



An
Bord
Pleanála

Inspector's Report ABP-319192-24

Development

Construction of 24 student housing units comprising of 192 study bedrooms, ancillary communal amenities, and all associated site works.

Location

Rose Lodge, Main Street, Loughbeg, Ringaskiddy, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

23/5607

Applicant(s)

PByrne Partnership

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Part v. Refusal

Appellant(s)

PByrne Partnership

Observer(s)

Kevin Barry

Ringaskiddy Residents Group

Date of Site Inspection

23 May 2024

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The subject site located at Main Street, Ringaskiddy, approx. 12km south east of Cork city and approx. 4km east of Carrigaline. The village of Ringaskiddy is largely on the southern side of the N28. Main St. is partially separated from the N28 by a slip road which mostly serves terraced housing and some commercial properties near its western end. There is a small linear park on the opposite (northern) side of the N28 with mature planting along its northern boundary, which screens the Port of Cork lands to its north. In addition to primarily established residential areas on the southern side of Ringaskiddy village, the wider surrounding area is characterised by Port of Cork and marine related infrastructure and large industrial plants.
- 1.2. The site comprises 1.1ha and is largely a rectangular-shaped backland site. It has 14m roadside frontage to Main St., and extends approx. 148m to rear (south) of the existing houses on Main St. The existing recessed vehicular entrance to the site on Main St. is currently closed. The site entrance site is bounded by a vacant, single-storey shop to the west, previously occupied as a newsagent and post office. This former shop premises bounds Old Post Office Road, to the west of which is The Ferry Boat Inn. A pair of modest scale dormer dwelling houses (1 and 2 Laurel Ville) bound the site entrance to the east, and further east is Palmer's Terrace. This terrace bounds most of the site's northern boundary.
- 1.3. The site slopes from south to north. The site is very overgrown to the rear of the vacant shop premises and there is extensive mature planting along site boundaries. The site is bounded -
- To the west by a small number of residential properties of various design and scale accessed from Old Post Office Road. A gated yard, indicated to be disused kennels on lodged drawings, was closed on date of inspection;
 - To the east by a field, east of which is a mature residential cul-de-sac;
 - To the south by fields.
- 1.4. On site inspection I noted that some roadside frontage along both sides of Old Post Office Road a short distance south of the site has been removed, and new fencing erected. I note that the proposed landtake line of the M28 Cork to Ringaskiddy

motorway scheme is approx. 35m south of the site, as outlined further under Planning History.

2.0 Proposed Development

2.1. The proposed development as originally lodged is for

- 24no. student halls of residence comprising 192no. study bedrooms and ancillary communal amenities.
- 25no. car parking spaces are proposed, comprising 19no. for student use, 6no. for staff and visitors.
- 240no. cycle parking spaces are proposed, comprising 192no. for student use and 48no. for visitors.
- Improved site entrance from the existing entrance on Main St.

The description of development also refers to student housing units to include living/kitchen/dining areas and secure foyer with integral bin and cycle storage, internal roads, landscaping, lighting all ancillary development.

Plans and particulars on file indicate that the ruins of a Victorian villa near the southern end of the western boundary are proposed to be demolished.

2.2. Unsolicited Further Information (FI) comprising an Ecological Impact Assessment Report (EclA) was submitted.

3.0 Planning Authority Decision

3.1. Decision

Further to an FI request, the planning authority made a decision to refuse permission for 1 no. reason:

Having regard to the characteristics of the proposed site and based on the information submitted, the Planning Authority is not satisfied that the proposed

development could be accommodated without adversely affecting the ecological and biodiversity value of the site. Furthermore, having regard to the inadequate ecological assessment submitted, the loss of woodland area of biodiversity value, the insufficient level of Bat Survey and associated analysis undertaken, it is considered that the proposed development fails to protect and enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. The proposed development would therefore be seriously injurious to the biodiversity value of the area, would materially contravene policy objective BE 15-2 of the County Development Plan 2022-2028 which seeks to protect areas of biodiversity value and policy objective GI 14-2 which requires new development proposals to contribute to the protection, management and enhancement of the existing green and blue infrastructure of the local area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority's decision:

Area Planner

Area Planner's report – 6 February 2024

Notes internal reports on file and notes concern regarding inadequate separation distances including 14.5m distance between Building 24 (Irish Sea) and northern site boundary. Recommendation for FI on 9 no. items reflects report.

Second Area Planner's report considers FI response to ecology matters have not been adequately addressed (including Items 1 - 3). Recommendation to refuse for 1 no. reasons reflects Area Planner's report.

Senior Executive Planner (SEP) (29 September 2023, 3 October 2023)

*First SEP's report endorses Area Planner's recommendation to request FI.

(I note that the 2 no. SEP reports on file dated 29 September 2023 and 3 October

2023 appear to be the same).

Senior Planner (6 February 2024) endorses recommendation to refuse permission for 1 no. reason.

3.2.2. Other Technical Reports

Area Engineer (3 October 2023, 31 January 2024)

**First Area Engineer* report states provision of minimal spaces is unacceptable. No 24hour bus service nor facilities in village to cater for proposed population. There will be a high dependency on car usage. Scale of proposal to be significantly reduced or significantly more parking provided.

**FI request date is 2 October 2023*

Second Area Engineer report states parking provided is inadequate.

Public Lighting (31 August 2023 and 22 January 2024)

First Public Lighting Report states that street lighting layout submitted but no design. Recommends FI on 5 no. items.

Second Public Lighting report states applicant to ensure that lighting does not cause a nuisance to adjoining residential properties and others. No objection subject to 3 no. conditions.

Estates (19 September 2023): No comment as management company will be formed for this.

Environment (28 September 2023): States no objection subject to 16 no. conditions.

Ecology (28 September 2023, 2 February 2024 and 6 February 2024)

First Ecology Report –

Considers that broadleaved woodland on site is of high local ecological value, bat survey is insufficient, notes anomalies between tree survey list and landscaping proposals. Considers that if principle of development is accepted by planners, then FI required on 5 no. items.

Second Ecology Report -

- Ecology Office's view is that there is broadleaved woodland within the south central location of site and around perimeter and this is local importance (higher value).
- FI suggestion to condition removal of blocks 13 and 14 to accommodate retention of two mature sycamore trees would be welcomed. Real issue is that without re-classification of habitats and proper assessment including those to bats and birds it is not possible to allow a reconfiguration
- Level of bat surveying is insufficient, and the only bat survey in this application is that which was submitted under P.A. Ref. 22/4864.
- Notes that 37 no. trees are proposed to be removed.
- Management strategy for invasive species Japanese Knotweed is generally acceptable subject to condition that these measures are carried out.
- Information and location for provision of bat boxes, bird boxes and insect hotels are acceptable.
- Recommends refusal of permission on grounds of inadequate ecological assessment and associated loss of woodland area of biodiversity value, and proposal is potentially contrary to Object BE 15-12.

Ecology - Supplementary Report -

- Concerns regarding proposed design and impact on mature trees/woodland in centre of the site and potential for impact on bat species
- Believe there is scope for some development, but it needs to be subject to robust ecological impact assessment and impacts of the development to be fully implemented.

3.3. Prescribed Bodies

Uisce Éireann (UÉ) letter dated 8 August 2023 states no objection. It states that where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Uisce Éireann, the applicant must sign a connection agreement prior to commencement of development and adhere to standards and conditions. It would, however, be subject to the constraints of the IW Capital Investment Programme.

Transport Infrastructure Ireland (TII) letter dated 30 August 2023 states the proposed development will be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment, and any recommendations arising should be incorporated as conditions of the permission.

Inland Fisheries Ireland (IFI) letter dated 4 September 2023 requests that Irish Water/Cork County Council signifies that there is sufficient capacity in existence so that it does not a) overload either hydraulically or organically existing treatment facilities b) result in polluting matter entering waters or c) cause or contribute to non-compliance with existing legislative requirements

3.4. **Observations to the Planning Authority**

5 no. observations were received by the planning authority, 4no. of which raise concerns in relation to the proposed development and 1no. is in support. The main issues raised therein are summarised as

- Excessive scale, out of character, overlooking, overshadowing, car parking, no evidence of demand for student housing, lack of policing report, ecological impacts and archaeology.
- Ringskiddy is becoming university town and scheme equates to 50 houses being released to general needs housing market.

4.0 **Planning History**

ABP-315889-23 (P.A. Ref. 22/4864): This is a concurrent case on the same site as the subject appeal. Permission is sought to construct 26no. student halls of residence containing 194 student bedsits to service National Maritime College of Ireland and other third level institutions in Ringaskiddy. The proposed development was amended by (re-advertised) Further Information, whereby the proposal is reduced to 24 no. halls of residence comprising 192 student bedsits. A decision to refuse permission was made by the planning authority in 2023, on grounds that the proposed development would materially contravene Objective BE 15-2 of the

Development Plan which seeks to protect areas of biodiversity value and Objective GI 14-2 which requires new development proposals to contribute to the protection and enhancement of existing green and blue infrastructure.

P.A. Ref. 24/4487: A decision to refuse outline planning permission on this site was made by the planning authority on 14 May 2024 for 22 no. 8-bedroom 2-storey dormer student houses, improvements to existing entrance off Main St. and amenity facilities, services and utilities. Two no. refusal reasons are summarised as follows:

- Proposals fails to protect and enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. Proposal would be seriously injurious to the biodiversity value of the area, would materially contravene policy objective BE 15-2 of the County Development Plan 2022-2028 which seeks to protect areas of biodiversity value and policy objective GI 14-2 which requires new development proposals to contribute to the protection, management and enhancement of the existing green and blue infrastructure of the local area.
- The planning authority is not satisfied that access arrangement and on and off road parking are adequate and that the traffic movements likely to be generated would not interfere with free flow of traffic resulting in traffic hazard. Proposals would endanger public safety by reason of traffic hazard.

ABP-312440-22 (P.A. Ref. 21/6748): Refusal of outline permission in 2022 for construction of 56 no. residential units comprising 28 no. student accommodation units and 28 no. build to rent terraced dwelling houses. 3 no. refusal reasons are summarised as the Board is not satisfied:

- that the proposed development would contribute positively to a sense of place making, fails to respond to site context and lacks usable open space, and would seriously injure residential amenities of future occupants and result in visually discordant form of development.
- that the scheme could be accommodated on site without adversely affecting the amenity of neighbouring dwellings by overlooking and overbearing impact
- that access arrangement and parking are adequate and that traffic movements likely to be generated would not interfere with free flow of traffic

and that the proposed development would result in traffic hazard.

PL 04.227267 (P.A. Ref. 07/10337): Permission was granted to demolish 2 no. houses and construct 23 no. student apartments, 1 no. disabled person's apartment and 1 no. caretaker's/manager's apartment, surface and basement car parking, seminar room, playing pitches and sewage treatment plant.

I note that the Inspector's Report states that 71 study bedrooms were proposed. Approx. 54 no. car parking spaces were permitted in that case.

P.A. Ref. 13/4983: Permission granted to extend duration of permission granted by PL 04.227267 (P.A. Ref. 07/10337).

Planning Applications in the Vicinity

ABP-307872-20 (P.A. Ref. 20/4747): Permission granted for demolition of residential units and construction of 15 townhouses at Ring Port Business Park, approx. 0.4km from the subject site via Shamrock Place. This is currently under construction.

P.A. Ref. 20/6384: Outline permission granted in 2021 for 2 no. dormer dwellings accessed from Old Post Office Road. This site adjoins the subject site's western site boundary at its southern end. No applications for permission consequent are indicated on the planning authority's planning enquiry mapping.

P.A. Ref. 19/4640: Planning permission was granted in 2019 for 30 no. houses at Barnahely, on a site accessed from Warren's Court. This site is approx. 0.6km from the subject site via Main St.

P.A. Ref. 18/5545: Permission was granted in 2019 for 30 dwelling houses at Barnahely, on a site approx. 0.45km from the subject site, via Priest's Avenue and St. Carthage Place. Permission was subsequently granted pursuant to **P.A. Ref. 22/5633** to amend this planning permission. A further planning application **P.A. Ref. 22/6675** to retain and complete 12 no. houses originally granted under P.A. Ref. 18/5545 was granted in 2023. These combined planning permissions have been implemented and this scheme, Port na Rinne, is substantially complete.

The separate **P.A. Ref. 19/4640** and **P.A. Ref. 18/5545** sites adjoin each other.

M28 Cork to Ringaskiddy Motorway Scheme: ABP decisions approving the scheme are -

04.HA0053: M28 Cork to Ringaskiddy Motorway Scheme

04.MA0014: Cork to Ringaskiddy Motorway Scheme, Protected Road Scheme and Service Area 2017.

I note that 04.HA0053 scheme (as viewed on www.pleanala.ie) includes a drawing showing the proposed landtake line of the M28 Cork to Ringaskiddy Project approx. 35m south of the subject site, as estimated from Drawing No. GA 0119; Rev. A (titled Road Layout G.A. Sheet 19 of 22).

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Vol. 1 (Main Policy Material) and Vol. 4 South Cork.

Ringaskiddy is a Key Village in the Carriagline Municipal District.

The site is zoned **Objective ZU 18-17: Town Centres/ Neighbourhood Centres:**

a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.

b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.

Appropriate Uses under this land use zoning include residential.

The site forms part of a larger 19.88ha **Specific Development Objective RY-T-02** (Vol. 4): This area denotes the existing built footprint of Ringaskiddy and any proposals for development within this core area should comply with the overall uses acceptable in town centre areas and should complement/ reinforce the village's urban structure. Provision for small scale student accommodation will be considered within this area. Any future development should reflect the scale and character of the surrounding existing built up residential area.

The subject site is bounded to the south by lands (comprising 2.5ha) zoned **Objective ZU 18-13: Green Infrastructure** and subject of **Specific Development Objective RY-GC-07**: Open space that acts as a buffer between proposed industry and established uses. While the patterns of land use will remain largely unchanged, if the adjoining land designated for industry is developed, consideration will be given to landscaping including strategic tree planting on the land.

Specific Development Objective RY-U-02 is shown to traverse these adjoining lands to the south, which is M28 Cork to Ringaskiddy Motorway Scheme as finalised.

Section 1.7 (Vol. 4) includes the following with regard to Ringaskiddy:

- Port of Cork is a port of national significance (Tier 1)
- New housing on a large scale is considered inappropriate in Ringaskiddy, but residential development could take place within the town centre zonings.
- A Part 8 will enhance the public realm and community amenities.
- It has a target of 45 housing units to be developed within the lifetime of the plan, and a population target of 698 by 2028.
- Both Shanbally and Ringaskiddy are located within the Strategic Employment Location/Key Village settlement of Ringaskiddy.
- While there may be opportunities for terraced and infill development in village core areas, most development will be in the form of clusters of dwellings of varying sizes and types. Student, staff and short term visitor accommodation associated with existing and future educational facilities in the area will be deemed appropriate within the town centre zoning.

- There is a need to promote and support educational facilities available in Ringaskiddy by UCC. These facilities need increased provision for student accommodation and amenities. As UCC further develops its facilities, there will be increased demand for accommodation for students, researchers, and short term visitors. The only available student accommodation is linked to NMCI. Lack of suitable short term accommodation in the Ringaskiddy area will restrict UCC's ability to attract post graduate researchers and visiting collaborative researchers/lecturers. Any student, staff and short term visitor accommodation should be catered for within town centre of Ringaskiddy at an appropriate scale.
- Work has recently been completed of the national Beaufort Laboratory adjacent to the NMCI and this will be extended into a maritime energy, science campus. Additional suitable lands have been identified to allow for the possible expansion of these marine educational related facilities.
- Cork Harbour SPA (SPA-004030) is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl.
- Monkstown Creek (pNHA 001979) is a tidal inlet composed of mudflats which provide an important feeding area for waterfowl and it is a natural part of Cork Harbour which as a complete unit is of international importance for waterfowl.
- Ringaskiddy lies within landscape type City Harbour and Estuary, an area of very high landscape value, very high sensitivity, an area of national importance and its character area is Cork City and Harbour.

Vol. 1: Main Policy Material

Chapter 3: Settlements and Placemaking

Objective PL 3-1: Building Design, Movement and Quality of the Public Realm

includes (j) achieve permeability and connectivity in town centre/village locations which contributes to the 10 Minute Town Concept and Sustainable Neighbourhood Infrastructure.

Chapter 4: Housing

It is stated (at Section 4.6.17) that the National Student Accommodation Strategy (2017), the national Government strategy for meeting student housing demand to 2024 and beyond, projects that by 2024 demand in Cork for student accommodation will comprise 7,391 students, with an estimated supply of only 5,490 bed spaces to meet this. The strategy targets include delivery of a significant increase in new PBSA bed spaces (an additional 21,000 nationally by 2024) as well as increasing the number of students taking up 'digs' accommodation.

Objective HOU 4-5: Student Accommodation states proposals to change the use of student accommodation to any other type of accommodation will be discouraged unless shown that an overprovision of student accommodation exists in the whole county. Where such applications are given favourable consideration, obligations under Part V of the Planning Act 2000 (as amended) will apply.

Chapter 11: Water Management

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

Optimise and maximise the application of Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, protect and enhance visual and recreational amenity; all in the most innovative and creative manner appropriate and in accordance with best practices. Proposals should demonstrate that due consideration has been given to nature based solutions in the first instance in arriving at the preferred SuDS solution for any development.

Chapter 14: Green Infrastructure and Recreation

Objective GI 14-2: Green Infrastructure Objectives for Main Towns and Settlements

- a) Ensure that all main towns have an adequate level of quality green and recreational infrastructure (active and passive) taking account of existing deficits, planned population growth as well as the need to serve their surrounding hinterlands. To ensure where possible that this green and blue infrastructure maximises its multifunctional capacity (ecosystem services).
- b) Promote the corridor concept, in particular using rivers and streams as one of the natural foundations for multi-functional green and blue infrastructure corridors.
- c) Seek to create new and improved connections (physical/ecological corridors)

between open spaces/ green infrastructure and other important destinations as part of the enhancement of the overall network.

d) Where other statutory plans/masterplans are being prepared it will be a requirement that they include detailed and integrated green and blue infrastructure proposals with a particular focus on nature based solutions to significant infrastructure and climate change challenges.

Chapter 15: Biodiversity and Environment

Objective BE 15-2: Protect sites, habitats and species

a) Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements.

Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas, proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan.

b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.

c) Protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 of the Plan.

d) Recognise the value of protecting geological heritage sites of local and national interest, as they become notified to the local authority, and protect them from inappropriate development

e) Encourage, pursuant to Article 10 of the Habitats Directive, the protection and enhancement of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for

the migration, dispersal and genetic exchange of wild species.

Chapter 12 Transport and Mobility

Objective TM 12-2: Active Travel - TM 2-2-1 includes to deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten minute walk of one's home.

Table 12.6 sets out car parking requirements for new developments (maximum per sq.m). No car parking standard for student accommodation is stated. **Table 12.8** sets out the following cycle parking requirements for student accommodation (min. requirements):

- 1 long stay parking space per 2 bedrooms
- 1 short stay (visitor) parking space per 5 bedrooms

Development Plan Mapping:

The site is located in a High Value Landscape.

The site is on Scenic Route S54 – Road between Passage West to Ringaskiddy.

The site is within Flood Zone C.

5.2. **Guidelines and Circular Letters**

The following is a list of guidelines and circular letters of relevance to the proposed development. Specific content is referenced in the assessment where appropriate:

- Sustainable Residential Development and Compact Settlements Guidelines, Department of Housing, Local Government and Heritage (2024)
- Guidelines on Residential Development for 3rd Level Students – Section 50 Finance Act 1999, Department of Education and Science, as amended by Matters arising in relation to the Guidelines on Residential Development for 3rd Level Students – Section 50 Finance Act 1999, July 2005.
- Circular Letter PL 8/2016 APH 2/2016
- Circular NRUP/05/2021

5.3. Natural Heritage Designations

The site is not located in or adjacent to a Natura 2000 site.

- The nearest parts of the Cork Harbour SPA (Site Code 004030) to the subject site are approx. 0.7km to the south and 1.3km to the north west.
- The Great Island Channel SAC (Site Code 001058) is approx. 5.5km to north.

Lough Beg pNHA (Site Code 001066) is approx. 0.5km to south.

Monkstown Creek pNHA (Site Code 001979) is approx. 1km to north west.

5.4. EIA Screening

See completed Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The first party grounds of appeal are summarised as follows:

- Proposals do not materially contravene Objectives BE 15-2 and GI 14-2. None of the 4 subsections of Objective GI 14-2 are specifically relevant.
- Planning authority misapplied habitat classification. Fossitt 2000 systems for woodland is superceded by NPWS categories set out in Ireland's Native Woodlands, 2017. Site falls into ash-ivy (*Fraxinus excelsior* – *Hedera helix*) woodland type.
- Majority of trees in central area are invasive alien species (sycamore trees). Sycamore is not recognised by NPWS and National Survey of Native Woodlands 2008 (NSNW) as a woodland type.

- Planning authority's assessment is erroneous misinterpretation of NRA 2009 Guidelines for Assessment of Ecological Impacts of National Roads Schemes and classifies the site as Local Importance (higher level). Higher level categories are not relevant to this site. It is under NRA category of Local Importance (lower value).
- Site is not identified in Vol. 4 of the Development Plan on either Fig. 4.1.10 Ringaskiddy Green Infrastructure Diagram or in 1.7.65 to 1.7.71 which lists areas of biodiversity interest in Ringaskiddy.
- Long term goal is to eliminate self-seeded sycamores and other non-native trees and re-plant with native species only. Proposal is to remove 30no. trees in centre of site, 28no. of which are non-native and 3no. are Corsican pine. At least 130no. mixed native tree species comprising 40 native trees and 90 native hedgerow species are proposed.
- Single reason for refusal cites minor biodiversity issues. Queries why Council did not seek clarification of further information or grant with conditions.
- Mis-use of term proper planning and sustainable development. Escalation of term potentially contrary to Objective BE 15-2 to material contravention of Development Plan indicates power exercised for improper purpose.
- Refusal reason is a breach of fair procedures and personal and constitutional rights. Council failed to adhere to Section 28 ministerial guidelines.
- Decision is inconsistent with two other c. 30-unit residential permissions. Failure to treat all 3 Ringaskiddy planning applications consistently. The Barnahely site (P.A. Ref. 18/5545 & P.A. Ref. 5633) contained many self-seeded trees particularly in and around the ruin house.
- National Maritime College of Ireland (NMCI) currently caters for 560 full-time degree students (capacity 750) and 3,500 part-time students, and Marine Research Engineering Institute (MaREI) caters for 225 master degree students and PhD candidates/researchers.
- There is no purpose built student accommodation (PBSA) in Ringaskiddy, Carrigaline District or outside of Cork city centre a distance of 18km.

- It has been concluded on preliminary examination that an EIAR for the proposed development was not necessary. Assessment under ABP 312440-22 (P.A. Ref. 21/6748) concluded that EIAR was not necessary. The Board screened the development for Appropriate Assessment and concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European sites and a Stage 2 AA and submission of a NIS was not required.
- Previous grant of permission P.A. Ref. 07/10337; ABP Ref. PL 04.225267 and P.A. Ref. 13/4983 proposed removing all centrally located trees.
- FI request issued on 2 October 2023 for a new bat survey is unreasonable as bats hibernate between mid-September and early May.
- A devastating issue for bats is destruction of hedgerow links from the site to the south that connect to county biodiversity network. Hedgerows/green corridors have been removed by preliminary M28 construction works. M28 motorway will isolate and disconnect the site from the hedgerow corridors of the county's ecological network.
- Ringaskiddy town centre and site are cut off from county's ecological network to east by residential schemes, to south by M28 and Ringport Industrial Estates, to west by Old Post Office Road and other roads/residential areas and to north by N28 and new Port of Cork container terminals and docks.
- There have been 4 inspections of every tree on site and no bat roosts were discovered. A bat survey is proposed prior to construction. Common and soprano pipistrelles are protected under national and EU legislation and were recorded foraging along the site's treeline hedgerows in 2022.
- Objective BE 15-8 Trees and Woodlands is not cited in the refusal reason, of which (a) and (b) are irrelevant and (c), (d) and (e) are satisfied.
- Bias against applicant regarding demands relating to parapet height, obscure glazing and position of Blocks 3 and 4.
- Inspector's report on ABP-312440-22 did not suggest that proposed development would be seriously injurious to biodiversity value of the area,

would materially contravene policy objectives of CDP 2014 or draft CDP 2022-2028.

- Site is not within SAC or other category of ecological or scientific interest and is in its entirety zoned town centre.

6.2. Planning Authority Response

The planning authority's response to grounds of appeal is summarised as follows:

- No new or material information presented which would warrant a reversal of Council's decision.
- Appeal submission cites minor biodiversity issues, where clarifications and adjustments could have been sought. Council's Ecological Reports did not consider the issues 'minor'.
- No evidence to support claim that new M28 motorway will isolate and disconnect the site from hedgerow corridors of ecological networks.
- Appeal states that bats do not roost on the site but may visit for foraging purposes, and that once hedgerow and trees along site boundary retained there will be impact on a bat roost if bat roost is nearby. This is based on an inadequate bat survey.
- The comparison to two different nearby applications for residential development is unclear, as these sites did not have the same features and characteristics of the subject site. Every application must be assessed on its own merits and against the Development Plan policies and objectives in place at time of assessment.
- Requests that decision to refuse is upheld.

6.3. Observations

Two no. observations have been received and the main issues therein are summarised as follows:

Kevin Barry:

- Home and lands front Old Post Office Road with rear boundary abutting subject site. Site potential cannot be explored due to ongoing potential development of Rose Lodge site.
- Concerns relating to overlooking, anti-social conduct, noise, light spillage, loss of privacy, limited ingress/egress for emergency services vehicles.
- No objection to student accommodation for NMCI provided it is appropriate in scale and location, preferably within ownership/accountability of NMCI.
- Sizeable educational zoned lands are available adjacent to and on NMCI campus and other suitable lands to east of Ringakiddy village.
- No breakdown of Naval Service and Merchant Navy student numbers. No off-base student accommodation requirement by the Naval Service. NMCI student accommodation requirement not established.
- Noise and Vibration Report does not address concerns of structural professional or impact of heavy duty machinery on retaining structures
- Concerns regarding disturbance to wildlife and habitat loss. Significant bat population in the locality.
- Inadequate car parking, especially following completion of public realm project. Any change of use application will compound this.
- The electric bicycle/scooter concept is misplaced. Traffic survey indicates extremely limited usage of public transport system by students.
- Failure to maintain trees has compromised and collapsed stone wall boundaries.
- Proposal will obstruct line of sight for satellite signal.
- Ferrybank housing development comprising 4-bedroom semi-detached houses was sold on following expiry of tax breaks for student accommodation.
- Rose Lodge lands should be utilised for residential/family home use only and design to fit in with character of Ringaskiddy.

Ringaskiddy Residents' Group

- Application appears same as those previously refused by planning authority and An Bord Pleanála. Main difference is reduction in 16 student bedspaces.
- Receiver/auctioneer appointed for disposal of Rose Lodge lands.
- Loss of on-street parking will severely impact local businesses.
- Parking spaces located 1m-1.25m from Palmer's Terrace boundary would cause car light spillage and traffic noise. Area of land for car parking may be subject to adverse possession claim. Parking should be at southern aspect.
- Failure to establish Maritime College accommodation requirements, estimated to be 50 or less. Contests accuracy of Student Demand and Concentration Report. Naval Service do not have off-base requirement for PBSA.
- A comprehensive Archaeological Report/survey is absent.
- Surface water flooding from site has occurred on number of occasions, and was especially severe in 2014. Failure to demonstrate adequate capacity of attenuation tanks and storm drainage system at times of localised heavy rainfall.
- On-site street lighting will significantly contribute to light pollution.
- The site had previously been listed on the Derelict Sites Register.
- Traffic/car parking survey conducted adjacent to NMCI between Tuesday 7th March and Thursday 9th March 2023 indicates average of 217 cars occupied the main/visitor (car park) over the 3 days. All students attending Ringaskiddy third level colleges continue to be card dependent.
- Photographs have been provided in previous submissions of damage to shared boundary wall arising from heavy branches from Rose Lodge site.
- Noise and vibration report fails to address impacts of construction traffic and traffic on original stone/marine constructed land retaining walls. Retaining walls are located at entrance and northern site aspect.
- Approved public realm proposals will reduce local road width at Rose Lodge entrance to 3.5 metres, impacting ingress/egress traffic to/from site. Palmer's

Terrace homes date to late 1700s, early 1800s. Report neglects reference to pre- and post-construction methodologies to protect abutting homes.

- Request that any grant contains condition for bond to be lodged.
- No maintenance has occurred on Rose Lodge over the past 50 years.
- A general wildlife survey was conducted by observer over past 12 months.
- Tree survey lacks detail on impacts of unmaintained trees and root systems.
- EcIA Biodiversity Report's walkover survey on 29 April 2023 was apparently limited in duration and conducted during daylight hours, and not undertaken within optimal time of year for a habitat and flora survey.
- It is not known if badger setts are located under overgrown canopy. EcIA Biodiversity Report fails to mention stoats on and adjacent to site. Wildlife survey on site would necessitate passing under main rookery overspill.
- At best the bat survey was conducted over between 20%-25% of the site, and falls short of a full site survey. Bat registrations indicated over a limited 2 hour survey duration are considered quite high.
- Student accommodation model presented is a dated when taken in context of Covid educational scenario.
- No policing report/proposals to deal with anti-social behaviour provided.
- Proposal is out of scale, character and context, is of excessive height and mass, is domineering and visually intrusive on character of area. Results in overshadowing and loss of residential amenity and privacy. Does not conform to national and local policy objectives and inappropriate for village setting. Detrimental impact on built heritage and retention of historic fabric of village.
- Overdevelopment contravenes Local Area and Development Plans and zoning objectives.
- Derelict sites adjacent to and within walking distance of Cork city campuses would service UCC, MTU student accommodation requirements.

7.0 Assessment

7.1. Having examined the application details and all other information on file, including all submissions received in relation to the appeal, the reports of the local authority and having inspected the site, I consider it appropriate in this case to assess this appeal *de novo*, and that the substantive issues in this case are as follows:

- Compliance with County Development Plan – Land Use Zoning and Principle of Development
- Ecology and Landscape
- Impacts on Residential Amenities
- Traffic Safety and Transportation – New Issue
- Site Layout – New Issue
- Internal Unit Layout – New Issue
- Surface Water – New Issue
- Visual Impact – New Issue
- Procedural Issues
- Material Contravention

7.2. Compliance with County Development Plan – Land Use Zoning and Principle of Development

7.2.1. The proposed student accommodation scheme comprises 24 no. student housing units containing 192 bedrooms. The site is zoned Objective ZU 18-17: Town Centres/ Neighbourhood Centres, on which residential is an appropriate use. The proposed development would comply with the land use zoning objective in this regard.

7.2.2. The site also forms part of much larger (19.88ha) **Specific Development Objective RY-T-02** which states any proposals for development should comply with the overall uses acceptable in town centre areas and should complement/reinforce the village's urban structure, that provision for small scale student accommodation will be considered, and any future development should reflect the scale and character of the

surrounding existing built up residential area. Given that the Development Plan also states (at Section 1.7.17) that student, staff and short term visitor accommodation associated with existing and future educational facilities in the area will be deemed appropriate within the town centre zoning, I consider that the provision of student accommodation on this site would be acceptable in principle.

- 7.2.3. In terms of scale, I note that 192 study bedrooms would be only marginally below the threshold of 200 or more bed spaces for student accommodation vis-à-vis the large scale residential development (LRD) process, as per the Planning and Development Act 2000, as amended. In terms of the quantum of bedspaces proposed, I do not therefore consider that the proposed development would be 'small scale' and would not comply with this provision of the Development Plan. Refusal of permission is recommended on this basis. The matter of the nature and scale of the proposed development and any potential impacts arising from same on the residential amenities of the area are discussed elsewhere in this report.
- 7.2.4. The Development Plan also states (at Section 1.7.23 (Vol.4)) with reference to supporting the educational facilities in Ringaskiddy by UCC, that any student, staff and short term visitor accommodation should be catered for in the town centre at an appropriate scale. I consider that the principle of student accommodation on this site would not be in conflict with this section of the Development Plan, but would not be acceptable in terms of scale.
- 7.2.5. For wider planning context, the Sustainable Residential Development and Compact Settlements Guidelines (2024), hereafter referred to as the 'Settlements Guidelines', states that when calculating net densities for shared accommodation such as student housing, 4 bedspaces shall be the equivalent of 1 dwelling. Given that a total of 192 student bedspaces are proposed, this would equate to 48 dwelling units. For context, 48 dwellings units on this 1.1ha site would result in a density of 43.6uph.
- 7.2.6. The Development Plan has a target of 45 housing units for Ringaskiddy within the lifetime of the plan. I consider the Settlements Guidelines calculation of 4no. student bedspaces to equate to 1no. dwelling to be a useful measurement to illustrate a notional approx. 48 houses on this site. However, while the proposed development would potentially increase the amount of residential accommodation available in the village, given that it is described as student housing units, I note that it would be

distinct from the general housing market. In this regard therefore I do not consider that the 45-unit housing allocation for Ringaskiddy would be used up as a result of the proposed development. However, notwithstanding this, concerns remain as outlined above regarding the quantum of development proposed, which I do not consider to be 'small scale' as required by the Development Plan.

- 7.2.7. In terms of detail, I note the National Maritime College of Ireland (Munster Technological University, Ringaskiddy) letter dated 22 March 2022 lodged with the application states that NMCI (or partners involved) cannot provide guarantees regarding level of accommodation take up of its students, but is confident of significant demand. It further states that NMCI has significant undergraduate student numbers, trains delegates on-site, regularly hosts research project activities involving teams spending days or weeks at NMCI, hosts conferences, and that all would benefit from local self-catering accommodation.
- 7.2.8. It would appear therefore based on the information on file that the subject scheme is not directly linked to NMCI nor to any other third level institution. I note that the NMCI and the separate Maritime Renewable Energy Ireland (MaREI) facility are both located approx. 0.95km east of the subject site. However, given that the proposed development is clearly described and designed as a student accommodation scheme, I consider that in the event the Board was minded to grant permission for the proposed development, it may consider attaching a condition confirming the use/occupation of the scheme. In this regard I note that Circular Letter PL 8/2016 APH2/2016 (Identifying Planning Measures to Enhance Housing Supply) includes sample student accommodation use conditions. Circular Letter NRUP 05/2021 (Temporary Change of Use of Student Accommodation) reiterates the advice of the previous circular.

7.3. Ecology and Landscape

- 7.3.1. The planning authority's reason for refusal includes that the proposed development fails to protect and enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network, would materially contravene Development Plan policy objective BE 15-2 which seeks to protect areas of biodiversity value and policy objective GI 14-2 which requires new development

proposals to contribute to the protection, management and enhancement of the existing green and blue infrastructure of the local area.

- 7.3.2. I note that there is substantial mature tree planting along the site's boundaries and that the area at the site entrance is significantly overgrown. There are no Tree Preservation Orders on site. The site is essentially a greenfield site and some of the adjoining lands are similarly undeveloped.
- 7.3.3. Documentation lodged with the application includes a Tree Survey, a Tree Protection & Root Protection Areas (RPA) document, an Ecological Impact Assessment (EcIA) Biodiversity Report and a Bat Survey. An separate EcIA was submitted to the planning authority as Unsolicited Further Information on 25 August 2023. The FI response (to Item 4) includes a revised tree survey map in context of proposed development (Drg. No. RFI 2.01) and tree schedule (Drg. No. RFI 2.02). It is stated that these documents take precedence over any previously submitted information.
- 7.3.4. The FI tree schedule indicates that there are 118no. trees on site, of which 37no. are proposed to be removed. Of these 37no. trees, 25no. are stated be diseased, unstable or dangerous, and the remaining 12no. trees are to be removed for development purposes. 17no. sycamore trees are proposed to be removed, 10no. of which are stated to be diseased, unstable or dangerous. Other trees to be removed include ash (8no.) and beech (4no.), of which 5no. and 4no. respectively are stated to be diseased, unstable or dangerous.
- 7.3.5. Having regard to the overall proportion of existing trees on site proposed to be removed, of which 25no. are stated to be in a diseased/unstable/dangerous condition, the proposed removal of 17no. sycamore trees, a non-native species, and having regard also to the Town Centre/Neighbourhood Centre land use zoning objective which applies to the subject site, I consider that the removal of these trees, by itself would be generally acceptable, subject to consequent impacts for bats, if any, being clearly demonstrated.
- 7.3.6. I note that the grounds of appeal outline that hedgerow removal has taken place relating to the provision of the M28 motorway to the south of the site. I noted on site inspection that the roadside boundaries either side of Old Post Office Road have been removed a short distance south of the site.and new fencing has been erected. As outlined elsewhere, the landtake for the motorway scheme is approx. 35m south

of the site. While I note the site's proximity to the approved M28 motorway scheme, I consider however that the matter of any consequent tree removal impacts at the subject site on bats would be required to be addressed in the subject case.

- 7.3.7. The Bat Survey lodged with the application is referenced PP2023 Bat Survey June 2023, and there is also reference to August 2022. A day survey and a dusk survey carried out at the property are both dated 16 August 2022, and one structure was surveyed on 4 August 2022.
- 7.3.8. I note that the planning authority's refusal reason includes an insufficient level of bat survey and associated analysis undertaken. Bat Mitigation Guidelines for Ireland v2 (Irish Wildlife Manuals, No. 134, National Parks and Wildlife Service, 2022) includes (at Appendix 1) Recommended Bat Survey and Mitigation Report Structure. It states *inter alia* that it is important to provide clear plans and diagrams' showing the current situation and what is proposed, the front cover should show the author and revision history, and that not all sections of the recommended mitigation plan structure will be applicable in all cases. It also states (at Section 5.2) that the surveys are expected to present the qualifications and experience of the surveyors and authors.
- 7.3.9. The Bat Survey is indicated to have been prepared by a lead ecologist, although no qualifications and experience are presented in the document, and reference is made to the surveyor. Accordingly, I note that the Bat Survey does not include some information as set out in Section 5.2 and Appendix 1 of the Bat Mitigation Guidelines for Ireland v2.
- 7.3.10. For clarity, the Bat Survey lodged with the subject case would appear to be largely the same as that lodged as FI on ABP-315889-23 (P.A. Ref. 22/4864), save for some amended details relating to dates. I note the content of EclA Biodiversity Report lodged with the application, which states that a baseline ecological survey was undertaken on 29 April 2023 by a number of persons. A walkover survey of the study area is stated (at Section 3.2.4 Bat Habitat Appraisal) to have been carried out during daylight hours, and the tree survey comprised a ground level inspection of the exterior of each tree. It is further stated (at Section 5.2.4.1 Bat Habitat Appraisal) that the amended Bat Report by lead ecologist is re-submitted with the application.
- 7.3.11. The EclA (dated August 2023) submitted as unsolicited FI states *inter alia* that a walkover survey of the study area was carried out during daylight hours on 17 August

2023 and that there was no evidence of roosting bat present, and refers to earlier Bat Survey (by lead ecologist) with regard to commuting/foraging bats.

- 7.3.12. The Bat Survey states that all visual observations of bats were made near the boundaries of the study area. I note however that the location of these observations is not indicated in the survey. It states that no foraging or social behaviour was recorded, and no roosts or signs of historic roost usage were found in the villa ruins, and no trees with active roosts were identified. Of the 77 registrations recorded on the bat detector during the dusk survey, 69 of these relate to Common Pipistrelle, with the remainder being Soprano Pipistrelle. No reference is made to Lesser Horseshoe Bat at or in the vicinity of the subject site. I note that bats are not a qualifying interest of either Cork Harbour SPA (Site Code 004030) or Great Island Channel SAC (Site Code 001058).
- 7.3.13. The planning authority's First Ecology report states that the Bat Survey does not provide full details of bat registrations and locations of same.
- 7.3.14. As outlined above, I consider that the removal of a number of non-native tree species, many of which are indicated to be in a diseased/unstable/dangerous condition would be generally acceptable, subject to impacts on bats being clearly demonstrated. I note also that the FI response states bat boxes will be erected where possible on mature trees, and that subject to a bat survey prior to construction and recommendations from an ecologist the detailed student dwelling design may include surface mounted and/or integral bat boxes.
- 7.3.15. However, in the particular circumstances of the subject case, and having regard to all information on file including the content of the Bat Survey whereby I note for example the absence of mapping relating to visual observations and relating to locations of bat registrations, I consider that it has not been adequately demonstrated that the proposed development would not adversely impact on bats, and that it has not been adequately demonstrated that the proposed development would be in compliance with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c). Refusal of permission is recommended on this basis.
- 7.3.16. For completeness, I note that the Board's 3no. refusal reasons on ABP-312440-22 (P.A. Ref. 21/6748) did not include matters relating to ecology or impacts on bats.
- 7.3.17. With regard to invasive species, a FI Preliminary Invasive Species Management Plan

(ISMP) includes that a single patch of Japanese Knotweed has been identified to the north of Rose Lodge. The FI Japanese Knotweed Overlay on Proposed Development drawing shows the location of Japanese Knotweed approx. 17m from the eastern site boundary and proposed burial pit adjacent to the eastern site boundary. The FI Preliminary ISMP states that until burial or bunding can be verified the off-site disposal option is proposed. It sets out (at Section 5) details of management measures, which include pre-construction herbicide treatment, implementing biosecurity measures and toolbox talks.

7.3.18. The Second Ecology report states that the response (relating to ISMP) is generally acceptable subject to condition for these measures to be carried out.

7.3.19. In the event that the Board was minded to grant permission for the proposed development, I consider that a condition requiring the submission of a site-specific ISMP, the recommendations of which shall be incorporated in a site-specific construction management plan (CMP) would adequately address the matter of dealing with invasive species on site. I note also that matters relating to invasive species are subject to a separate legal code namely European Communities (Birds and Natural Habitats) Regulations 2011.

7.4. Impacts on Residential Amenities

7.4.1. With regard to the proximity of student houses to existing dwellings to the north at Main St., I note that block 24 is shown to be 14.5m from the northern site boundary, and 24m from the main dwelling house to the north. This proposed block is approx. 7.5m high at its northern elevation, and has an overall ridge height of 9.2m. I note the substantially higher ground levels at this part of the site relative to the finished floor level of Main St. dwellings. However, having regard to the 14.5m separation distance to the northern boundary, I consider that block 24 would not result in serious overshadowing or overbearing impacts on these adjoining properties. Having regard to the location of windows at first and dormer level on the north elevation, and the roof indicated to include a sedum flat roof, I consider that this proposed structure would not result in undue overlooking of existing dwellings.

7.4.2. For comparison, I note that a slightly less 12m separation distance was indicated for the build-to-rent terraced houses proposed under ABP-312440-22 (P.A. Ref.

21/6748) from the northern site boundary. The houses in that (outline) case were shown to be in the range of approx. 5.8m to 8m in height.

- 7.4.3. Block 1 is shown to be 20m from the northern site boundary where it bounds the rear site boundary of an existing dwelling. Grounds levels within the subject site are approx. 4m above those at rear of Main St. dwellings. While the finished floor level of the proposed 2 ½ storey building is significantly higher than that of the existing Main St. dwelling houses, I consider that having regard to the approx. 20m separation distance, block 1 would not adversely impact on these existing dwelling houses in terms of overlooking, overshadowing or overbearing impacts.
- 7.4.4. I would however have concerns relating the lack of boundary treatment details for the northern site boundary, resulting in undue overlooking of adjoining residential properties. For example, Section C-C indicates a very low level wall at the northern boundary, in contrast to the much lower ground levels within one of the Laurel Ville dwellings on Main St. In the event that the Board was minded to grant permission for the proposed development, it may consider it appropriate to attach a condition requiring the submission of comprehensive details for the proposed northern site boundary, in order to prevent undue overlooking and protect the residential amenities of the dwellings on Main Street. In addition, details of treatment for other site boundaries would also be required to be addressed by way of condition.
- 7.4.5. Notwithstanding that the matter relating to overlooking impacts could, in the event of a grant, be addressed by way of condition, having regard to the substantive reasons for refusal set out in below, I consider in this particular case that this matter be included within the reasons for refusal. Refusal of permission is recommended on this basis.
- 7.4.6. The student houses near the western site boundary are minimum 12m from this boundary, which I consider to be acceptable and would not adversely impact on the residential amenities of dwellings along Old Post Office Road.

7.5. Traffic Safety and Transportation – New Issue

Site Access

- 7.5.1. There is one single vehicular entrance to the proposed development, via the modified existing entrance on Main St. There is no existing footpath along the

roadside frontage of this and adjoining properties on Main St. The site layout shows the vehicular entrance to comprise a main entrance plaza, indicated to be 8m-12m wide on the 'site metrics' drawing. An attenuation tank is proposed adjacent to the western site boundary along the entrance route within the site. There is no indication that any footpath is proposed within the site from the vehicular entrance towards the car parking area.

- 7.5.2. A traffic calming table on the approach route to the parking area is referred to but not delineated on drawing. Some landscaping is proposed along the entrance route leading to the communal parking area.
- 7.5.3. The Service Vehicle Turning Layout drawing would appear to comprise an auto track drawing showing a one-way vehicular loop within the main part of the site. It shows that where an in-coming and exiting vehicle meet, there is no pedestrian refuge. The site layout shows landscaped/planted areas either side of this vehicular route at this point, and also refers to 'shared pedestrian & vehicle access road 3.5m-5.5m'.
- 7.5.4. In terms of detail, the site layout shows a tapered landscaped area extends to the northern site boundary. This landscaped area, albeit very minor in extent, would militate against the provision of a footpath at this point. Based on the information on file, the site layout appears to be partially shown in the context of a public realm scheme, although any new footpaths are not clearly delineated as such, and no footpath is shown directly west of the site entrance (in front of vacant shop premises). In contrast, the separate 'Section 8 Public Realm' drawing shows that a continuous footpath is to be provided generally along the Main St. properties, including in front of the vacant shop.
- 7.5.5. In terms of access to the site from the adjoining public road, the First Area Planner's report states that no issues regarding site access and traffic/pedestrian safety are raised. Area Engineer's report (on FI response) states parking is inadequate.
- 7.5.6. I note that planning permission was previously granted on this site for a development comprising 24 no. student apartments; PL 04.227267 (P.A. Ref. 07/10337) refers.
- 7.5.7. Separately, I note also that the Board refused outline permission on this site in 2022 for construction of 56 no. residential units comprising 28 no. student accommodation units and 28 no. build to rent terraced dwelling houses for 3 no. reasons. Reason 3 is that the Board was not satisfied that access arrangement and parking are adequate

and that traffic movements likely to be generated would not interfere with free flow of traffic and that the proposed development would result in traffic hazard; ABP-312440-22 (P.A. Ref. 21/6748) refers. 122no. car parking spaces were proposed in that case, as stated on planning application form. I note that the nature of the subject case differs significantly from that refused by ABP-312440-22.

- 7.5.8. However, I would have concerns that the pedestrian safety and safety of other vulnerable road users has not been adequately provided for in the current proposal, and consider that the main entrance plaza area and access route to the proposed student housing units do not sufficiently provide for pedestrian priority. Notwithstanding that the site layout refers to shared pedestrian and vehicle access road, on the basis of the information on file, I consider that the proposed development would give rise to traffic movements which would endanger public safety by reason of traffic hazard, particularly pedestrians and other vulnerable road users. Refusal of permission is recommended on this basis. However, this is a new issue and the Board may wish to seek the views of the parties.
- 7.5.9. Separately, with regard to permeability, I note that Objective PL 3-1: Building Design, Movement and Quality of the Public Realm includes (j) achieve permeability and connectivity in town centre / village locations which contributes to the 10 Minute Town Concept and Sustainable Neighbourhood Infrastructure. Objective TM12-2-1 includes the aim to deliver a high level of priority and permeability for walking and cycling to promote accessible and safe settlements to work and live, within a ten minute walk of one's home.
- 7.5.10. The site is bounded to the east by undeveloped lands which are similarly zoned Town Centre/Neighbourhood Centre. No information has been provided on file regarding any planning applications on this adjoining site. With regard to connectivity, the site plan does not indicate any potential permeability to this site. I note the backland character of both the subject site and adjoining site to the east. However, notwithstanding the backland nature of both sites/lands, I consider it reasonable that potential permeability, at a minimum for pedestrian access, from the subject site to the adjoining site to the east be indicated. I note that there may limited destination routes between the two sites, but nevertheless I consider that a more strategic overview regarding permeability and access for this site and its relationship to the adjoining site to the east would be required to be addressed.

- 7.5.11. I note that there may be a potential permeability access point directly east of the proposed car parking area. However, no pedestrian priority route or footpath is shown at this location, and having regard to the relatively limited overall extent of the car parking area, I do not consider that the provision of a footpath in this context, to facilitate potential permeability, could be adequately addressed by way of condition.
- 7.5.12. While the planning authority's refusal Reason refers to GI 14-2, which includes (c) seek to create new and improved connections (physical/ecological corridors) between open spaces/ green infrastructure and other important destinations, the Reason does not specifically refer to permeability. I consider that the matter of permeability has not been adequately addressed in terms of overall site access, and that the proposed development does not comply with Objective PL 3-1: Building Design, Movement and Quality of the Public Realm of the Development Plan. Refusal of permission is recommended on this basis. However, this is a new issue and the Board may wish to seek the views of the parties.

Internal Vehicular Circulation

- 7.5.13. The proposed communal car parking area comprises 25 no. spaces near the northern site boundary. No individual parking or set-down spaces are shown elsewhere on the site layout. While the submitted Traffic & Transportation Assessment states that the Southend Car Park is accessed off this one-way system, it is unclear what parking area this refers to.
- 7.5.14. The Traffic & Transport Assessment Report states (at Section 12.0 Management of Site Access During Term Start/End) that the management company will have a booking system to control the arrival of vehicles at term start/end dates, and that 5no. parking spaces opposite the management suite will provide the initial set down area. As discussed further under Site Layout – New Issue, I note that no management suite is indicated on the site layout, and it is unclear where the 5no. spaces referred to are. It is further stated (at Section 13.0 Site Servicing) that servicing requirements are expected to be limited to refuse collection and small deliveries, and that excluding refuse collection, the number of servicing movements is expected to be 3 or 4 across the course of the day. Access to a servicing set down area will be facilitated through the management suite.
- 7.5.15. I consider that these access/servicing proposals described in the Traffic & Transport

Assessment Report are not clearly shown on the FI site layout. Having regard to all information on file, I consider that the overall internal access arrangements, including in particular the lack of any demarcated set down areas for service/delivery vehicles, would result in a poor overall site configuration that would be deficient in facilities and amenities to serve future occupiers of the student accommodation scheme. Refusal of permission on this basis is recommended. However, this is a new issue and the Board may wish to seek the view of the parties.

Parking and Mobility

- 7.5.16. The Development Plan does not include a car parking standard for student accommodation. 25no. car parking spaces in a communal parking area at the northern end of the site. The Traffic & Transportation Assessment states that of 24no. car parking spaces, 3no. are intended for cater for disabled users and visitors. It is stated that 4 no. motorbike parking spaces are proposed, and it is proposed to establish a car club. No parking spaces for visitors, disabled users, car club or motorbikes are shown on the FI site plan. I note also that no electric vehicle charging space is indicated.
- 7.5.17. 25 no. parking spaces would equate to 1 per 7.6 bedspaces, based on 192 no. bedspaces.
- 7.5.18. Mobility management proposals in the Traffic & Transport Assessment Report states that student timetables do not always follow the typical 9-5 working day and often start after/finish before normal peak commuting hours. A summary of key local bus services includes the 223 route from Cork city centre to Ringaskiddy, Haulbowline, NMCI/MaREI, stated to be an hourly service of 35 minutes duration. While the start/finish times of the bus services are not stated, I note that the Bus Éireann website www.buseireann.ie (accessed on 11 June 2024) shows the outward bound Monday – Friday timetable runs from 06:50hrs - 23:20hrs, and there is a reduced weekend timetable from 07:20hrs – 23.20hrs. The 223 journey to Cork city runs from 06:42hrs - 22:22hrs Monday-Friday (during college term only), 07:22hrs-22:22hrs on Saturdays and 08:22 – 22:22hrs on Sundays.
- 7.5.19. The 225 route (Kent Rail Station to Haulbowline via Cork Airport and Carrigaline) extends from 05:20hrs – 22:20hrs Monday to Sunday. The in-bound journey runs from 06:25hrs – 23:25hrs Monday to Sunday.

- 7.5.20. I note also that Cork Metropolitan Area Transport Strategy (CMATS) 2040 (NTA, in collaboration with TII and Cork City Council and Cork County Council, 2019) states (at Chapter 15 Supporting Measures) that both local authorities should seek to translate the overarching objectives through the use of Local Transport (Implementation) Plans. It states that these plans should set ambitious targets to prioritise active and sustainable transport mode shares that reduce local private motor trips over the short, medium and long term, that Cork County Council are currently progressing a LTIP at Little Island and future LTPs are envisaged for areas including Ringaskiddy.
- 7.5.21. On the basis of the information viewed on the Bus Éireann website indicating the level of bus services to Cork city, I consider that the provision of a student accommodation scheme in Ringaskiddy village would be adequately served by bus services. In addition, the preparation of a LTP for Ringaskiddy as set out in CMATS would further prioritise sustainable transportation for this area in the future. In terms therefore of the quantum of car parking spaces proposed to serve 192no. bedspaces, I consider this to be acceptable. However, I consider that the detailing of the parking layout as shown on the site plan to be inadequate, including for example the lack of clarity as where the 4 no. motorbike spaces are to be located.
- 7.5.22. With regard to cycle parking, 240no. cycle spaces are stated to be proposed, comprising 1 space per student bedspace and 48 no. visitor spaces. Development Plan minimum cycle parking requirements for student accommodation are 1 long stay parking space per 2 bedrooms, and 1 short stay (visitor) parking space per 5 bedrooms. This equates to 134no. spaces, comprising 96no. long stay spaces, and 38.4no. visitor spaces. The provision of 240no. cycle spaces exceeds the minimum requirement and is considered acceptable. However, while 8 no. cycle spaces are indicated within the foyer at ground floor level of the student houses, it does not appear to be shown as to where the remaining 48 no. spaces are to be provided.
- 7.5.23. The shared surface area including car parking area on the site layout drawing is relatively limited in extent. Given that a revised site plan would be required to demarcate all car parking spaces, including accessible and car club spaces, the provision of an EV parking space, 4 no. motorbike spaces and 48 no. cycle spaces, I consider that these additional parking areas may not be easily accommodated within the shared surface area currently shown without impacting on open

space/landscaped areas.

7.5.24. In terms of detail, I note that the Operational Waste Management Plan states that the waste storage area for specialist waste will be located close to the maintenance yard on the eastern boundary. However, as the site plan does not show any waste storage area or maintenance yard at this location, it is unclear based on the information on file as to where the intended location of any maintenance yard is. I consider that the provision of same could not be easily accommodated in the vicinity of the shared surface/parking area in the northern part of the site based on the proposed site layout.

7.5.25. Accordingly, I am not satisfied on the basis of information on file that the proposed parking arrangements on site would be acceptable. Refusal of permission is recommended on this basis. However, this is a new issue and the Board may wish to seek the views of the parties.

7.6. Site Layout – New Issue

Open Space

7.6.1. With regard to open space provision generally, the Development Plan does not specify a minimum requirement for student accommodation schemes. It does however emphasise that provision for small scale student accommodation will be considered within this land use zoning in Ringaskiddy, which should reflect the scale and character of the surrounding existing built up residential area.

7.6.2. The site plan states that 5564sqm of open space is provided. The pair of student houses No.s 13 and 14 are located at the southern end of the open space area, bounded by open space to the side and rear. Notwithstanding that a minimum open space requirement is not specified in the Development Plan, the omission of No.s 13 and 14 would allow for a more functional open space at this location, of more open character. In the event that the Board was minded to grant permission, it may consider that the omission of these 2no. student houses would be appropriate in this case, and this matter could be addressed by way of condition. However, this is a new issue and the Board may wish to seek the views of the parties.

7.6.3. For completeness, the site plan indicates a swale is proposed north of No.s 13 and 14. A rectangular shaped swale at this location is shown on SuDS Drainage Plan,

and this would not be included in open space calculations.

Staff/Management Facilities

- 7.6.4. The site layout indicates 12 no. pairs of semi-detached student houses. The Student Management Plan lodged with the application states that staff facilities to be provided on site comprise staff kitchen/diner in the maintenance compound, staff office and manager's office. However, no maintenance compound is shown on the proposed site plan. Drawings of the student houses do not include staff kitchen/diner or offices. Separately, the submitted Traffic & Transportation Assessment states that a maintenance yard and composting area are accessed from the one-way road system. The site plan does not appear to show any maintenance yard.
- 7.6.5. In addition, this Assessment document also refers (at Section 12.0 Management of Site Access During Term Start/End) to 5no. parking spaces opposite the management suite. I note that no management suite is indicated on the site layout.
- 7.6.6. Having regard to the nature of the student accommodation scheme, I consider that the provision of staff/management facilities unit would be an integral part of the occupation type proposed. In the event that the Board was minded to grant permission, it may consider that this matter could be addressed by condition requiring the submission of revised drawings showing part of the student houses to be modified to incorporate staff/management areas. This is a new issue and the Board may wish to seek the views of the parties.
- 7.6.7. With regard to the referenced maintenance yard, in the event that the Board was minded to grant permission, it may consider confirming by way of condition that no maintenance yard is permitted, in the interests of clarity.
- 7.6.8. However, notwithstanding that these matters may potentially be addressed by way of condition, I consider that having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue this matter. I consider that the lack of detailed staff/management area is a significant deficiency given the nature of the proposed development as a student accommodation scheme, and refusal of permission is recommended on this basis.

7.7. Internal Unit Layout

- 7.7.1. The gross internal area for kitchen/living area of the student houses is stated to be

18.72sqm. The Student Management Plan states each bedroom will have a breakfast bar and each student house has a ground floor shared living room with access to an external patio.

- 7.7.2. I note that the Development Plan does not contain specific standards relating to student accommodation, such as minimum room sizes. Based on the plans and particulars on file, I consider that the provision of an approx. 18sqm kitchen/living/dining area inadequate to serve an 8-bedspace residential unit.
- 7.7.3. In this regard I note the Guidelines on Residential Development for 3rd Level Students 1999, Department of Education and Science (updated 2005), states that planning authorities are asked to have regard to these guidelines. It includes that the provision of a shared kitchen/dining/living room space shall be based on minimum 4sqm per bedspace in the unit, and this shall be in addition to shared circulation. This would equate to a minimum 24sqm kitchen/dining/living area.
- 7.7.4. I note that this matter has not been raised in the grounds of appeal or observations, nor is it included in the planning authority's decision to refuse permission. I consider that in the event the Board was minded to grant permission for the proposed development, the matter of increasing the kitchen/living/dining area for each student house could be addressed by omitting the adjoining 18.72sqm bedroom unit and extending the kitchen/living/dining area into this space. This would result in the number of bedroom spaces in each student house being reduced by 1no., i.e., based on the FI response drawings, the omission of 24 no. bedspaces.
- 7.7.5. While this matter could be addressed by condition, and having regard to the other substantive reasons for refusal, I consider that the matter of inadequate kitchen/living/dining areas as currently proposed, resulting in substandard residential accommodation for future occupiers of the scheme, be included as grounds for refusal of permission.
- 7.7.6. This however is a new issue and the Board may wish to seek the views of the parties.

7.8. Surface Water – New Issue

- 7.8.1. Surface water management proposals include the provision of a swale, permeable paving, tree pits, bioretention planters and sedum roofs. Green roofs are stated to

cover an area of 2,100sqm. The attenuation tank proposed adjacent to the western boundary near the site entrance comprises approx. 233m³, based on dimensions indicated on Storm Water Retention Tank General Arrangement (Drg. No. C005; Rev. P1). The submitted Sustainable Drainage System (SuDS) document indicates an estimated 245m³ attenuation volume, although it is stated that this may be revisited closer to construction stage. The SuDS Drainage Plan drawing indicates the attenuation tank comprises 235sqm.

- 7.8.2. The SuDS document states that attenuation volumes have been initially estimated on an allowable outflow/greenfield runoff rate of 2.05l/sec/ha, and that run-off from the proposed development will be controlled/attenuated using vortex type flow control devices (Hydrobrake or equivalent). It states that surface water run-off will be attenuated to greenfield run-off rates (Qbar) calculated as 8.1l/s.
- 7.8.3. The attenuation tank would be located along the internal access route near the site entrance, and would almost abut the western site boundary. No section through this part of the site has been provided. I note that Section B-B at approx. 5m west of the attenuation tank shows the Laurel Ville/Palmer's Terrace dwellings at a significantly lower level than the lands to the south. Having regard to the difference in ground levels between Main St. dwellings and the subject site, the absence of details relating to ground levels at the location of the proposed attenuation tank on the drainage plan and the very close proximity of same to the western site boundary, I consider that the attenuation tank would be required to be shown in section, and also to be shown in the context of the western site boundary.
- 7.8.4. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may be not be considered necessary to pursue the matter.

7.9. Visual Impact – New Issue

- 7.9.1. Matters relating to visual impact are not raised in the planning authority's refusal reason, nor in the grounds of appeal, and it is discussed here for completeness. The site is located on Scenic Route S54 and in a High Value Landscape. No elevation drawings have been submitted showing the proposed development in the context of Main St., i.e., a contextual north elevation. I note that the higher ground levels within

the subject site compared to Main St. would result in the scheme being visible in the wider area. However, having regard to the 14.5m – 20m setback of student houses from the northern site boundary, and to the intervening houses on Main St., I consider that as viewed from the surrounding area, including from Main St. and from longer range views on the opposite (north) side of the N28, that the proposed development would not adversely impact on the visual amenities of the area.

7.10. Procedural Issues

- 7.10.1. The applicant's grounds of appeal include that the planning authority did not avail of the option to seek clarification of further information (CFI) or issue a grant of permission with appropriate compliance conditions. The planning authority's decision on the application, pursuant to receipt of Further Information, was to refuse permission. The decision-making processes of the planning authority are outside the remit of this appeal. They are matters for the planning authority.
- 7.10.2. With regard to matters raised that this application has not been treated in a fair and consistent manner, it is compared to two other residential schemes in Ringaskiddy. The two schemes referenced are 'housing at Barnahely' subject of P.A. Ref. 18/5545 and P.A. Ref. 22/5633 (this would appear to be the substantially complete Port na Rinne housing estate), and the adjoining P.A. Ref. 19/4640 site to its west. It is stated that the Barnahely (Port na Rinne) site contained a ruinous house, many self-seeded trees and mature treelined/hedgerow boundaries, and that applications on this and the adjoining site were not required to provide an EclA and other reports. In this regard I consider that the decision-making process of the planning authority in relation to these referenced planning applications are outside the remit of this appeal. With regard to the subject case, I note that each case is assessed on its merits, with reference to *inter alia* the operative Development Plan at time of decision.

7.11. Material Contravention

- 7.11.1. While this report recommends refusal of permission on grounds relating to
- (1) proposal not demonstrated to be in compliance with Objectives GI 14-2 (b) and BE 15-2 (b) and (c) of the Development Plan

- (2) Non-compliance with Specific Development Objective RY-T-02 and Objectives PL 3-1 and TM12-2-1 of the Development Plan, overall site configuration resulting in substandard residential accommodation for future occupiers, and serious overlooking impacts on Main St. residential properties.
- (3) traffic hazard
- (4) inadequate size of shared kitchen/living/dining areas, resulting in substandard residential accommodation and residential amenities for future occupiers.

in the event that the Board was minded to grant permission for the proposed development, the matter of material contravention of the Development Plan is set out below.

7.11.2. The planning authority's refusal Reason 1 states that the proposed development would materially contravene Objectives BE 15-2 and GI 14-2 of the Development Plan. These objectives are outlined in full in Section 5 of this report and are summarised below as follows:

Objective BE 15-2: (b) provide protection to species listed in Annexes of the Habitats and Birds Directives and Wildlife Acts and (c) protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the county's ecological network.

Objective GI 14-2: (a) Ensure main towns have adequate quality green and recreational infrastructure; (b) Promote the corridor concept; (c) Seek to create new and improved connections between open spaces and (d) Require statutory plans/masterplans to include integrated green and blue infrastructure proposals.

7.11.3. I have noted the content of these objectives in full in the assessment of this case. I consider that having regard to existing site context, which includes a large number of non-native tree species indicated to be diseased/unstable/dangerous to be removed, and to the absence of information to adequately demonstrate impacts of the proposed development on bats, I consider that on the basis of the information on file that it has not been demonstrated that the proposed development would not adversely impact on areas of local biodiversity value, ecological corridors or habitats, would not adversely impact on the promotion of the corridor concept, and that it has therefore not been demonstrated that the proposed development would be in

compliance with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c) of the Development Plan.

7.11.4. As per my assessment above, I consider that it has not been demonstrated that the proposed development would be in compliance with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c) of the Development Plan.

7.11.5. Notwithstanding the matters outlined above, in the event that the Board was minded to grant permission and considers that a material contravention arises in this instance, one or more of the criteria as set out in Section 37(2)(b) of the Act must be met. Section 37(2)(a) and (b) of the Act state the following:

(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

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

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

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

7.11.6. The criteria set out under Section 37(2)(b) are assessed as follows:

(i) the proposed development is of strategic or national importance,

Having regard to the nature and scale of the proposed development, this development is not considered to be strategic or national importance.

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

The Development Plan includes a range of objectives relating to the protection, management and enhancement of the natural environment and biodiversity.

Objectives BE 15-2 and GI 14-2 of the Development Plan are summarised as relating to the protection and enhancement of biodiversity and the natural environment, including in the context of statutory plans/masterplans.

In addition, other Development Plan objectives directly relevant to the assessment of the proposed development include:

- the land use zoning which applies to the subject site is **Objective ZU 18-17: Town Centre/Neighbourhood Centre**;
- **Specific Development Objective RY-T-02 (Vol. 4)** comprising 19.88ha of which the subject site forms a part. Any proposals for development within this core area should comply with the overall uses acceptable in town centre areas and should complement/reinforce the village's urban structure. Provision for small scale student accommodation will be considered within this area. Any future development should reflect the scale and character of the surrounding existing built up residential area.

For context, it is stated (at Section 1.7.17; Vol. 4) states that student, staff and short term visitor accommodation associated with existing and future educational facilities in the area will be deemed appropriate within the town centre zoning.

Having regard to the land use zoning Objective ZU 18-17: Town Centre/Neighbourhood Centre and Specific Development Objective RY-T-02, I consider that these Development Plan objectives clearly allow for the provision of student accommodation on Town Centre/Neighbourhood Centre zoned lands. While the principle of student accommodation may be considered acceptable on these lands, the Development Plan also requires such development to be 'small scale'.

Given the quantum of development proposed in this case, I do not consider this proposal to be 'small scale'.

However, the Development Plan also identifies the suitability of extending the third level educational campuses at two separate sites at the eastern end of Ringaskiddy (Vol. 4), as set out under **Specific Development Objectives RY-I-09** (10.19ha) and **RY-1-16** (9.5ha). For each of these sites it is stated *inter alia* that they are suitable for extension of (adjacent) third level educational campus and enterprise related development including marine related education, enterprise, research and development. Each site is considered inappropriate for any short or full time residential accommodation.

Having regard to the content of Specific Development Objectives RY-I-09 and RY-1-16, which include that student accommodation is considered inappropriate on these sites, this gives further weight to Section 1.7.23 which states that there is a need to promote and support the educational facilities available in Ringaskiddy by UCC, and these facilities need increased provision for student accommodation and amenities.

Accordingly, if the Board consider that the matter of material contravention arises with reference to either of the 2 no. objectives stated in the planning authority's refusal Reason No. 1, I would highlight to the Board that

- the land use zoning Objective ZU 18-17: Town Centre/Neighbourhood Centre and Specific Development Objective RY-T-02 allow for residential use and consideration of small scale student accommodation respectively, and
- Specific Development Objectives RY-I-09 and RY-1-16 which identify areas suitable for extension of third level educational campuses

may be considered conflicting objectives in this regard.

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

The Regional Spatial and Economic Strategy (RSES) for the Southern Assembly outlines that strategic locations and drivers for economic growth in the metropolitan

area will include intensification of employment in *inter alia* Ringaskiddy. It is described as specialist employment area for life sciences, significant IDA enterprise assets and world leading marine research and innovation centres. The proposed development would not be in conflict with the RSES.

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

Cork County Development Plan 2022-2028 came into effect on 6 June 2022.

The grounds of appeal refer to two residential sites in close proximity, subject of P.A. Ref. 19/4640 (Warren's Court – 30 houses) and of P.A. Ref. 18/5545 and P.A. Ref. 22/5633 (Barnahely - 33 houses).

I note that the P.A. Ref. 19/4640 grant of permission in 2019 pre-dates the current County Development Plan and is therefore not considered applicable.

The housing estate permitted in 2019 pursuant to P.A. Ref. 18/5545 was amended by permissions granted in 2023, namely P.A. Ref. 22/5633 and P.A. Ref. 22/6675.

While I note the nature and scale of the developments permitted in 2023, I consider that these are largely amendments to a previously permitted housing scheme.

Having regard to the nature and scale of the proposed development, I consider that these two 2023 planning permissions would not meet the test that permission should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. Accordingly, I do not consider that it has been demonstrated that the proposed development meets the criteria set out under Section 37(2)(iv) of the Act.

7.11.7. Having considered the file, and the provisions of the Development Plan, in the event that the Board considers that the matter of material contravention arises, it is considered that the criterion set out under Section 37(2)(b)(ii) of the Act would be grounds for the Board to grant permission, with regard to conflicting objectives in the Development Plan outlined above.

7.12. Conclusion

7.12.1. Having inspected the site in Ringaskiddy, a Key Village, and having regard to the planning context of the site and surrounding area, particularly

- ZU 18-17: Town Centre/Neighbourhood Centres land use zoning under which 'residential' is an appropriate use, and
- Specific Development Objective RY-T-02 which states that provision of small scale student accommodation will be considered within this area and future development should reflect the scale and character of the surrounding area,

I consider that the principle of a student accommodation scheme would be in compliance with the land use zoning objective and Specific Development Objective RY-T-02.

7.12.2. In terms of the immediate environs of the site, I note that the approved M28 Cork to Ringaskiddy motorway scheme will run on a west/east axis a short distance to the south and it is therefore anticipated that the environs of the site will be altered due to this new transportation infrastructure. In addition, information on file outlines that public realm works (pursuant to Part 8) have been approved on Main St. As such it is expected that there will also be changes to the site's environs to the north. Accordingly, on the basis of the information on file there would appear to be an evolving context to the built environment in the vicinity of the site.

7.12.3. While noting the land use zoning objective and Specific Development Objective RY-T-02 which applies to the subject site, and noting also that there is an evolving context to transportation/mobility/public realm improvements in the vicinity of the site, I consider however that the subject proposal for a student accommodation scheme is deficient on a range of issues, which in the main cannot be adequately addressed by way of condition. These matters are summarised below:

- Impacts of the proposed development on bats has not been adequately demonstrated, and it has not been demonstrated that the proposal would comply with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c).
- The quantum of accommodation proposed would not be in compliance with Specific Development Objective RY-T-02, as it is not considered 'small scale'.
- As no potential permeability to adjoining lands are indicated, the proposed development would not comply with Objectives PL 3-1 and TM12-2-1

- The overall site configuration would be deficient in facilities and amenities, due to lack of staff/management offices/facilities, dedicated lay-bys/set down areas on the internal circulation route, demarcated visitor cycle spaces and motorbike parking. I note that while some of these elements are referenced in the plans and particulars on file, they are not shown on the site plan or on planning drawings.
- Undue overlooking of Main St. properties due to limited boundary treatment details to northern site boundary.
- Concerns that shared surface access arrangements, particularly the configuration of the access route from Main St. and lack of footpaths along same, and car parking layout are inadequate and that traffic movements likely to be generated would endanger public safety by reason of traffic hazard, particularly pedestrians and other vulnerable road users.
- Shared kitchen/living/dining areas would be of inadequate floor area, and disproportionate to number of student bedspaces they are intended to serve.

7.12.4. Having regard to all information on file, I consider that while the principle of a student accommodation scheme on this site would be acceptable in principle, there are a range of issues which I consider have not been adequately addressed in the subject case. Notwithstanding therefore that the principle of a student accommodation scheme is considered acceptable, based on the nature, scale, deficiencies in demonstrable ecological impacts, access/mobility, site servicing and other matters outlined above, I recommend that permission for the proposed development be refused for 4 no. reasons.

8.0 Recommendation

It is recommended that permission is refused for the reasons set out below.

9.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development, and notwithstanding the site's location on lands zoned ZU 18:17 Town Centre/Neighbourhood Centres in Cork County Development Plan 2022-2028, on which residential is an appropriate use, the Board is not satisfied on the basis of the information on file that it has been adequately demonstrated that the proposed development would not adversely impact on the ecology of the area, particularly bats, and accordingly, it has not been demonstrated that the proposed development would comply with Objective GI 14-2 (b) and Objective BE 15-2 (b) and (c) of the Development Plan. The proposed development would therefore be contrary to the provisions of the Development Plan and to the proper planning and sustainable development of the area.
2. Having regard to the nature and scale of the proposed development, the quantum of residential accommodation proposed on site would not be in compliance with Specific Development Objective RY-T-02 of the Cork County Development Plan 2022-2028, which states *inter alia* that small scale student accommodation in this area will be considered. Having regard also to the overall site layout, whereby no potential permeability to adjoining lands is indicated, the proposed development would not be in compliance with Objectives PL 3-1 and TM12-2-1 of the Development Plan. In addition, the overall site configuration would be deficient in facilities and amenities to serve future occupiers of the student accommodation scheme, such as lack of proposals for staff/management offices, dedicated lay-bys/set down areas on the internal circulation route, demarcated visitor cycle spaces, motorbike parking, thereby resulting in a substandard level of residential amenities for future occupiers. Furthermore, having regard also to the detailing of the northern site boundary indicated, the proposed development would result in serious overlooking impacts on residential properties on Main Street, Ringaskiddy, thereby adversely impacting on the residential amenities of area. The proposed development would therefore be contrary to provisions of the County Development Plan and to the proper planning and sustainable development of the area.

3. The proposed development would be served by a shared surface route accessed from the adjoining public road at Main Street, Ringaskiddy. The Board is not satisfied on the basis of the information on file that access arrangements and car parking layout, particularly the configuration of the shared surface access route and lack of footpaths, are adequate and considers that traffic movements likely to be generated would endanger public safety by reason of traffic hazard, particularly pedestrians and other vulnerable road users.
4. Having regard to the internal layout of the student houses, the shared kitchen/living/dining areas would be of inadequate floor area, and disproportionate to the number of student bedspaces they are proposed to serve. The proposed development would, if permitted, result in substandard residential accommodation and residential amenities for future occupiers of the proposed development, and would therefore, be contrary to the proper planning and sustainable development of the area.

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.

Cáit Ryan
Senior Planning Inspector

2 July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319192-24		
Proposed Development Summary	Construction of 24 student housing units comprising 192 study bedrooms, and ancillary communal amenities. The proposal provides 2-storey dormer purpose-built student housing units including secure foyer with integral bin and cycle storage, improved existing site entrance, internal roads, car parking, lighting and all ancillary development.		
Development Address	Rose Lodge, Main Street, Loughbeg, Ringaskiddy, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X	Class 10(b)(i) construction of more than 500 dwelling units.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		Conclusion	
No		N/A	No EIAR or Preliminary Examination required
Yes		Class 10(b)(i) construction of more than 500 dwelling units.	Proceed to Q.4

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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319192-24	
Proposed Development Summary	Construction of 24 student housing units comprising 192 study bedrooms, and ancillary communal amenities. The proposal provides 2-storey dormer purpose-built student housing units including secure foyer with integral bin and cycle storage, improved existing site entrance, internal roads, car parking, lighting and all ancillary development.	
Development Address	Rose Lodge, Main Street, Loughbeg, Ringaskiddy, Co.Cork.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development is located on Town Centre/Neighbourhood Centres land use zoning. The site is largely a greenfield site, and adjoins an established residential area to the north. Other residential developments have been permitted or are substantially complete in the vicinity, for example, Port na Rinne (P.A. Ref. 18/5545, as amended by P.A. Ref. 22/5633 and P.A. Ref. 22/6675).</p> <p>ABP decisions approving the M28 Cork to Ringaskiddy Motorway Scheme, located a short distance to the south are -</p> <p><u>04.HA0053</u> – M28 Cork to Ringaskiddy Motorway Scheme</p> <p><u>04.MA0014</u> – Cork to Ringaskiddy Motorway Scheme, Protected Road Scheme and Service Area 2017.</p> <p>On site inspection I noted roadside boundaries on Old Post Office Road have been removed a short distance south of the site, and new fencing erected. The Two-Year Progress Report on Cork</p>	No

<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>County Development Plan 2022-2028 (12 April 2024) states with regard to M28 Cork to Ringaskiddy route that multiple advance works underway and on track for the award of a main construction contract in 2024 and construction commencement in Q4 2024, subject to approval.</p> <p>I note the context of the existing environment and recent developments in the vicinity of the site. Proposal is not exceptional in context of the existing environment.</p> <p>The proposed development comprises a residential scheme. It would not result in the production of significant waste, emissions or pollutants.</p>	<p>No</p>
<p>Size of the Development</p> <p>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>The proposed development comprises 24 no. student halls of residence on a 1.1ha site. The site is located within an established urban area, although it is largely a greenfield site. Houses/residential units in the vicinity are mainly two-storey with some of single storey scale. The size of the proposed development is not exceptional in the context of the existing urban environment.</p> <p>The approved M28 Cork to Ringaskiddy motorway scheme would be located a short distance to south of the site, the landtake for which is estimated to be approx. 35m to the south, as noted on (ABP Ref.) 04.HA0053. On site inspection it was noted that some roadside boundaries on Old Post Office Road have been removed as discussed under Nature of the Development above.</p> <p>Other developments permitted/under construction in the vicinity of the site are the Port na Rinne housing scheme (discussed above) and ABP-307872-20 (Ring Port Business Park) housing scheme.</p> <p>There are no significant cumulative considerations having regard to other existing and/or permitted projects.</p>	<p>No</p> <p>No</p>

<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>
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Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2 – Appropriate Assessment

1.0 Appropriate Assessment

1.1. Screening for Appropriate Assessment – Screening Determination

Description of the Project

1.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 (as amended). The site is not located in or adjacent to a Natura 2000 site. The subject site is located

- approx. 0.7km north of the Cork Harbour SPA (Site Code 004030) and 1.3km to its south west.
- approx. 5.5km south of the Great Island Channel SAC (Site Code 001058)

1.1.2. The proposed development comprises construction of 24 no. student houses comprising 192 bedrooms. The scheme would be accessed from the existing, modified vehicular entrance at Main Street, Ringaskiddy, and would include car and cycle parking. It is currently largely a greenfield site, with mature tree planting along south, west and east site boundaries, and with some areas along the northern boundary near the vehicular entrance also noted to be substantially overgrown. The entrance on Main St. provides access to this backland site. The site slopes from south to north. The site is bounded to the east and south by fields. A small number of houses and a yard bound the site to the west along Old Post Office Road.

1.1.3. No streams/watercourses have been identified on the site.

1.1.4. Documentation lodged with the application includes Tree Protection & Root Protection Areas, Noise Impact Assessment, Archaeological Assessment, SuDS, Tree Survey, Construction Noise & Vibration Impact Assessment Report, Bat Survey, Operational Waste Management Plan, Tree Survey and (EclA) Biodiversity Report. Unsolicited FI submitted comprises an EclA.

1.1.5. The FI preliminary Invasive Species Management Plan (ISMP) outlines management measures to deal with Japanese Knotweed (*Fallopia japonica*), a scheduled invasive species on the site.

- 1.1.6. The Bat Survey was prepared by a lead ecologist, although qualifications and experience are not presented in the document and the name, etc. of surveyor are not presented. With regard to the results of the Bat Survey, of the 77 registrations recorded on the bat detector during the dusk survey, 69 of these relate to Common Pipistrelle, with the remainder being Soprano Pipistrelle. No reference is made to Lesser Horseshoe Bat at or in the vicinity of the subject site. Bats are not a qualifying interest of either Cork Harbour SPA (Site Code 004030) or Great Island Channel SAC (Site Code 001058).
- 1.1.7. With regard to **surface water**, there are no surface water features in the vicinity of the site. The site is not located within a flood zone. Surface water management proposals include the provision of a swale, permeable paving, tree pits, bioretention planters and sedum roofs. The attenuation tank proposed adjacent to the western boundary near the site entrance comprises approx. 233m³, based on dimensions indicated on Storm Water Retention Tank General Arrangement (Drg. No. C005; Rev. P1). The SuDS Drainage Plan drawing states that attenuation volumes have been estimated on an allowable outflow/greenfield runoff rate of 2.05l/sec/ha. Surface water run-off will be attenuated to greenfield run-off rates (Qbar) calculated as 8.1l/s.
- 1.1.8. With regard to **wastewater**, **Irish Water/Uisce Éireann** letter dated 8 August 2023 states no objection. It states that where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Uisce Éireann, the applicant must sign a connection agreement prior to commencement of development and adhere to standards and conditions. It would, however, be subject to the constraints of the IW Capital Investment Programme.
- 1.1.9. **Inland Fisheries Ireland (IFI)** letter dated 4 September 2023 requests that Irish Water/Cork County Council signifies that there is sufficient capacity in existence so that it does not a) overload either hydraulically or organically existing treatment facilities b) result in polluting matter entering waters or c) cause or contribute to non-compliance with existing legislative requirements.

- 1.1.10. The Development Plan states (at Section 1.7.58; Vol. 4) that Ringaskiddy wastewater discharges through two sewerage systems. A combined sewer serves the village and is served by the Lower Harbour Sewerage Scheme.
- 1.1.11. In terms of **water supply**, as outlined previously, the IW/UE letter dated 8 August 2023 states that there is no objection to the proposal subject to standard conditions. The Development Plan states (at Section 1.7.59) that drinking water is supplied by the Cork Harbour City Water Supply Scheme and there is adequate storage from a reservoir at Strawhall.
- 1.1.12. In terms of flood risk, the site is located within Flood Zone C. The nearest Flood Zones A and B are approx. 260m north west of the site. Having regard to the distance of the subject site to Flood Zones A and B, and the topography of the site which slopes from south to north, the site is not considered to be at risk of flooding.

Potential Impact Mechanisms from the Project

- 1.1.13. **With regard to direct/indirect impacts**, the proposed development does not lie within or adjacent to any European designated sites. There will be no direct impacts, such as habitat loss or modification to European sites as a result of this proposed development.
- 1.1.14. The subject site is located
- approx. 0.7km north of the Cork Harbour SPA (Site Code 004030) and 1.3km to its south west.
 - Approx. 5.5km south of the Great Island Channel SAC (Site Code 001058)
- 1.1.15. No streams/watercourses run through the site, and there are no rivers in the vicinity of the site. There is no hydrological or other pathway from this site to either Cork Harbour SPA (Site Code 004030) or Great Island Channel SAC (Site Code 001058). I consider therefore that there is no potential indirect hydrological connection in the form of surface water run-off via land at the construction or operational stage.

- 1.1.16. For completeness, with regard to storm water disposal, I consider that details relating to disposal and attenuation of surface water at operational stage are limited. Having regard to the absence of details relating to ground levels at the location of the proposed attenuation tank near the site entrance and in very close proximity to the western site boundary, I consider that detailing of this infrastructure such as site sections to include detail of western site boundary would be required. However, this is considered to be a matter that can be addressed by standard urban drainage solutions, serviced by public wastewater infrastructure.
- 1.1.17. In the event that surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of the Cork Harbour SPA can be excluded given the separation distances, the nature and scale of the development and the volume of the receiving waters within Cork Harbour (dilution factor).
- 1.1.18. An invasive species, Japanese Knotweed, and two other non-Third Schedule invasive species were identified on the subject site. Japanese Knotweed is shown to be located approx. 17m from the eastern site boundary.
- 1.1.19. I consider that potential indirect effects on the Cork Harbour SPA (Site Code 004030) or Great Island Channel SAC (Site Code 001058) relate to spread of invasive species Japanese Knotweed. This matter is discussed further in the following section.

European Sites at Risk

- 1.1.20. The NPWS Site Synopsis for **Cork Harbour SPA (Site Code 004030)** includes that Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra, and the SPA site comprises most of the main intertidal areas of Cork Harbour. The site is a Special Protection Area (SPA) under the E.U. Birds Directive of special conservation interest for 25 no. stated species. Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank.

S.I. No. 391 of 2021 relates to European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021 and lists 25 no. Bird Species protected under Article 4(1) and (2) of the Birds Directive as follows:

Little Grebe	<i>Tachybaptus ruficollis</i>
Great Crested Grebe	<i>Podiceps cristatus</i>
Cormorant	<i>Phalacrocorax carbo</i>
Grey Heron	<i>Ardea cinerea</i>
Shelduck	<i>Tadorna tadorna</i>
Wigeon	<i>Anas penelope</i>
Teal	<i>Anas crecca</i>
Mallard	<i>Anas platyrhynchos</i>
Pintail	<i>Anas acuta</i>
Shoveler	<i>Anas clypeata</i>
Red-breasted Merganser	<i>Mergus serrator</i>
Oystercatcher	<i>Haematopus ostralegus</i>
Golden Plover	<i>Pluvialis apricaria</i>
Grey Plover	<i>Pluvialis squatarola</i>
Lapwing	<i>Vanellus vanellus</i>
Dunlin	<i>Calidris alpina</i>
Black-tailed Godwit	<i>Limosa limosa</i>
Bar-tailed Godwit	<i>Limosa lapponica</i>
Curlew	<i>Numenius arquata</i>
Redshank	<i>Tringa totanus</i>
Greenshank	<i>Tringa nebularia</i>
Black-headed Gull	<i>Chroicocephalus ridibundus</i>
Common Gull	<i>Larus canus</i>
Lesser Black-backed Gull	<i>Larus fuscus</i>
Common Tern	<i>Sterna hirundo</i>

Article 3(3) of S.I. No. 391 of 2021 states that particular attention shall be paid to the protection of the wetlands included in the area identified in Schedules 1 and 2.

Table 1 below sets out 1 no. European site at risk from impacts of the proposed development.

Table 1: European Sites at risk from impacts of the proposed project			
Effect Mechanism	Impact pathway/zone of influence	European Site(s)	Qualifying interest features at risk
Potential spread of invasive species Japanese Knotweed <i>Fallopia japonica</i> during construction resulting in habitat degradation.	Given the absence of watercourses on site, no hydrological pathway is identified. As this invasive species can spread by rhizomes and small pieces of plant fragment, it can quickly establish and dominate in new areas. (National Biodiversity Data Centre; www.invasives.ie ; accessed on 13 June 2024)	Cork Harbour SPA (Site Code 004030)	Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck Wigeon Teal Mallard Pintail Shoveler Red-breasted Merganser Oystercatcher Golden Plover Grey Plover Lapwing Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Greenshank Black-headed Gull Common Gull Lesser Black-backed Gull Common Tern

1.1.21. Great Island Channel SAC (Site Code 001058) is approx. 5.5km to the north of the subject site. S.I. No. 206 of 2019 European Union Habitats (Great Island Channel Special Area of Conservation 001058) Regulations 2019 relates to this SAC. Schedule 3 of this S.I. lists the protection of the following natural habitat type:

- 1140 Mudflats and sandflats not covered by seawater at low tide
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

The conservation objectives for the Qualifying Interests for this site are as follows:

1140 Mudflats and sandflats not covered by seawater at low tide: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC.

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*): To restore the favourable conservation condition of Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) in Great Island Channel SAC.

1.1.22. The NPWS site synopsis state that the Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. Owing to the sheltered conditions, the intertidal flats are composed mainly of soft muds which support a range of macro-invertebrates. The saltmarshes are scattered through the site and are all of the estuarine type on mud substrate. The site is extremely important for wintering waterfowl and is considered to contain three of the top five areas within Cork Harbour, namely North Channel, Harper's Island and Belvelly-Marino Point. The site is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports.

1.1.23. I am satisfied that the potential for impacts on Great Island Channel SAC can be excluded at preliminary stage due to separation distances between the European site and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works, the absence of hydrological pathways and the conservation objectives of the designated site.

1.1.24. The possibility of indirect impacts on all other European sites has been excluded on the basis of objective information. I have screened out all other European sites, based

on a combination of factors including the intervening minimum distances, and the absence of hydrological or other pathways. I am satisfied that there is no potential for likely significant effects on these screened out sites.

Likely Significant Effects on the European Site(s) 'alone'

1.1.25. With regard to the matter of whether the conservation objectives could be undermined from the effects of the proposed development 'alone', I note that -

- The area around Ringaskiddy is heavily industrialised, with substantial port-related infrastructure in the vicinity,
- Japanese Knotweed is listed in the Third Schedule of EC (Birds and Habitats) Regulations 2011 and it is an offence to disperse, spread or otherwise grow them in any place. It is noted that there are no watercourses or drains on site that could act as a conduit for the spread of these species into the nearby Cork Harbour SPA.
- No significant disturbance impacts have been identified, and no significant in-combination disturbance is therefore predicted to occur.
- Further investigation is required to examine potential in-combination impacts on qualifying species via spread of invasive species within the Cork Harbour SPA (Site Code 004030)

1.1.26. I consider that having regard to the nature, scale and location of the proposed development that conservation objectives of Cork Harbour SPA (Site Code 004030) would not be undermined 'alone'. This is set out further in Table 2.

Table 2: Could the project undermine the conservation objectives 'alone'		
European Site and qualifying feature	Conservation objective (summary) (favourable status)	Could the conservation objectives be undermined (Y/N)?
		Effect A: Spread of invasive species Japanese Knotweed
Cork Harbour SPA (Site Code 004030)		
Little Grebe <i>Tachybaptus ruficollis</i>	Maintain	N
Great Crested Grebe <i>Podiceps cristatus</i>	Maintain	N
Cormorant <i>Phalacrocorax carbo</i>	Maintain	N
Grey Heron <i>Ardea cinerea</i>	Maintain	N
Shelduck <i>Tadorna tadorna</i>	Maintain	N
Wigeon <i>Anas penelope</i>	Maintain	N
Teal <i>Anas crecca</i>	Maintain	N
Mallard <i>Anas platyrhynchos</i>	Maintain	N
Pintail <i>Anas acuta</i>	Maintain	N
Shoveler <i>Anas clypeata</i>	Maintain	N
Red-breasted Merganser <i>Mergus serrator</i>	Maintain	N
Oystercatcher <i>Haematopus ostralegus</i>	Maintain	N
Golden Plover <i>Pluvialis apricaria</i>	Maintain	N
Grey Plover <i>Pluvialis squatarola</i>	Maintain	N
Lapwing <i>Vanellus vanellus</i>	Maintain	N

Dunlin <i>Calidris alpina</i>	Maintain	N
Black-tailed Godwit <i>Limosa limosa</i>	Maintain	N
Bar-tailed Godwit <i>Limosa lapponica</i>	Maintain	N
Curlew <i>Numenius arquata</i>	Maintain	N
Redshank <i>Tringa totanus</i>	Maintain	N
Greenshank <i>Tringa nebularia</i>	Maintain	N
Black-headed Gull <i>Chroicocephalus ridibundus</i>	Maintain	N
Common Gull <i>Larus canus</i>	Maintain	N
Lesser Black-backed Gull <i>Larus fuscus</i>	Maintain	N
Common Tern <i>Sterna hirund</i>	Maintain	N
* Wetlands	Maintain	N

* Article 3(3) of S.I. No. 391 of 2021 states that particular attention shall be paid to the protection of the wetlands included in the area identified in Schedules 1 and 2.

1.1.27. With regard to **potential impacts for the spread of invasive species**, I note that Japanese Knotweed on site is identified to be approx. 17m from the eastern site boundary. The FI ISMP is stated to be preliminary, and a final ISMP will be prepared prior to commencement of development. The FI ISMP states that in-situ herbicide treatment will not be feasible as construction work will be required in the vicinity of the Japanese Knotweed, and is unlikely to achieve full eradication. Management measures include pre-construction herbicide treatment to prevent further spread or establishment of the invasive species, implementation of biosecurity measures, toolbox talks, cleaning of contaminated vehicles and clothing and excavation and off-site disposal.

1.1.28. It is stated that all knotweed contaminated soils within the site boundary will be excavated and sent off-site for treatment, and that a specialist waste contractor will organise haulage to the treatment centre.

1.1.29. As outlined previously, no streams/watercourses are indicated on the subject site.

1.1.30. The Ecology Unit considered the FI response relating to the ISMP to be generally acceptable to subject to condition that these measures be carried out.

1.1.31. I note the range of site hygiene measures set out, and the reference in the FI response to preparation of a site-specific ISMP prior to commencement of development. I consider that -

- the range of measures relating to management of Japanese Knotweed set out in the FI documentation would be generally acceptable,
- subject to implementation of stated measures, the proposed development would not be likely to negatively impact directly or indirectly on any species or habitat listed as features of interest for the SAC.

I consider that the measures outlined in the ISMP are standard construction practices, that matters relating to invasive species are subject to a separate legal code namely European Communities (Birds and Natural Habitats) Regulations 2011, and are clearly not included as a measure to mitigate potential impacts on European sites. In reaching this conclusion, I have taken no account of mitigation measures intended to avoid or reduce the potentially harming effects of the project on any European sites.

1.1.32. In the event that the Board was minded to grant permission, it is recommended that in addition to a condition requiring an ISMP, a condition is also attached which requires the submission of a site specific construction management plan (CMP) which incorporates the recommendations of the site-specific ISMP. This would be a standard construction measure.

1.1.33. Having regard to the matters outlined above, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of Cork Harbour SPA (Site Code 004030). Further AA screening in-combination with other plans or projects is required.

Likely significant effects on a European site(s) 'in-combination with other plans and projects'

1.1.34. As it has been concluded that there are no likely significant effects alone, it is necessary to consider the proposal in combination with other plans and projects.

1.1.35. The EclA (submitted as Unsolicited FI on 25 August 2023) states (at Section 5.5) that the potential for the proposed works along with adjacent projects contributing to a cumulative impact on European sites was considered, that it will not result in any significant residual effects on any ecological receptors or EU Designated Sites and would not therefore contribute to any potential for cumulative impacts when considered in-combination with other plans or projects.

1.1.36. I note that the subject site is located on serviced lands zoned Town Centre/Neighbourhood Centre in the Development Plan, on which there are no streams/watercourses. The wider surrounding area is characterised by industry including substantial port-related development and some third level education campuses. As no significant disturbance impacts have been identified, no significant in-combination disturbance is predicted to occur.

1.1.37. For completeness, I note the various projects identified in the EclA, a number of which are outlined in Table 3 below:

Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.	
Plan/Project	Effect Mechanism
<p>Cork County Development Plan 2022-2028</p> <p>Development Plan Objectives include:</p> <p><u>Vol. 1:</u></p> <p>Objective BE 15-7: Control of Invasive Alien Species: Implement best practice to minimise the risk of spread of invasive alien species, on Council owned or managed land, and require the development and implementation of Invasive Alien Species Management Plans for new developments where required.</p>	<p>FI response proposes that Invasive Species Management Plan (ISMP) will be prepared prior to commencement of development.</p>

	vicinity of the subject site in recent years, I consider that no significant in combination impacts are likely to occur.
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1.1.38. Having regard to the matters outlined in Table 3, the effects of the project 'in combination with other plans and projects' with reference to the conservation objectives for the qualifying features at risk, are outlined in Table 4.

Table 4: Could the project undermine the conservation objectives in combination with other plans and projects?			
European Site and qualifying feature	Conservation objective (summary) (favourable status)	Could the conservation objectives be undermined (Y/N)?	
		Effect A Development Plan	Effect B - Permitted Developments
Cork Harbour SPA (Site Code 004030)			
Little Grebe <i>Tachybaptus ruficollis</i>	Maintain	N	N
Great Crested Grebe <i>Podiceps cristatus</i>	Maintain	N	N
Cormorant <i>Phalacrocorax carbo</i>	Maintain	N	N
Grey Heron <i>Ardea cinerea</i>	Maintain	N	N
Shelduck <i>Tadorna tadorna</i>	Maintain	N	N

Wigeon <i>Anas penelope</i>	Maintain	N	N
Teal <i>Anas crecca</i>	Maintain	N	N
Mallard <i>Anas platyrhynchos</i>	Maintain	N	N
Pintail <i>Anas acuta</i>	Maintain	N	N
Shoveler <i>Anas clypeata</i>	Maintain	N	N
Red-breasted Merganser <i>Mergus serrator</i>	Maintain	N	N
Oystercatcher <i>Haematopus ostralegus</i>	Maintain	N	N
Golden Plover <i>Pluvialis apricaria</i>	Maintain	N	N
Grey Plover <i>Pluvialis squatarola</i>	Maintain	N	N
Lapwing <i>Vanellus vanellus</i>	Maintain	N	N
Dunlin <i>Calidris alpina</i>	Maintain	N	N
Black-tailed Godwit <i>Limosa limosa</i>	Maintain	N	N
Bar-tailed Godwit <i>Limosa lapponica</i>	Maintain	N	N
Curlew <i>Numenius arquata</i>	Maintain	N	N
Redshank <i>Tringa totanus</i>	Maintain	N	N
Greenshank <i>Tringa nebularia</i>	Maintain	N	N
Black-headed Gull <i>Chroicocephalus ridibundus</i>	Maintain	N	N
Common Gull <i>Larus canus</i>	Maintain	N	N
Lesser Black-backed Gull <i>Larus fuscus</i>	Maintain	N	N
Common Tern <i>Sterna hirund</i>	Maintain	N	N
* Wetlands	Maintain	N	N

1.1.39. I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

1.1.40. I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

1.1.41. This conclusion is based on:

- Nature and scale of the proposed development which would be served by public wastewater infrastructure;
- Standard pollution controls and best practices including relating to management of invasive species that would be employed regardless of proximity to a European site and effectiveness of same;
- Distances from European Sites
- Absence of any streams/watercourses on site and the absence of direct hydrological link between the subject site and European Sites.

No measures intended to avoid or reduce harmful effect on European sites were taken into account in reaching this conclusion.