



An
Bord
Pleanála

Inspector's Report

ABP-319007-24

Development	Construction of 96 dwellings, creche and all associated site works.
Location	Commons West, Cloyne, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	226844
Applicant(s)	Palmira Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Kenneally Sylvain Bodin & Others
Observer(s)	Marie Buckley Niamh Sheehan
Date of Site Inspection	04/07/2024
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1 The site, which has a stated area of 3.861 hectares, is roughly rectangular in shape and is located within the townland of Commons West, to the south of the existing settlement of Cloyne, Co. Cork, approximately 29km east of Cork city. The site adjoins existing residential development and a lumbar yard to the north. Lands to the south are undeveloped. The site is currently under grass and is relatively flat, with some mounding evident as a result of partial clearance works, in anticipation of development, which were undertaken circa 2005.

2.0 Proposed Development

- 2.1 The proposal comprises the construction of the construction of 96 residential units, creche, local pumping station and all associated site works.. The proposal was amended on foot of a Further Information request by the planning authority and the layout/ design of proposal was amended, including, inter alia, the provision of 20 apartments, provision of two pedestrian entrances with Cloyne Meadows to the north and setback of development from Church Street. The total number of residential units was not amended. The following key details are noted:

Site Area	3.861 ha
No of units	96 no. (20 apartments; 76 dwellings) 6 x 1 bed units 18 x 2 bed units 54 x 3 bed units 18 x 4 bed units
Other Uses	Creche-223m ² to accommodate 52 children and 9 staff Local pumping station

Density	25 units/hectare
Car Parking Provision	206 spaces (of which 12 are associated with creche)
Vehicular entrance	New entrance from Church Road Two pedestrian linkages proposed with Cloyne Meadows to the north; pedestrian crossing on Church Street
Usable Open Space	17% (stated)
Phasing	<u>3 Phases</u> Phase 1- Units 1-34 Phase 2- Units 35-56 & 87-96 & creche Phase 3- Units 57-86

3.0 Planning Authority Decision

3.1 Decision

Permission GRANTED, subject to 65 no. conditions

Further Information was requested by the planning authority in relation to (i) site servicing in terms of foul effluent disposal arrangements, CoF from Uisce Eireann and pumping station details (ii) planning including revised layout/design having regard to site context at edge of historic village (iii) public open space/landscaping (iv) flood risk/surface water disposal/drainage (v) environment/emissions including foul drainage arrangements from kitchen area; pollution prevention; previous deposition of waste on site; geotechnical investigations; hydrogeological site investigations; SWMP, CEWMP, invasive species survey (vi) AA Screening (vii) Part V (viii) public lighting.

Further Information was received on 20/11/2023.

A significantly altered layout and design approach was submitted on foot of FI request, including inter alia, rearrangement of internal roadway so that it is positioned close to the boundary with the sawmills, triple glazing of dwellings nearest sawmills, greater setback at road frontage with reduced density at this portion of site; improved green infrastructure and open space; provision of two pedestrian linkages with adjoining Cloyne Meadows estate to the north; provision of pedestrian crossing on Church Street and relocation of creche building further north.

The FI was deemed significant and revised public notices were submitted.

Unsolicited Further Information was received on 21/11/2023, 04/12/2023 and 11/01/2024 which included photomontages, Screening Assessment and Invasive Species Report and details of works that applicant will carry out to the existing foul/combined network to quantify and reduce the hydraulic load on the existing wastewater treatment plant.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- Case Planner- Reflects decision of planning authority; recommends grant of permission
- Senior Executive Planner- endorses report of Case Planner; recommends grant of permission

3.2.2 Other Technical Reports

Engineering Report- No objection, subject to conditions (05/12/2023)

Water Services Section- No objection, subject to conditions (18/01/2024)

Environment Section- FI response lacks detail. Conditions attached (dated 15/12/2023)

Estates Section- No objection, subject to conditions (12/12/2023)

Public Lighting- No objection, subject to conditions (30/11/2023)

Housing Officer- Documentary evidence required confirming date of acquisition of land in the form of signed contract/deed of transfer (04/12/2023)

Ecology Section- Concur with submitted AA Screening Report and is satisfied that the proposed development will not affect the integrity of the Cork Harbour SPA or other European site; conditions recommended (19/01/2024)

Archaeology Section- Further archaeological assessment not required; condition recommended (27/02/2023)

3.3 Prescribed Bodies

Uisce Eireann: Confirmation of Feasibility has issued. No objections, subject to conditions (08/12/2023)

Inland Fisheries Ireland: Requests clarification in relation to submitted drawings and details to indicate that there is no proposal to interfere with adjoining stream.

Requests FI. No further report received on foot of FI submission (27/01/2023)

3.4 Third Party Observations

The planning authority received a number of observations which raised issues similar to those contained in the third-party appeals.

4.0 Planning History

The most recent relevant history is as follows:

07/6738

Permission GRANTED for the construction of 28 dwellinghouses and 23 serviced sites, new site entrance and all associated site works. This permission was not implemented in full although some ground, clearance works were undertaken

07/6737

Permission GRANTED for the demolition of existing buildings on site and construction of 32 residential units, new site entrance and all associated site works. This permission was not implemented.

5.0 Policy Context

5.1 National Planning Policy

Section 28 Ministerial Guidelines

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Southern Region

5.2 Local Planning Policy

Development Plan

The Cork County Development Plan 2022-2028 applies.

- Cloyne is identified as a Key Village in the East Cork MD.
- Objective CY-DB-01- Within the development boundary of Cloyne encourage the development of up to 195 houses during the plan period.
- Zoning: Residential
- There are a number of policies and objective sin support of residential development within the operative Plan.

- Specific Objective CY-R-03- Medium B density residential development. To include connectivity to the village centre.
- Objective CY-DB-02-Appropriate and sustainable water and waste-water infrastructure, that secures the objectives of the Water Framework Directive and the Great Island Channel Cork Harbour Special Area of Conservation, and Cork Harbour Special Protection Area, must be provided and be operational in advance of the commencement of any discharges from development. Wastewater infrastructure must be capable of treating discharges to ensure that water quality in the receiving water does not fall below legally required levels.

5.3 Natural Heritage Designation

The nearest designated sites- Great Island Channel SAC (Site Code:001058) and Cork Harbour SPA (Site Code: 004030)- approximately 4.1km and 2.9km distant respectively.

5.4 EIA Screening

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 96 dwellings on a site c. 3.84 ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended). Accordingly, it does not attract the need for a mandatory EIA. The site is located within a designated development area of Cloyne, on lands zoned for residential purposes. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

5.5 Appropriate Assessment Screening

See Appendix 2 below

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 2.9km from the Cork Harbour SPA (Site Code:004030) and 4.1km from the Great Island Channel SAC (Site Code:001058), the nearest designated sites. The proposed development comprises the construction of 96 no. dwellings, together with creche and ancillary site development works.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature and scale of works
- Distance from nearest European site
- Taking into account screening determination by the planning authority (see Ecology section Appropriate Assessment Screening Report dated 19/01/2024)

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

6.0 The Appeal

6.1 Grounds of Appeal

Two third-party appeal submissions were received, one of which was signed by residents from Cloyne Meadows. The appeal submissions may be broadly summarised as follows:

- Proposed pedestrian access through Cloyne Meadows estate- not mentioned in initial planning application; lack of consultation regarding these proposed links; will negatively impact lives of residents of Cloyne Meadows and change their lives, mental health and well-being; private estate that should not be

involved in the infrastructure of new estate; unnecessary and unwanted walkway

- Proposal to cut through this green would result in removal of only safe green area in Cloyne Meadows; would result in local traditions being curtailed if pedestrian access put through green area
- In the absence of this green area, children will be forced to play on road, which poses health and safety concerns due to increased traffic; chance of children running into their estate and possibly run onto road
- Second proposed access (located to rear of estate at cul-de-sac with No. 51) would result in noise pollution, loss of parking space in that area; impacts on privacy; littering; dog fouling and anti-social behaviour
- Right to enjoy one's property and right to privacy, as enshrined in Constitution, are being infringed upon
- Cites case law in support of their appeal namely regarding lack of consultation upon O'Gorman v ABP; O'Keeffe v ABP and O'Connell v ABP
- Flooding Concerns- concerns regarding flooding flowing through new pedestrian entrance into their estate; potential damage to property and insurance implications.
- Concerns also regarding annual flooding of farmland located behind subject site and on breen on appellant's land and the Commons Road; concerns regarding information contained in submitted FRA
- Referenced 'unnamed drainage ditch/stream' in submitted FRA floods annually. FRA acknowledges that existing drainage ditch running through the site is a possible source of flooding
- Concerns regarding increased flooding of farmland and surrounding area; mitigation measures will not address the problems; building site located on bog with rushes growing on it
- Photographs submitted in support of appeals

- Recommends a storm relief pipe be installed to bring water from Commons West to Saleen River- has already put this proposal to PA; insufficient solutions in documentation to deal with water drainage
- Impacts on frogspawn- works should be overseen by suitably experienced Ecologist
- Traffic Concerns- increased volume of traffic; exacerbate existing congestion and traffic issues; concerns that access in/out of Cloyne Meadows estate will be impacted upon; visibility concerns; pedestrian safety and poor public transport service

6.2 Applicant Response

A response was received on behalf of the applicant, which may be broadly summarised as follows:

- Permission previously granted in 2007 (Ref 07/3728) on this site, on foot of which significant earth moving was carried out. These works were never completed. The mounding of subsoil and topsoil, together with 17 years of no maintenance may have some effects on stormwater flow paths and resulted in some standing water within the site. All excess subsoil and topsoil will be removed from site once permission is granted
- Outlines storm drainage solutions, together with proposed floor levels of proposed units and crèche
- As part of engagement with PA, has agreed to undertake a flow and load survey of the existing network within Cloyne village, the purpose of which is to provide separation of storm and foul network; will improve the storm network capacity in Cloyne and surrounding area
- Site is not located on flood zone on neither Cork CoCo nor OPW mapping; area classed as not being susceptible to flooding
- To conclude, considers that the current haphazard flow paths and excess soil storage within the subject site has resulted in unmaintained drainage ditches, resulting in some fluvial flooding during high intensity rainfall events along existing drainage ditches. These issues will be rectified during the construction of the development

- All works are in line with best practice and will improve the existing drainage from the site

6.3 Planning Authority Response

No further comment to make, all relevant issues have been covered in the technical reports.

6.4 Observations

Two observations were received, both of which raised issues similar to those contained in the appeal submission relating

- (i) to impacts of the proposed pedestrian linkages on their amenity; increased footfall, increased pedestrians; traffic concerns; increased flooding and loss of parking space- all as a result of opening up proposed pedestrian linkages
- (ii) concerns regarding flooding
- (iii) Traffic and pedestrian concerns.

Additional issues raised relates to concerns regarding (i) impacts on unique heritage, character and setting of village and (ii) proximity of proposed No. 77 on observer's property including impacts on privacy, overlooking and loss of light, negative visual impacts and (iii) other matters including over-intensification of development

6.5 Further Responses

None

7.0 Assessment

- 7.1 The proposed development comprises the construction of 96 no. residential units, together with creche, local pumping station and associated site development works. The proposal was amended on foot of a Further Information request by the planning authority. The number of units remains unchanged but the layout was changed substantially.
- 7.2 The 96 no. residential units, as permitted, comprise 20 no. apartments and 76 no. dwellings. The breakdown of units is as follows: one (6%), two (19%), three (56%) and four (19%) bed detached, semi-detached and terraced properties, together with

the apartment units. All units are two-storey in height. A good mix of unit types are proposed.

7.3 Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal documentation and observations received, together with having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context
- Pedestrian Access/Traffic Safety
- Drainage/Capacity/Flooding issues
- Residential Amenity
- Other Matters

Principle of proposed development/policy context

7.4 The subject site is located within the settlement boundary of Cloyne, at its southern edge. It is currently under grass and is overgrown along its boundaries. Access to the site will be from Church Street. I note that there are numerous policies and objectives in the operative Plan that support residential development within existing settlement boundaries on such sites. Cloyne is identified as a Key Village in the East Cork Municipal District, as set out in the operative County Development Plan. It is the second largest of the Key Villages and the operative County Development Plan states that 'the vision for Cloyne to 2028 is to promote village centre renewal within a strong village core, whilst protecting the unique heritage, character and setting of the village and to achieve a sustainable level of residential and commercial development in conjunction with the provision of services and infrastructure' (Section 3.7.1). The Plan envisages the need for an additional 195 housing units in Cloyne. The subject site is zoned for 'Residential' Uses. The principle of residential development has been previously established on the site by the planning authority. There is a recognised need for additional dwellings within the existing footprint of Cloyne and the proposed development would aid in meeting these housing targets of the planning authority. I am satisfied with the density proposed and consider it to be in compliance with the provisions of the Guidelines on Sustainable Residential Development and Compact Settlements for small towns of 1500-5000 people, albeit

at the lower end of the scale. I do not concur with the observer's assertion that the proposal represents overdevelopment of the site. There are a number of established services and facilities within walking distance of the proposed development and I have no information before me to believe that there is inadequate services/facilities in the vicinity to cater for the proposed development.

- 7.5 I note concerns raised in one of the observations regarding impacts on the unique heritage, character and setting of the village. This is an attractive village with round tower forming a historic landmark in its centre. Any development proposed should not detract from its character, heritage or setting. I consider that this is being achieved in this instance and that any impacts would not be so great as to warrant a refusal of permission. The proposal was amended on foot of a FI request by the planning authority to provide an increased setback from Church Street, to order to reduce any visual impacts. There are other developments nearer the village core than that proposed. I am satisfied that the principle of residential development is acceptable on this site and that the proposal would aid in achieving targets for residential development within the settlement, while also improving the visual amenity of this underutilised site within the built-up, urban area.

Pedestrian Access/Traffic Concerns

- 7.6 One of the main issues raised in the Cloyne Meadows Residents appeal submission relates to the two permitted pedestrian accesses from the proposed development, which seek to link up with existing footpaths in the Cloyne Meadows development. Their concerns relate to future usability of their green space, increased anti-social behaviour, littering and noise and impacts. They are of the opinion that the proposed linkages will negatively impact on the residents of Cloyne Meadows and change their lives, mental health and well-being. They contend that the proposal to cut through this green would result in the removal of the only safe green area in Cloyne Meadows, which is a very safe play area setback from roadway. In addition, they contend that the proposal would result in local traditions being curtailed if pedestrian access is provided through the green area. They continue by stating that in the absence of this green area, children will be forced to play on road, which poses health and safety concerns due to increased traffic with an increased chance of children running into their estate and possibly run onto road.

- 7.7 The planning authority state that the provision of pedestrian connections to enhance pedestrian connectivity and accessibility to Cloyne town centre from the proposed development is supported and welcomed.
- 7.8 The third-party appellants note that this is a private estate and consider that it should not be involved in the infrastructure of a new estate. They consider such links to be unnecessary and unwanted. I would not agree with this assertion and consider that such increased permeability within an urban area is one of the cornerstones of good urban design and is to be welcomed in principle. I note from the documentation that the existing Cloyne Meadows development has been taken in charge by the planning authority. I highlight to the Board that the existing green spaces are not being removed- there is simply a link proposed between the proposed development and that existing to the north. The provision of this path will not preclude residents from using their existing green space; it will not force children onto the roadway and will not result in the termination of existing gatherings/traditions. In terms of the second linkage to the north-west of the proposed development (beside proposed dwelling No. 71), it is stated by third-parties that this will result in the loss of a parking space due to informal parking in the cul-de-sac. I highlight to the Board that there is no designated parking space at this location and in any event, the proposed linkage measures approximately 2m with a footpath being provided on the Cloyne Meadows development to link in with that existing.
- 7.9 There is a degree of contradiction in that I note that one of the observers states that a more detailed connectivity plan is required for the village while on the other hand the majority of the submissions received raise concerns regarding the improved connectivity being proposed, that being the two proposed pedestrian links through Cloyne Meadows. I note that there is a site-specific zoning objective which requires the development to provide connectivity to the village centre. The provision of linkages such as those proposed will allow for greater permeability between the two developments, in line with good planning practice. It will allow easier access for those using the creche facility (some of which may be residents of the Cloyne Meadows development), together with the public open space and associated play area proposed as part of this development. I have no information before me to believe that the existing footpaths within Cloyne Meadows (of which there is a footpath on either side of the access roads) or within the village would not have

capacity to cater for the volume of pedestrian movements generated by the proposed development. I note that the proposal includes for the widening of the existing footpath in Cloyne Meadows along the boundary wall to the north-west of the development. I do not consider increased pedestrian footfall in the locality to be a negative. As noted in an observation received, there is no dedicated cycling infrastructure in the vicinity of the site. This would be a common scenario in many such villages and couldn't be described as unusual. Given the road widths, together with the speed limit in place within the village, I am generally satisfied in this regard. There are daily bus services to/from Cloyne to Cork city.

- 7.10 The operative County Development Plan supports the provision of such safe, attractive linkages and specifically note section 12.7.10 of the operative County Development Plan which states that 'New development should be optimally permeable for walking and cycling and opportunities for retrospective implementation of walking and cycling routes should be taken where practical in existing neighbourhoods'. I have no information before me to believe that the opening up of these pedestrian links would lead to increased anti-social behaviour, littering, dog fouling or noise pollution or be detrimental to the residential amenities of the area. It would improve connectivity within the wider area and is to be welcomed. I am satisfied in this regard.
- 7.11 It is noted that other traffic concerns have been raised in the submission received including concerns regarding the increased volume of traffic which will exacerbate existing congestion and traffic issues; issues of poor visibility and a poor public transport services in the vicinity. There is a proposed vehicular and pedestrian access point onto Church Street. I note that the planning authority were generally satisfied in relation to traffic and transport matters, subject to conditions but they did address the matter of quantum of visitor car parking proposed in the FI request. The number of such visitor parking was reduced from 24 no spaces to 7 no. spaces in response. In total, 206 car parking spaces were permitted by the planning authority, all at surface level, of which 12 no spaces are associated with the proposed crèche facility. The operative County Development Plan sets out maximum standards for new development and I refer the Board to Table 12.6 in this regard. For the residential element, Development Plan standards apply 2 spaces per dwelling unit and 1.25 spaces per apartment unit. Given the breakdown of 20 apartments/76

dwelling units, this would equate to a maximum requirement of 177 no. spaces with 186 proposed/permitted (exclusive of visitor parking). I consider that this figure is excessive and consider that it should be reduced to a maximum of 177 spaces for the residential element of the proposal. This matter could be adequately dealt with by means of condition if the Board is disposed towards a grant of permission.

- 7.12 A Traffic and Transport Assessment was not submitted with the application documentation. However, I note that the site boundary is partially within the 50km/h speed limit. The site is located on the edge of the built-up area of the village, a short walk from its centre and all associated facilities. There is a footpath on the opposite side of the roadway and a pedestrian crossing is proposed across Church Street at the proposed pedestrian entrance to the site. Visibility along Church Street at this location is good and there is a broken white line along the centre of the road. Issues raised regarding visibility at the junction of Cloyne Meadows and Church Street are outside the remit of this appeal. The subject lands are zoned for residential development and it is an objective of the planning authority to provide 195 additional residential units within the village during the lifetime of the Plan. Capacity of road infrastructure would have been a factor in reaching this figure. I have no information before me to believe that the proposal if permitted would lead to the obstruction of road users or represent a traffic hazard. I am satisfied in this regard.

Drainage/Capacity Issues

- 7.13 Third-party appeals raise concerns in relation to drainage matters, in particular regarding flooding of farmland and surrounding area. They raise concerns regarding ground conditions and note that levels were previously raised on site. They further contend that the proposed mitigation measures will not address the existing problems; solutions have been recommended. Photographs have been submitted in support of the appeal.
- 7.14 The first-party state that permission previously granted in 2007 (Ref 07/3728) on this site, on foot of which significant earth moving was carried out on the site. These works were never completed. The mounding of subsoil and topsoil, together with 17 years of no maintenance may have some effects on stormwater flow paths and resulted in some standing water within the site. They acknowledge that the above works resulted in unmaintained drainage ditches, resulting in some fluvial flooding

during high intensity rainfall events along existing drainage ditches. However, they state that all excess subsoil and topsoil will be removed from site if permission is granted and these issues will be rectified during the construction of the development. They further state that as part of their engagement with the planning authority, they have agreed to undertake a flow and load survey of the existing network in Cloyne Village, the purpose of which is to provide separation of the storm and foul network which will improve the storm network capacity in Cloyne.

7.15 The planning authority requested Further Information in relation to drainage matters and a number of reports were subsequently submitted in this regard. The applicant was also advised to re-engage with Uisce Eireann to assess the feasibility of connection to the public water/wastewater infrastructure- this was one of the major concerns of the planning authority in this regard. The planning authority stated that there are significant servicing constraints in Cloyne and the WWTP has no capacity with an upgrade required. These upgrade works are not due to be completed until 2028. In response to the Further Information request from the planning authority, I note that a Flood Risk Assessment Report, together with a Drainage Impact Assessment Report & SuDS & Nature Based Drainage (NBD) Statement and Surface Water Management Plan were submitted as part of the Further Information response to the planning authority and they were generally satisfied with the response received. The Water Services Report of the planning authority now expresses no objections to the proposal, subject to conditions. They state that the applicants consulted with Uisce Eireann and Local Authority Wastewater Operations Team, with a proposal to reduce surface water entering the foul sewer which may free up capacity in the Cloyne WWTP. Unsolicited Further Information received by the planning authority on 11/01/2024 outlines proposed investigative and remedial works by the applicant. A report from Uisce Eireann to the planning authority (dated 08/12/2023) states that the developer has liaised with Uisce Eireann and a CoF has issued. Uisce Eireann further state now have no objections to the proposal subject to constraints outlined in the CoF and attached conditions. This CoF was submitted by the applicants as part of the FI response and states that both water and wastewater connections are feasible with infrastructure upgrade by Irish Water. The operative County Development Plan states that Cloyne has capacity for 195 further

dwelling units during the lifetime of the Plan. Capacity of services would have been taken into account by the planning authority in arriving at this figure. It is considered that capacity issues have been satisfactorily addressed in the documentation.

7.16 In terms of concerns raised by the appellants in relation to flooding, I note that a Flood Risk Assessment was submitted as part of the FI response, together with other reports cited above. The Engineering Section were satisfied with the response received. There is an unnamed drainage ditch/stream located along the southern boundary of the site, which drains existing agricultural lands to the south and the subject site. The site is located within Flood Zone C. A Justification Test is not required although it was undertaken by the applicants. The lands are zoned for residential development under the operative County Development Plan. It is acknowledged by the applicants that the lands have been left unattended for the past 17 years and the existing ground drainage has not been maintained. It is noted in the submitted AA Screening Report that field drains are artificial in nature and naturally fill in over time if unmanaged. The proposal will provide a maintained drainage system, as outlined in the Drainage Impact Assessment. Rainwater run-off will be controlled to pre-development (greenfield) run-off rates. Mitigation measures are proposed to ensure residual risks can be managed to an acceptable level. These measures include increasing the size of the culvert that passes beneath Church Street at the SW corner of the site. SuDS and other nature-based measures are proposed and the proposal has been designed in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). The OPW website indicates that there were no reportable incidents of flooding at the subject site or environs. I note the report of Uisce Eireann, which has issued a Confirmation of Feasibility subject to conditions and has stated that they have no objections to the proposal, subject to conditions. An updated report on foot of the Further Information response was not received from Inland Fisheries Ireland. Having regard to all of the above, I consider that the proposal will represent an improvement on the existing drainage situation and I have no information before me to believe that the proposal would be prejudicial to public and I am generally satisfied in this regard, subject to conditions.

Residential Amenity

7.17 One of the observers raised concerns regarding proximity of the proposed No. 77 on their property (No. 51 Cloyne Meadows) including impacts on privacy, overlooking and loss of light, together with perceived negative visual impacts. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I am of the opinion that separation distances typical (or actually greater) of what would normally be anticipated within such location are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. Given the height, design and positioning of the proposed dwellings, I am of the opinion that the proposed houses would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. The proposed dwelling No. 77 generally maintains the front building line with the dwellings to the north in Cloyne Meadows. No. 51 Cloyne Meadows has a greater depth than No. 77 proposed. The houses are gabling onto one another. A high boundary wall (approximately 2m in height) separates the two sites. A significant side garden exists to the side of No. 51 Cloyne Meadows. Given the separation distances involved (almost 10 metres), together with the height/layout of the proposed dwellings I would not anticipate there to be significant overshadowing/impacts on light, sufficient to warrant a refusal of permission. Compensatory measures by virtue of the heights and setbacks from boundary are proposed. I am satisfied that there would be negligible impacts on privacy and these would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, within the development boundary of Cloyne, where there are adequate services, facilities and employment in close proximity. The planning authority have not expressed concerns in this regard.

Other Matters

7.18 The appeal submissions contend that there was a lack of consultation regarding the proposed pedestrian links and cite case law in support of their argument. I would not

agree with this assertion. The proposed pedestrian links were put forward as part of the Further Information response to the planning authority. I highlight to the Board that the planning authority deemed the FI response received on 20/11/2023 to be significant further information, specifically the proposed pedestrian connections to the adjacent Cloyne Meadows development and changes to the layout, and advised the applicants that revised public notices (both newspaper and site notices) were required. These revised notices were received by the planning authority on 21/12/2023. Third parties had opportunity to lodge submissions to the planning authority in relation to these matters and a number of submissions were received (14 no.). While it may be beneficial to all, I note that there is no provision in the legislation for consultation with third parties. Judging by the volume of submissions received by the planning authority, together the appeal submissions received (including 35 signatories from residents of Cloyne Meadows) and observations received by An Bord Pleanála, I am satisfied that local residents were made sufficiently aware of the proposal. I have no information before me to believe that the proposal infringes on any constitutional rights.

7.19 Impacts of the proposal on frogspawn have been raised in one the third-party appeals received. I note that frogspawn is not a Qualifying Interest of any nearby designated sites and therefore this matter is being assessed as an ecology issue as opposed to Appropriate Assessment. I highlight to the Board that the existing drains along the boundaries are not being removed, although the drain along the roadside boundary is being culverted. I have no information before me to believe that the proposal will result in the removal of frogspawn from the existing drains. There will be an improvement in terms of the existing situation in terms of their maintenance. The Ecology Section of the planning authority have not raised concerns in this regard. I am generally satisfied in this regard and consider that the matter is not so great as to warrant a refusal of permission.

Conclusion

7.20 The proposal will contribute to the residential mix in the area, in accordance with the zoning objective for the area, and will integrate well with existing development in the vicinity. The overall layout, as permitted by the planning authority is considered

acceptable and will be an attractive addition to the streetscape at this location. The proposed units are setback from the boundary with the sawmills and an acoustic bund is provided, together with triple glazing for those units closest. Quality open space is proposed and the landscape strip along Church Street is welcomed. The retention and repair of the existing roadside stone wall will be an attractive feature and will aid in maintaining the character as one approaches the village. Given the height and design of the proposed residential units, together with the separation distances from existing dwellings, I am of the opinion that the proposed development would not unduly overbear or overlook adjoining properties and would not seriously injure the amenities of property in the vicinity of the site. The site would not lead to increased flooding within the area nor be prejudicial to public health. The proposed creche will improve facilities within the area. The provision of the pedestrian links through Cloyne Meadows will improve permeability and connectivity in the area. There is an acknowledged housing crisis and this is a serviceable site, in an established urban area, where there are adequate services, facilities and employment in close proximity.

7.21 Overall, the proposed development is located on a site identified for residential development. Having regard to all of the above, I am satisfied that the proposed development is in accordance with the zoning objective of the Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

8.1 I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED, subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of property in the vicinity; would not lead to the creation of a traffic hazard or obstruction of road users; would improve permeability within the

area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20th day of November 2023, 21st day of November 2023, 4th day of December 2023 and 12th day of January 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the developer shall submit to the planning authority for their written agreement:</p> <ul style="list-style-type: none"> <li data-bbox="363 1335 1391 1816">(i) Details relating to the proposed footpath connections to Cloyne meadows and the pedestrian crossing on Church Street to include design, alignment, signage and public lighting details, as required by the planning authority. Details showing how the existing wall to Cloyne Meadows will be finished after the creation of the two pedestrian openings. The footpath connections and pedestrian crossing, and all works associated with their provision shall be delivered by the developer, at the developer's expense. <li data-bbox="363 1877 1391 1975">(ii) For the western egress point to Cloyne Meadows, details showing the existing footpath along the boundary wall in Cloyne

	<p>Meadows widened to 2m</p> <p>(iii) Revised layout plan showing the number of residential car parking spaces reduced from 186 no. to 177 no, in accordance with the provisions of the operative County Development Plan</p> <p>(iv) Details of proposed repair works to existing front stone boundary wall along Church Street. This wall shall be retained/reinstated with the exception of the openings required for vehicular and pedestrian entrances, unless otherwise agreed in writing with the planning authority</p> <p>(v) Details (plans, sections and elevations at an appropriate scale) of proposed boundary treatments to include height, form and finish. All blockwork walls shall be suitably capped and rendered. All external boundaries to public areas shall be solid blockwork walls.</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area</p>
3.	<p>Not more than 75% of residential units permitted in this decision shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing</p>

	<p>with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
6.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.</p> <p>(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;</p> <p>(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,</p> <p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of traffic safety and convenience.</p>
7.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be</p>

	<p>provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interests of sustainable transportation</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management</p>

10.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
11.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <ul style="list-style-type: none"> (i) Existing trees, hedgerows, stone walls, specifying which are proposed for retention as features of the site landscaping (ii) The measures to be put in place for the protection of these landscape features during the construction period (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species (iv) Details of screen planting, which shall not include cupressocyparis x leylandii (v) Details of roadside/street planting, which shall not include prunus species (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels. <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p> <p>(c) A timescale for implementation, including details of phasing</p> <p>All planting shall be adequately protected from damage until</p>

	<p>established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through 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.</p> <p>Reason: In the interests of amenity and public safety</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development..</p> <p>Reason: In the interest of visual and residential amenity.</p>
14.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. [The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority]. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>

	<p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
15.	<p>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:</p> <ul style="list-style-type: none"> (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) Provision of parking for existing properties at [specify locations] during the construction period; (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

	<p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;</p> <p>Reason: In the interest of amenities, public health and safety and environmental protection</p>
16.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
17.	<p>(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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) 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.</p>

	<p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
18.	<p>If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/Planning Authority shall be notified immediately. The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
19.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>

20.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
21.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to section 47 of the Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
22.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the</p>

	<p>developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lorraine Dockery
Senior Planning Inspector

22nd October 2024

Appendix 1- EIA Preliminary Examination- Form 2

An Bord Pleanála Case Reference	ABP- 319007-24	
Proposed Development Summary	Construction of 96 no. dwelling houses, creche and all associated ancillary development work.	
Development Address	Commons West, Cloyne, Co.Cork	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Not exceptional in the context of the existing environment. Zoned, serviceable site within built-up area of Cloyne.</p>	<p>No</p> <p>No</p>
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>Size of the proposed development is not exceptional in the context of the existing environment. Development of 96 residential units and creche within existing, built-up area. Connecting to existing infrastructure</p>	<p>No</p> <p>No</p>
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant</p>	<p>Proposed development is not located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species. Mitigation measures proposed to protect local ecology. No PS on site.</p>	<p>No</p>

environmental sensitivities in the area, including any protected structure?	No protected species/habitats on site	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: Lorraine Dockery

Date: 22nd October 2024

Appendix 2- Screening the Need for Appropriate Assessment

Screening the need for Appropriate Assessment

Finding of no likely significant effects

Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development of 96 residential units, creche and ancillary site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was submitted with this planning appeal case and concluded that significant effects are not likely to arise, either individually or in combination with other plans or projects on the Natura 2000 network. This conclusion is stated to be based on scientific knowledge. In the Local Authority assessment of the proposed development, Appropriate Assessment Screening (pages 16-17 of 41 of Planner's Report and Ecology Report dated 19/01/2024) was undertaken by Cork County Council as part of their planning assessment and a finding of no potential for significant effects on a European Site was determined. Cork County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

A detailed description is presented in Section 2 of my report. In summary, the proposed development site, is located within the townland of Commons West, to the south of the existing settlement of Cloyne, Co. Cork, approximately 29km east of Cork city. The site adjoins existing residential development and a lumbar yard to the north. Lands to the south are undeveloped. It is currently under grass and is relatively flat, with some mounding evident. The site, as outlined in red, has a stated area of 3.86 hectares. Access to the site is via two entrances (one vehicular and one pedestrian) from Church Street.

An unnamed drainage ditch is located along the southern boundary of the site, which is assumed to drain north towards the Knocknamadderee River. These drainage ditches are artificial in nature and naturally fill in over time if unmanaged. In this regard, they provide poor conveyancing capacity for sediment or other construction pollutants. EPA mapping shows no water courses running through or adjacent to the development site boundary.

The proposed development will be served by public mains connections. Foul wastewater from the development will be dealt with in the WWTP in Cloyne, which is licenced by the EPA to discharge treated effluent into the Knocknamadderee River. Uisce Eireann have expressed no objections, to the proposal subject to conditions. There are no registered wells in the vicinity. SuDS measures are proposed, which are standards measures in all new such developments and are not included to avoid/reduce an effect to a Natura 2000 site. The site is not located within a flood risk area. There are no invasive species recorded on site. Habitats on site are of local biodiversity value only.

The planning authority notes the report of their Ecology Section, which state that they concur with the submitted AA Screening Report and are satisfied that the proposed development will not affect the integrity of the Cork Harbour SPA or any other European site.

There are no natural, surface water courses on or adjacent to the development site. Land drains do not have the flow rate or conveyancing power to transport pollutants to the Knocknamadderee River, which itself is not within any designated site. There is a pathway from the development site via surface wand wastewater flows to Cork Harbour via the surface water outfalls and the Cloyne WWTP.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The proposed development site is close to the built-up residential area and centre of Cloyne village and lands zoned for residential development.

The boundary of the nearest European Sites to the proposed development are

- **Cork Harbour SPA** (Site Code:004030) is located approximately 2.9km west of the proposed development site.
- **Great Island Channel SAC** (Site Code: 001058) is located approximately 4.1km west of the proposed development site.

As there was no source-pathway-receptor between the proposed development site and the Great Island Channel SAC, it was deemed to not require further investigation. The planning authority agreed with this assertion. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of **Cork Harbour SPA (Site Code:004030)**

Cork Harbour SPA (Site Code:4030) – 3.2km to W <u>Cork Harbour SPA National Parks & Wildlife Service (npws.ie)</u> Qualifying Interests	Conservation Objective
Little Grebe	Maintain the favourable conservation condition
Great Crested Grebe	Maintain the favourable conservation condition
Grey Heron	Maintain the favourable conservation condition
Cormorant	Maintain the favourable conservation condition
Shelduck	Maintain the favourable conservation condition

Wigeon	Maintain the favourable conservation condition
Teal	Maintain the favourable conservation condition
Pintail	Maintain the favourable conservation condition
Shoveler	Maintain the favourable conservation condition
Red-breasted Merganser	Maintain the favourable conservation condition
Oystercatcher	Maintain the favourable conservation condition
Golden Plover	Maintain the favourable conservation condition
Grey Plover	Maintain the favourable conservation condition
Lapwing	Maintain the favourable conservation condition
Dunlin	Maintain the favourable conservation condition
Black-tailed Godwit	Maintain the favourable conservation condition
Bar-tailed Godwit	Maintain the favourable conservation condition
Curlew	Maintain the favourable conservation condition
Redshank	Maintain the favourable conservation condition
Black-headed Gull	Maintain the favourable conservation condition
Common Gull	Maintain the favourable conservation condition
Lesser Black-backed Gull	Maintain the favourable conservation condition
Common Tern	Maintain the favourable conservation condition
Wetland and Waterbirds	Maintain the favourable conservation condition

Likely impacts of the project (alone or in combination)

Due to the enclosed nature of the development site, the limited scale of development and the presence of a significant distance between this existing site and the Cork Harbour SPA, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. There are no spatial overlaps with any Natura 2000 site.

During site clearance and construction of the proposed development, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. However, the contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to Cork Harbour SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. SuDs measures are proposed (standard construction practices); the site is not located within a flood zone and both the planning authority and Uisce Eireann are satisfied with the arrangements put forward. There is no evidence that discharges from the WWTP are negatively affecting habitats/birds using the Cork Harbour SPA. There is no evidence that any effects to the WFD status of the Knocknamadderee River are arising due to discharge from the WWTP.

Given the nature of the received environment, wetlands habitats will not be significantly affected by the proposed development.

There will be no direct or ex-situ effects from disturbance on mobile species, including ex-situ foraging and roosting habitat during construction or operation of the proposed development due to the location of the development site and the absence of suitable habitat.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the conditions attached by the planning authority to be standard measures to prevent ecological impacts and are not a mitigation measure for the purpose of avoiding or preventing impacts to the SPA.

Overall Conclusion**Screening Determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, including Cork Harbour SPA and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak connections to the European sites
- Taking into account screening determination by LPA

Inspector: Lorraine Dockery

Date: 22/10/2024