriest and Pillmore) SAC</p> <p>Conservation Objectives: To maintain the favourable conservation condition of Estuaries in Ballymacoda (Clonpriest and Pillmore) SAC</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Ballymacoda</p>	(000077)	14.5 km to the east

<p>To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Ballymacoda</p> <p>To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) in Ballymacoda</p> <p>Qualifying Interests:</p> <p>Estuaries [1130]</p> <p>Mudflats and Sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic Salt Meadows [1330]</p>		
<p>Cork Harbour SPA</p> <p>Conservation Objective:</p> <p>To maintain the favourable conservation condition of the following QIs in Cork Harbour SPA</p> <p>Qualifying Interests:</p> <p>Little Grebe [A004]</p> <p>Great Crested Grebe [A005]</p> <p>Cormorant [A017]</p> <p>Grey Heron [A028]</p> <p>Shelduck [A048]</p> <p>Wigeon [A050]</p> <p>Teal [A052]</p> <p>Pintail [A054]</p>	(004030)	0.54 km to the south-west

<p>Shoveler [A056] Red-breasted Merganser [A069] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Lapwing [A142] Dunlin [A149] Black-tailed Godwit [A156] Bar-tailed Godwit [A157] Curlew [A160] Redshank [A162] Black-headed Gull [A179] Common Gull [A182] Lesser Black-backed Gull [A183] Common Tern [A193] Wetland and Waterbirds [A999]</p>		
<p>Ballycotton Bay SPA Conservation Objectives: To maintain the favourable conservation condition of the following QIs in Ballycotton Bay SPA: Qualifying Interests: Teal [A052] Ringed Plover [A140] Golden Plover [A140] Grey Plover [A141] Lapwing [A142] Black-tailed Godwit [A156] Bar-tailed Godwit [A157] Curlew [A160]</p>	(004022)	10.7 km to the south-east

Turnstone [A169]		
Common Gull [A182]		
Lesser Black-backed Gull [A183]		
Wetland and Waterbirds [A999]		

9.3.5 **Connectivity-Source-Pathway-Receptor:** The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the four identified sites. The following is found in summary:

Site	Direct Hydrological Connection	Comment
Great Islands Channel SAC	Yes	<p>Potential connection through the proposed wastewater treatment system, especially if there is a hydraulic or organic overloading of the Midleton WWTP with potential for untreated water entering the SAC.</p> <p>Potential for surface water discharge during the construction phase and also groundwater contamination due to the permeable nature of the bedrock.</p>
Ballymacoda (Clonpriest and Pillmore) SAC	No	Intervening distance and potential for dilution will ensure against significant effects during the construction and operational phases of this development.
Cork Harbour SPA	Yes	Potential connection through the proposed wastewater treatment system, especially if there is a hydraulic or organic overloading of the Midleton

		<p>WWTP with potential for untreated water entering the SAC.</p> <p>Potential for surface water discharge during the construction phase and also groundwater contamination due to the permeable nature of the bedrock.</p>
Ballycotton Bay SPA	No	Intervening distance and potential for dilution will ensure against significant effects during the construction and operational phases of this development.

9.4 Assessment of Likely Significant Effects:

9.4.1 The submitted AA Screening Report, through section 3.7, considers the potential impacts on European Sites from the proposed development. Due to capacity issues in the Midleton WWTP, there is potential for overloading of this system and potential pollution events. During the construction phase, surface water run-off may enter the existing network within Orchard Avenue/ The Courtyard, and which is discharged to the Owenacurra Estuary and which forms part of the designated European sites. Surface water may dispose through a laneway to the south of the site into the West Ballynacorra Stream. The groundwater vulnerability is rate as having a ‘High’ vulnerability and could be impacted by pollution, and in turn would discharge to the designated sites.

9.4.2 The development site will not result in any direct significant habitat loss or alteration to any designated European site due to the separation distance between the development site and the designated sites. A pollution event and/ or overloading of the WWTP could result in the loss and/ or alteration of a QI habitat within the designated sites, in addition fragmentation of habitats/ species cannot be ruled out. Invasive Alien Species have been identified on site and it cannot be ruled out that they would spread and adversely affect the designated sites. In-combination affects are ruled out in the AA Screening Report.

9.5 AA Screening Conclusion:

The applicant in carrying out the AA screening, has not taken into account any specific mitigation measures. It cannot be ruled out that the proposed development would not have a significant effect on the Great Islands and Channel SAC and the Cork Harbour SPA through overloading of the Midleton WWTP giving rise to pollution, through surface water discharge of pollution waters and through pollution in the groundwater. In addition, Invasive Species may be spread through the development of this site and which in turn may have a significant effect on the designated sites. The applicant considers it necessary to proceed to Stage 2 of the Appropriate Assessment Process and a Natura Impact Statement (NIS) has been prepared.

9.6 Screening Assessment

9.6.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a direct result of the proposed development.

9.6.2 The AA Screening does identify potential likely significant effects through pollution associated with potential overloading of the Midleton WWTP, through groundwater pollution, and through the potential spread/ dispersal of invasive species. Mitigation measures will be required to be put in place and therefore it is considered that a Stage 2 Appropriate Assessment is required. The applicant has provided a Natura Impact Statement in accordance with the requirements of the Stage 2 Appropriate Assessment process.

9.7 Stage 2 – Appropriate Assessment

9.7.1 I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse

effects of the proposed development on the Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058), where it has been established that a Source-Pathway-Receptor link exists. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

9.7.2 The NIS identifies and assesses possible adverse effects of the proposed development on specific Qualifying Interests and Conservation Objectives of these designated sites. A summary description of the European sites is provided in Section 4 of the NIS and details of the 'Effect Prediction' are provided in Section 5. Table 2. provides full details of the 'European Sites within the 15km ZOI and Potential Pathways' and which also includes a detailed analysis of the Source-Pathway-Receptor. Impacts may occur during the Construction and Operational phases of the development as follows:

Construction Phase: Groundwater vulnerability to contamination is categorised as high to the south of the site and Extreme to the northern section. Due to the porous nature of the site and proximity to the Owencurra Estuary which feeds into the designated sites, potential water quality impacts cannot be ruled out.

Direct habitat loss can be ruled out, however indirect loss cannot. There is potential for habitat fragmentation of QI plant vegetation/ communities due to adverse water quality effects and also due to the dispersal of invasive species.

Operational Phase: The Midleton WWTP has adequate hydraulic capacity to serve this development, however it does not have any remaining organic treatment capacity. Therefore, there is potential for significant effects on European sites through pollution arising as a result of the overloading of this WWTP.

In combination affects have been ruled out.

9.7.3 Section 6 considers the 'Potential effects on Site-Specific Conservation Objectives' and 'Assessment of the Potential Effects of the Proposed development on Site-Specific CO's' is provided in Table 4 of the NIS.

9.7.4 Mitigation measures are outlined in Section 7. Sedimentation and Siltation Measures will be provided to ensure that potential contaminated surface water does not leave the site. Settlement ponds to be provided and suitable measures to be used to prevent any run-off from wheel washes, surface cleaning etc. to leave the site. Vehicles/ plant to be properly maintained, materials to be used will not give rise to pollution, and materials on

site to be properly stored. In accordance with best practice, a suitable Spill Response Plan and Environmental Emergency Plan (SEP) is to be put in place. A suitable waste management plan is also to be put in place. Measures will be taken to ensure that invasive species are managed on site and that they do not spread to adjoining lands with particular reference to the European sites. These include management of vehicle movements, cleaning/ management of PPE, training and provision of suitable signage where invasive species are identified on the site.

- 9.7.5 Operational phase measures are outlined in Section 7.2. These again refer to surface water drainage management and how untreated water will be prevented from entering into the European sites. A range of suitable measures are outlined in the NIS. A temporary wastewater treatment plant will be provided and will ensure that wastewater will be treated to an acceptable standard prior to discharge to the public system. Any foul water that may enter the groundwater would be treated to a standard such that it would not impact the water chemistry of the designated European sites. This temporary wastewater treatment system is suitably located away from houses and the designated sites. It will operate until the Midleton WWTP upgrade is complete, which is expected to be in 2026.
- 9.7.6 Suitable monitoring details are provided in Section 8 for the construction phase of this development. Operational phase monitoring primarily consists of ensuring that the temporary WWTP is operating as designed.
- 9.7.7 In conclusion, the NIS reports ‘Where potentially significant adverse effects were identified, mitigation and avoidance measures have been proposed to negate them. Therefore, as a result of the complete, precise, and definitive findings of this AA; it has been concluded beyond any reasonable scientific doubt, that once the mitigation measures recommended in this Report are implemented correctly and in full, the Proposed Development at Castleredmond, Co. Cork will not result in any significant adverse effects on any European sites.’

9.8 NIS Assessment:

- 9.8.1 I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the

provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

9.8.2 The Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058) are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

9.8.3 Aspects of the Development that could adversely affect the designated site: The main aspect of the development that could impact the conservation objectives of the European sites are through deterioration of water quality during the construction and operational phases of the development, with potential negative impacts from Invasive Species during the construction phase.

9.8.4 Mitigation: A range of mitigation measures are provided in the NIS, and these are noted. These primarily refer to the construction phase of development but also refer to the operational phase is provided in the applicant's report. These are outlined in Section 7 of the NIS, but the main points are summarised here:

Construction Phase:

- Refuelling to be undertaken in a designated location. Maintenance and cleaning to be controlled.
- Discharge of groundwater to be controlled, not into local drains or into the groundwater.
- Personnel on site to be trained to ensure implementation of environmental control and emergency procedures.
- Silt traps including earthen berms to be installed with specific reference to the southern boundary of the site and to ensure that no contaminated surface water run-off leaves the site.
- Settlement ponds to be installed to collect run-off and allow for its treatment before discharging to the foul sewer network in accordance with licence/ consent process.

- Structures and roads on site to be located above flood level to prevent backflows through the surface water network.
- Roads to be suitably constructed and include surface water drainage.
- New homes to be serviced by mains gas and therefore there is no requirement for home heating by oil.
- Parking areas to be provided with an impermeable liner to prevent contaminant leaking to the groundwater.
- Storage and unloading of materials to be in specific locations. This includes all hydrocarbons etc.
- Suitable spill/ emergency response plans to be put in place.
- Waste management to be in accordance with detailed plan. This includes foul drainage during the construction phase.
- Best practice site hygiene and biosecurity measures will be in place to avoid the spread of any Invasive Alien Plant Species (IAPS) into the site or surrounding areas.
- PPE measures to be employed to include all clothing and footwear brought onto the site will be clean and dry and suitable inspection of this PPE will be undertaken. Work boots will be dipped in or scrubbed with a disinfectant solution and they will be thoroughly dried afterwards before being used on the site for the first time, therefore ensuring that they are visually free from soil and organic debris, to prevent the inadvertent spread of IAPS material.
- Rumble strips to be provided at the site entrance to remove spoil from truck wheels, road sweeping to be undertaken and roads outside the site to be cleaned as required.

Operational Phase:

- The proposed surface water system will discharge into the existing public stormwater network located on Whitegate Road in the adjoining Castleredmond estate.
- Suitable measures to be employed to control discharges of hydrocarbons and including the provision of silt collection and oil-level alarm.

- Surface water drainage will be designed and provided in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). A range of SuDS measures will be employed throughout the site area.
- A temporary waste water treatment plant will be provided until such time as Uisce Éireann upgrade the Midleton WWTP. The organic treatment provided by the temporary plant will be of such a high quality that any effluent that enters the groundwater will not give rise to any changes to the water chemistry of the any mapped/ unmapped QI habitat.
- Monitoring will be undertaken for surface water and groundwater, in addition to the monitoring of invasive species measures.

9.8.5 Full details in relation to flood risk are provided in the applicant's Flood Risk Assessment and supporting information is also provided in the submitted Ecological Impact Assessment (EclA).

9.8.6 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the Owenacurra Estuary/ River and in turn its hydrological connection to the SPA and SAC. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

9.8.7 **In Combination Effects:** No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

9.0 **Appropriate Assessment Conclusion:**

9.9.1 The proposed residential development at Castleredmond, Midleton, Co. Kildare has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

9.9.2 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058). Consequently, an Appropriate

Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

9.9.3 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058).

9.9.4 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058).

9.9.5 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058).

10.0 Environmental Impact Assessment (EIA)

- 10.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 10.2 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, including Schedule 7 details, and which has been prepared by Enviroguide Consulting dated May 2023, and I have had regard to same. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 7.91 hectares, number of residential units (270) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. Characteristics of the proposed development are provided under Section 3.6.
- 10.3 Further consideration is required by Schedule 5, Part 2 (10)(b) of the Regulations for development which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. Class 15 refers to 'Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.' Full consideration is provided of Class 15 in the submitted EIA Screening; a summary of EIA activities is provided in Table 3-1.
- 10.4 Sub-threshold development is considered under Section 3.4. and Characteristics of the Proposed Development under Section 3.6. Table 3-2 provides details on 'Proposed Natural Heritage Areas' and Table 3-3 details 'Designated and Protected Sites'. Section 3.8 provides details on 'Characteristics of the Potential Impacts'. Under Section 3.8.3.12 'Probability of the Impact' it states, 'No significant environmental impacts are predicted for the Proposed Development.' Suitable measures will be employed to address issues of health and safety, noise, and other potential nuisances. Also stated, 'The Operational Phase of the Proposed Development will result in an increase in the population of the area, and it will have a positive impact on the long-term supply needs of accommodation in the surrounding area.'

10.5 Section 3.9 considers 'Cumulation with Other Projects' and planning applications within a 1 km radius of the subject site, which have been decided in the last five years, are considered in the context of cumulative impact with the subject development. Two areas are considered further:

Transport: The transport assessment undertaken by MHL Consulting has been prepared having regard to permitted development on the adjoining Lakeview development (PA Ref. 226688, 217428 and 224753), with particular consideration of impact on the major road junctions in the area. Development in the area will impact on traffic and journey times, however the subject development is not expected to give rise to a significant cumulative effect.

Biodiversity: The submitted Ecological Impact Assessment (EclA) and Natura Impact Assessment (NIS) have considered the cumulative impact of development on the environment and designated European sites. Suitable mitigation measures are proposed and 'it is concluded that there will be no significant cumulative effects in terms of biodiversity involving the Proposed Development.'

Consideration was also given to impact on 'Landscape and Visual' amenity due to the cumulative developments in the area. The lands are suitably zoned for residential development and the nature of development is in accordance with this zoning. Cumulative construction impacts were also considered and again, suitable measures will be employed to ensure that there are no adverse impacts on the area.

This section of the EIAR Screening Report concludes 'that the combined impact will not be significant on the environment.' The development does not give rise to any concerns in relation to proposed plans and projects in the area.

10.6 Section 4 provides a 'Summary of Assessment Findings' and these are outlined in Table 4-1. Section 6 provides the conclusion and which states: 'It is concluded that, by reason of the nature, scale and location of the subject site, the Proposed Development will not be likely to have significant effects on the environment. Therefore, a mandatory Environmental Impact Assessment Report (EIAR) is not required for the Proposed Development.'

10.7 The Planning Authority reported concern that the proposed development, combined with the permitted adjoining development in Lakeside, would constitute an overall development in excess of 500 units on over 10 hectares of land and that an EIAR may

be required 'unless it can be shown that this "cumulative" concern can be adequately addressed.' The Cork County Council Senior Planner included the following comment:

'The proposed development is dependent on the adjoining development and developer (O'Flynn Construction) in particular, the road network. In aggregate, with the O'Flynn lands and the permitted development therein, the EIA thresholds has been reached. The two landholdings of Glenveagh and O'Flynn collectively form the same zoning objective MD-R-04 (for Medium A Density Residential Development) and adjoins further development lands to west and north of same. it is therefore prudent to satisfactorily address statutory EIA requirements. In the interim, given the over-arching housing supply issues facing the County, the proposed project phasing plan and the findings of the traffic modelling, it is considered prudent to enable phase one of the scheme to proceed, prior to determination of EIA question and facilitation of completion of necessary roads network.'

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

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

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

10.10 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is

submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

- 10.11 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment. I note the comments of Cork County Council regarding a need for an EIAR due to cumulative impact of development in the area, with specific reference to the Lakeview development under construction by O'Flynn Construction to the north/ north west of the subject site. Part of the proposed development will be accessed through Lakeview along the road permitted under Phase 1 and 2 of that development. Phase 1 is currently under construction, though the access to the R630 has not been provided to date. It is likely that part of Phase 1 as permitted under PA Ref. 217428 will be occupied over the next few months.
- 10.12 There is no concern that these developments have in effect given rise to project splitting in terms of EIA. The O'Flynn Construction developments do not rely on the subject application, and the use of the roadway to facilitate part of the subject development demonstrates good planning as it ensures that there is good permeability between adjoining residential developments. The O'Flynn Construction development made provision for connections to adjoining lands and the subject application similarly allows for connection to adjoining lands if required in the future.
- 10.13 The applicant has included a comment from A&L Goodbody that specifically considers the issues of 'Interdependence and Environmental Impact Assessment'. They report that the subject development is not dependent on the build-out of the Lakeview developments, full consideration has been given to cumulative traffic impact and significant effects have been screened out. The proposed development does not meet the threshold for a mandatory EIA as per Schedule 5 of the regs. I am satisfied that the EIA Screening Report has adequately considered issues of traffic and biodiversity in the assessment, and I am satisfied that the proposed development will not have adverse effects on these.
- 10.14 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative

impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning and Design Statement – McCutcheon Haley Chartered Planning Consultants
- Statement of Consistency For Development at Castleredmond (townland), Midleton, Co. Cork - McCutcheon Haley Chartered Planning Consultants
- Planning and Design Statement - Deady Gahan Architects
- Interdependence and Environmental Impact Assessment – A&L Goodbody
- Infrastructure Report – Denis O’Sullivan & Associates Consulting Engineers (DOSA)
- Drainage Impact Assessment – Denis O’Sullivan & Associates Consulting Engineers (DOSA)
- Site Specific Flood Risk Assessment Report – Denis O’Sullivan & Associates Consulting Engineers (DOSA)
- Universal Design Statement - Deady Gahan Architects
- Construction & Environmental Management Plan - Denis O’Sullivan & Associates Consulting Engineers (DOSA)
- School Demand Report – McCutcheon Haley Chartered Planning Consultants
- DMURS Statement – MHL Associates
- Traffic and Transport Assessment - MHL Associates
- Screening Report for Appropriate Assessment – Enviroguide Consulting
- Ecological Impact Assessment – Enviroguide Consulting
- Landscape Design Report – Cunnane Stratton Reynolds Land Planning & Design

- Tree Survey - Cunnane Stratton Reynolds Land Planning & Design
- Archaeological Assessment - John Cronin & Associates

10.15 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

10.16 I have completed an EIA screening assessment as set out in Appendix A of this report.

10.17 I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. The impact of the development in combination with other developments in the area has also been considered and no significant effects on the environment arise.

10.18 In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

10.19 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

10.0 Recommendation

Having regard to the above assessment, I recommend that permission is GRANTED for the Large-Scale Residential Development (LRD) Castleredmond, Midleton, Co. Cork as proposed for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022 - 2028, and the zoning for residential purposes, to the location of the site in an established urban area and to the nature, form, scale, and design of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Recommended Draft Order

12.1 Application:

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with Cork County Council on the 23rd of August 2023 and appealed to An Bord Pleanála on the 20th of November 2023.

Proposed Development:

- The provision of 270 residential units in the form of 120 x two-bedroom houses, 107 x three-bedroom houses, 15 x four-bedroom houses and 28 x one-bedroom apartments/ maisonettes. Also includes a creche, car/ bicycle parking, open space, internal road network, a junction with the public road network onto the R630, a connection to the adjoining Lakeview development, a temporary wastewater treatment plant and pumping station, and all associated site works.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Cork County Development Plan 2022 - 2028
- It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2022 and a Housing Quality Assessment is submitted which provides details on

compliance with all relevant standards including private open space, room sizes, storage, and residential amenity areas.

- An Appropriate Assessment Screening Report, a Natura Impact Statement and an Environmental Impact Assessment Screening Report have been included with the application.

Appeal:

A First-Party appeal by Glenveagh Homes Ltd, and Third party appeals from Castleredmond Residents Association, Declan and Aine Connolly, Aileen & John Murray, Alan J. Smith, Kieran Connolly, Gordon & Alision Callinan, Tim O'Leary, Ballinacurra East/ Gearagh Road Residents, Liam McCarthy, and Patrick Lynch.

12.2 Decision:

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

12.3 Matters Considered:

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- (i) the provisions and policies of the Cork County Development Plan 2022 - 2028,
- (ii) The zoning objective MD-R-04 – which seeks 'Medium A Density Residential Development to include a mix of house types. Consideration may also be given to the provision of a nursing home. Proposals should take cognisance of the period property in the near vicinity and should include detailed landscaping proposals for the site. Provision of a new purpose-built primary school can also be accommodated on this site, subject to agreement with the Department of Education and Science. The development proposal shall also include a detailed Traffic and Transport Assessment and road safety

audit. The site supports two habitats of ecological value (semi natural grassland and scrub/transitional woodland). The biodiversity function of these habitats is to be protected as much as possible through the inclusion of buffer areas and green infrastructure corridors..’

(iii) The zoning objective Metropolitan Green Belt – which seeks ‘to preserve the character of the area and (subject to certain exceptions) reserve the land generally for agriculture, open space or recreation uses.’

(iv) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(v) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage, January 2024,

(vi) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, December 2022,

(vii) the availability in the area of a wide range of social and transport infrastructure,

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

(ix) Submissions received, and

(x) the Inspectors Report

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.4 Appropriate Assessment (AA) – Stage 1:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate

Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058), which are European Sites for which there is a likelihood of significant effects.

12.5 Appropriate Assessment - Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058) in view of the above sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

12.6 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective MD-R-04: Medium A Density Residential Development and Metropolitan Green Belt in the Cork County Development Plan 2022 - 2028, and the results of the strategic environmental assessment of the Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, compliant with the current Cork County Development Plan 2022 - 2028, and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The number of residential units permitted by this grant of permission is 270 residential units in the form of 120 x two-bedroom houses, 107 x three-bedroom houses, 15 x four-bedroom houses and 28 x one-bedroom apartments/ maisonettes.

Reason: In the interests of clarity.

3. (a) The development shall be carried out on a phased basis. The first phase shall consist of not more than [110] dwelling units, located in Phase 1 as indicated on Drawing No. 22090-P-0015 – ‘Proposed Phasing Plan’, together with the associated site development works, childcare facility, temporary pump station and the temporary wastewater treatment plant.

(b) No units within Phases 2 and 3 shall be occupied in advance of the completion of the access road from the Lakeview Residential development, and until such time as the written agreement of the planning authority is given to allow for their occupation.

Reason: To ensure the provision of a suitable pedestrian pathway/ road network to serve this developing residential area.

4. The temporary wastewater treatment plant and pump shall be constructed in accordance with the requirements of Uisce Éireann. These shall be removed when Uisce Éireann has fully implemented the upgrades to the Midelton Public Wastewater Treatment Plant and there is no further requirement for this temporary wastewater treatment plant. The pump house lands shall be redeveloped as open space and that of the treatment plant shall revert to pasture land.

Reason: In the interest of public health and clarity on service provision.

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

Reason: In the interest of public health.

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

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

7. The operating hours of the childcare facility shall be agreed in writing with the Planning Authority prior to the occupation of the non-residential uses.

Reason: In the interest of clarity and to ensure the protection of residential amenity.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of urban legibility.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit and shall comply with the recommendations of the Ecological Impact Assessment (EclA) with reference

to bats.

Reason: In the interests of amenity and public safety, and to ensure the protection of bats.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

Reason: In the interests of visual and residential amenity.

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

b) Construction access shall be from Rocky Road in accordance with Project/ Drawing No. 4732_0008 – ‘Proposed Construction Access & Site Facilities’. All temporary works required to provide this access shall be agreed in writing with the Planning Authority prior to the commencement of development.

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

14. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

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

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

15. A minimum of 10% of all car parking spaces serving the apartments shall be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to

the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

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

Reason: In the interest of residential and visual amenity.

17. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

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

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

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

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

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

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

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

Reason: In the interest of sustainable waste management.

20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;

- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

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

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

22. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit),

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

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

25. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Paul O'Brien

Inspectorate

16th January 2024

EIA Screening Determination:

A. CASE DETAILS		
An Bord Pleanála Case Reference	318403-23	
Development Summary	The provision of 270 residential units in the form of 120 x two-bedroom houses, 107 x three-bedroom houses, 15 x four-bedroom houses and 28 x one-bedroom apartments/ maisonettes. Also includes a creche, car/ bicycle parking, open space, internal road network, a junction with the public road network onto the R630, a vehicular connection to the adjoining Lakeview development, a temporary wastewater treatment plant and pumping station, and all associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	<p>Concern that the development is not considered in the context of other development in the area – need for a cumulative assessment and recommend that a full EIAR should be prepared.</p> <p>This has been considered and I do not agree with the Planning Authority. The lands are suitably zoned for housing and the cumulative impact on traffic would have been considered during the development plan assessment process and through the Strategic Environmental Assessment (SEA) process.</p>

<p>2. Has Schedule 7A information been submitted?</p>	<p>Yes</p>	
<p>3. Has an AA screening report or NIS been submitted?</p>	<p>Yes</p>	<p>AA Screening and a NIS have been submitted.</p>
<p>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	
<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>Ecological Impact Assessment has been submitted.</p>

B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>		
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The development proposes the provision of mostly two and three storey houses and is in keeping with the predominately residential nature of the eastern side of the R630 road.</p>	<p>No.</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed development will result in an existing greenfield site been developed for residential use in accordance with the</p>	<p>No.</p>

	residential zoning that applies to these lands.	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	No.
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	No.

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	<p>No.</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No significant risk identified subject to the implementation of appropriate mitigation</p>	<p>No.</p>

	<p>measures. The operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance</p>	<p>No.</p>

	with an agreed Management Plan will mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.	No.

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are characterised by residential development.</p>	<p>No.</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>There are other similar developments in the area, these have already been granted planning permission. In terms of good planning, a vehicular/ pedestrian connection is proposed between the subject site and through the permitted Lakeview development to the north/ north west of the subject site. The subject development is not dependent on this link and there is no interdependency</p>	<p>No</p>

	between these development sites.	
2. Location of proposed development		
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p>a) European site (SAC/ SPA/ pSAC/ pSPA)</p> <p>b) NHA/ pNHA</p> <p>c) Designated Nature Reserve</p> <p>d) Designated refuge for flora or fauna</p> <p>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>No European sites located on or adjacent to the site. An Appropriate Assessment Screening and a Natura Impact Statement were provided in support of the application. Subject to the implementation of appropriate mitigation measures, no adverse effects are foreseen.</p>	No.
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The submitted EclA and AA Screening/ NIS did not raise any issues of concern.</p> <p>The site is limited as a bat and bird habitat.</p>	No.
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>None identified.</p>	No.
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry,</p>	<p>There are no such features that arise in this location.</p>	No.

agriculture, water/coastal, fisheries, minerals?		
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	None on site. A site-specific flood risk assessment was prepared, and no issues of concern were identified. The site is located within Flood Zone C.	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No such impacts are foreseen.	No.
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Access to and from the site will be via the R630 which connects to the N25 National Road to the north at the Lakeview roundabout. Traffic congestion is a feature of this roundabout, however no significant contribution to traffic congestion is anticipated from the subject development.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There are no sensitive land uses adjacent to the subject site.	No.
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during	Consideration has been given to similar	No.

the construction/ operation phase?	development forming the Lakeview housing development, for which permission was granted and construction is underway. Some cumulative traffic impacts may arise during construction and operational stages. Construction traffic would be subject to a construction traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
Having regard to: -		

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective MD-R-04: Medium A Density Residential Development and Metropolitan Green Belt in the Cork County Development Plan 2022 – 2028,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services, facilitated by a temporary wastewater treatment plant, to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP),

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector _____

Date _____