



An
Bord
Pleanála

Inspector's Report

ABP-319302-24

Development	Construction of driveway, access gate, boundary wall, landscaping and associated works (planning ref.: 17/6848).
Location	Ballyvoloon, Ringmeen, Cobh, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	236506
Applicant(s)	Trevor and Gosia Byrne
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Trevor and Gosia Byrne
Observer(s)	None
Date of Site Inspection	16 August 2024
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site is located within the development boundary of Cobh approximately 12km southeast from Cork city. The site is in a backland site position to the rear of a dwelling on the L-2994 and to the rear of the Cooline residential estate currently under construction.
- 1.2. The existing house, as built, was permitted under planning authority register reference 17/6848, to the rear of the existing property and I note a detached dwelling unit referred to as “apartment building” (as shown on drawing no. 003 of planning authority register reference 17/6848) with a vehicular access running along the southern boundary of the site to the apartment building. A right of way/wayleave is immediately to the rear of the subject site and this wayleave appears to align with the original townland boundary at this location. I highlight for the Board that the submitted site location drawing (Drawing 001) and site layout plan (Drawing 002) indicates that the wayleave/right of way and Cooline estate are all within the applicant’s ownership (all within the blue line boundary). I note that on the application a letter of consent from a Denis Young (Folio CK31269F) for a portion of his land impacted by the development and a second letter of consent from Jerry O’Sullivan of Mijos Development Limited in respect to lands under their ownership (CRO No. 617001) namely lands contained in Folio CK178025F. On the basis of these letters of consent there appears to be an error in delineating the blue line boundary applicable to the applicant’s lands.
- 1.3. The planner’s report notes that an open water course /stream runs parallel with the rear site boundary. On the day of site inspection, the watercourse was not evident due to the earth works undertaken to facilitate the construction haul route associated with the build out of the Cooline estate, the change in ground levels and the vegetation along the northern field boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a private driveway accessing the Cooline residential estate from the dwelling permitted under 17/6848,

associated steel framed access gate with timber panelling, boundary wall with painted render finish to walls and pillars and landscaping including a proposed beech hedge.

3.0 Planning Authority Decision

3.1. Decision

On the 19 February 2024 the planning authority refused permission for the following two reasons:

1. It is considered that the provision of the proposed vehicular entrance to serve the existing dwelling with associated traffic movements would conflict with wider proposals to enhance pedestrian/cyclist connectivity and to provide new linkages to the wider Ballynoe Urban Expansion Area lands at this location. Furthermore, to permit the proposed development would set an undesirable precedent for other similar vehicular access points along the route, undermining the safety of the future corridor and wider development objectives in the area. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The proposed development relates to the construction of a vehicular entrance off an existing established services wayleave adjacent to an existing stream. Having regard to the nature of the proposal and outlined route of access to the site it is considered the proposed development would materially contravene conditions no. 1 (c) and No. 9 of Pl. Reg. No. 22/5706 [sic] which stipulate that the access to the site is not permitted on the grounds of safety, and that the existing wayleave shall be reserved and protected from any development to provide unobstructed access for the maintenance of the existing services along the wayleave and stream, in perpetuity. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

I highlight to the Board the error in the reference in reason no. 2 to planning register reference 22/5706, it should read planning register reference 22/5726.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Acknowledges the applicant's detailed cover letter submitted with the application setting out the rationale for the application.
- Notes that condition no. 1 (c) of planning register reference 22/5726 precluded the provision of a direct access to the subject dwelling. The subject application aims to introduce a vehicular access point to the existing dwelling off the permitted Cooline estate access road crossing a section of wayleave strip.
- The existing wayleave strip provides the most appropriate future route to connect with a new access /link road (CH-U-08).
- Consideration of interrelationships with access to the wider Ballynoe UEA lands to the north and consideration of conditions (1 c and 9) attached to the adjacent permission reg.no. 22/5726.
- An issue arises regarding the proximity of the proposed entrance to an existing drainage/ditch stream. The crossing of the stream would interfere with the Council's potential future use of the area, impact on the flood storage potential around the stream corridor and preservation of the riparian corridor along the stream.
- The site is located outside an identified flood risk zone.
- Screens out both the requirement for Appropriate Assessment and Environmental Impact Assessment.

Senior Executive Planner review and endorsement/sign off from case planner report:

- Notes that the proposal to access the subject site from this wayleave was part of the proposal under 22/5726 and was omitted by condition in the planning authority's decision for reasons of safety. The proposed development would contravene this condition as attached to 22/5726.
- The engineering reports on the subject application (from HIIT and the Traffic and Transportation Section) clearly state that the proposal will compromise

the quality of the future pedestrian/cycle link to the UEA. The HIIT engineer also notes the need to protect the wayleave/stream corridor for access to services and maintenance of the stream riparian corridor. The proposal involves crossing the stream which could impact flood storage potential along the corridor.

- The existing house already has an access.
- This proposal may also create a precedent for future individual vehicular crossings of the future pedestrian/cycle facility, noting four other dwellings bound the wayleave area.

3.2.2. Other Technical Reports

- Liaison Officer report – No comments
- Housing Infrastructure Implementation Team (HIIT) - The proposed development would adversely impact the quality of pedestrian/cycle link connected to new access/link road CH-U-08 in the CDP 2022-2028. Crossing of an existing wayleave and stream is proposed, the wayleave should be protected for operations access to the existing services, the maintenance of the stream and preservation of the riparian corridor along the stream.
- A/Senior Executive Engineer (Roads and Transportation) - Concur with the HIIT's concerns regarding the proposal to construct a motor vehicle access to the permitted dwelling across the wayleave. High quality segregated pedestrian and cycle connectivity is required to access future developable lands as part of the overall Ballynoe UEA Development Strategy. Preserving the wayleave for safe pedestrian and cycle connectivity is crucial. The proposal could compromise the alignment of the link.
- Area Engineer Report - No objections to the proposed development.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

Subject site

Planning register reference 17/6848: Planning permission granted at Ballyleary, Cobh, Co. Cork (March 2018) to Trevor & Gosia Byrne for the construction of a single dwelling house, associated driveway and all ancillary works, landscaping and services.

Site was to be access from the west via new driveway along northern boundary of the original dwelling.

Planning register reference 17/5336: Planning permission was refused for the construction of a single dwelling house for the following reasons:

1. The proposed development would constitute backland development within the curtilage of an existing dwelling and at the rear of existing residential properties which would be out of character with the existing residential layout of the area. The sanctioning of a separate dwelling unit detached from the main dwelling would be out of character with the existing pattern of development in the area. In addition, the proposal would constitute piecemeal backland development which would set an undesirable precedent for further similar development, would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be seriously injurious to the residential amenities of nearby dwellings given the proximity of the proposed entrance roadway to nearby residences and the impact that passing traffic would have on the residential amenities of these dwellings.

Planning register reference 175063 – Incomplete application.

Adjacent dwelling fronting onto L-2994 (south of the subject site)

Planning register reference 205261 - Planning permission was granted (October 2020) for the construction of a single storey structure with attic storage and provision

for mechanical services along with associated works. The works will include the demolition of the lower garage and construction of a granny flat with a direct link to the main dwelling with extra parking facilities. Access from the L-2994.

Planning register reference 196368 – Incomplete application.

Planning register reference 13/5034 – Withdrawn

Planning register reference 12/6364 – Planning retention refused

Adjoining lands – Cooline Estate also referred to as the 'Mijos development'

Planning register reference 22/5726: Planning permission was granted at Cooline, Ballyvoloon, Cobh, Co. Cork (June 2023) for the construction of 8 two storey houses in lieu of six two storey houses and construction of 12 duplex units in lieu of six two and a half storey houses (change of plan and layout from previous application reference number 21/06367) and all associated site development works including roads, pathways, cycle way, public open space and public lighting.

Conditions of relevance to the subject appeal:

Condition no. 1 (c) The direct access to the existing dwelling to the west of the application site as illustrated on the layout plan submitted on 22/07/22 is not permitted. Reason: To clarify the plans and particulars for which permission is granted and in the interest of safety, and in order to avoid the development of an unsafe cycle facility.

Condition no. 8 The developer shall deliver the portion of the internal estate road to the centreline of the boundary of the adjoining landholding to the north, to the specifications agreed in writing with the Planning Authority. The levels of the link road and finish floor levels of all houses shall be agreed in writing with the planning authority prior to the commencement of construction. Reason: In the interest of orderly development and to facilitate the delivery of objective CH-U-08 of the Cork County Development Plan 2022.

Condition no. 9 The full extents of the existing wayleave at the west including portion to the south of Block A, of the site (entry onto the L-2994) shall be reinstated along the stream to its natural state as far as reasonably practicable, reserved and protected from any development to provide unobstructed access of the maintenance of the existing services along the wayleave and stream, in perpetuity. The developer

shall provide boundary treatments at the extents of the wayleave area. The lands shall be maintained by the developer and fenced off until taken in charge by the planning authority (at its discretion). The proposals shall be submitted for written agreement and finalised to the satisfaction of the planning authority. Reason: To prevent flooding and in the interests of sustainable drainage.

Planning register reference 21/6367: Planning permission was granted at Cooline, Ballyvoloon, Cobh, Co. Cork (May 2022) for the construction of 15 no. dwelling houses (change of plan and layout and reduction in density from 65 units to 28 houses from that permitted under 05/2345 and extended under 14/4847 & 19/4261) and all associated site development works including roads, pathways, cycle way, public open space and public lighting.

Condition no. 2 (b) Consent is not granted for the cycleway/footpath at the west of the site. The area is to be reserved for such a facility as part of a future application for development at the western part of the site, in tandem with the proposed future application for residential units inside the western boundary of the site.

5.0 Policy Context

5.1. Cork County Development Plan 2022

Strategic Planning Area: Metropolitan Cork

Volume 4: South Cork

Land Use Zoning: Existing Residential/Mixed Residential and Other Uses and partly within lands within land use zoning Residential CH-RFAP – Ballynoe UES, Medium-A density residential development (Phase 2).

Mapped objectives (Cobh):

CH-U-07 Provision of new link road

CH-U-08 Provision of new link Road

TM 12-2: Active Travel

TM12-2-1: 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. Prioritise development in our settlements that is well located and designed to facilitate walking, cycling and public transport trips. Promote equal access for all through the adherence to universal design in the external built environment to facilitate greater use of public transport, walking and cycling.

And noting sub-section:

d) Development should incorporate the retention of existing routes and linkages which contribute to permeability of an area, particularly those providing access to key services, facilities and public transport infrastructure. Loss of existing links shall not occur if their loss results in more circuitous trips.

5.2. Natural Heritage Designations

The proposed Natural Heritage Area: Cuskinny Marsh (Site Code 001987) is located approximately 2 km east of the subject site.

Special Area of Conservation; Great Island Channel (Site Code 001058), proposed Natural Heritage Area: Great Island Channel (Site Code 001058) and the Special protection Area: Cork Harbour SPA (Site Code 004030) is approximately 2.5 km north of the subject site.

The proposed Natural Heritage Area: Monkstown Creek (Site Code 001979) and Special Protection Area: Cork Harbour SPA (Site Code 004030) is located approximately 2.5km southwest of the subject site.

6.0 Environmental Impact Assessment (EIA) Screening

See completed Form 1 and Form 2 in Appendix. 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 screening determination or EIA, therefore, is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The first party appeal is in direct response to the two reasons for refusal and sets out a justification for the decision to refuse permission to be overturned. In summary the grounds of appeal are:

- The exceptional circumstances of this case were not considered in that there is not a suitable access to the dwelling and no other alternative available to that proposed in this application.
- The planning authority has not identified that the proposal is materially contravening any specific policy objective of the LAP or CDP. Many precedent cases nationwide were driveway accesses cross pedestrian /cycle infrastructure.
- The proposed development does not contravene condition no. 1 or condition no. 9 of reg. no. 22/5706 as these relate to a specific planning consent unrelated to this proposal.
- Should the planning authority wish to construct a dedicated cycleway along the route of the existing wayleave in the future the granting of the proposed development would not prevent or inhibit such a project.
- Concerns raised about health and safety risk as a result of vehicles not being able to access the existing property and environmental risk if significant remediation works are required to the pumping station on the property as a mobile tanker truck is unable to access.

7.2. Planning Authority Response

The Housing Infrastructure Implementation Team (HIIT) state:

- The proposed development would adversely impact on the quality of the pedestrian/cycle link proposed as part of a new access/link road (CH-U-08) to future developable lands as part of the overall Ballynoe UEA development Strategy.

- The new link location is indicative only on the CDP map the proposal to connect to same impacts negatively on its delivery.
- Crossing of a wayleave and existing stream is proposed. Concerns raised about Council's future use of the area and impact of the development on the flood storage potential around the stream corridor.
- In the absence of side slope analysis and further profile details the impact of the proposed development on the water course corridor is difficult to assess.
- Contingency condition suggested, as follows:

"The Applicant shall have an independent topographical survey completed of the route of the proposed development/access (within its proposed footprint) at the Applicant's expense and submit same to the Council (in hardcopy and AutoCAD). The topographical survey shall be finalised to the Council's satisfaction.

Any pipe culvert crossing of the channel of the stream/watercourse should be constructed to the Council's satisfaction using a minimum of 900mm diameter concrete pipes.

The final layout /design of the proposed access shall be submitted by the Applicant to the Council for assessment and finished by the Applicant to the satisfaction of the Council."

8.0 **Assessment**

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

- Vehicular access
- Impact on watercourse/flooding

8.2. *Vehicular access*

- 8.2.1. The applicant outlines in their appeal submission that the permitted driveway access to their house, under planning authority register reference 17/6848, has been found to be unbuildable due to the technical and legal reasons including the need to remove the existing neighbouring property boundary. The dwelling was constructed using a temporary construction access to the east of the site from the Cooline estate with the consent of the landowner.
- 8.2.2. As referenced in the site location and description, section 1.0 of my report, there appears to be a separate “apartment” to the southern side and rear of the applicant’s parents’ house which fronts onto the local road. The use of the “apartment” has not been explained within the application documentation or planning history for same has not been provided or is available from my search on Cork County’s ePlan. The vehicular access and driveway to the original house (the applicant’s parents’ house) is positioned to the southern side running up to the referenced ‘apartment’ building.
- 8.2.3. From my site inspection I note that there is no direct vehicular access to the property from the L2994, as was permitted to the northern side of the applicant’s parents’ house. I highlight that the house has not been constructed in accordance with the plans and particulars of planning register reference 17/3848. The matter of enforcement falls under the jurisdiction of the planning authority.
- 8.2.4. From review of the planning history, see section 4.0 of my report, the planning authority have consistently considered that the wayleave provides an opportunity to tie in with the future upgrade of the L-2994 (CH-U-03) and in report of the HIIT, in respect to planning authority register reference 21/6367, it is stated that there may be sustainable travel advantage to a segregated pedestrian/cycle route connecting to the UEA and retail at Ticknock from Cooline, Cluain Árd and other developments via the wayleave connecting to the proposed new link roads CH-U-08 and CH-U-07.
- 8.2.5. I note that the applicant has submitted land registry map showing the full extent of the Right of Way/ Wayleave (Figure 3-7) which runs north and north-eastwards from the subject site across to the L2989 (Ticknock). The applicant states that the wayleave was attached to the land folio (Land Registry Reference 178025F) to provide a right of way access to the original landowners of the agricultural land upon which Cooline is now located and the fields directly north of Cooline. The route as

indicated in Figure 3-7 of the applicant's appeal submission does indicate the possibility of future connectivity and permeability of the Ballynoe UEA. It appears from my review of planning history that the provision of a suitably passively supervised route using the right of way/wayleave appears to be unresolved at this time.

- 8.2.6. Whilst I concur with the applicant that the development plan does not contain a specific objective for such a pedestrian/cycle route along the subject wayleave I nevertheless, highlight CDP Objective TM12-2 Active Travel and Phase 1: Mapped objective CH-U-08 (to create new access road from the future developable lands connecting to new development at Cooline and linking to CH-U-07) which provide a policy context that supports the retention and use of existing links which contribute to permeability of the area. I am of the view that the mapped objectives are indicative routes only, as supported by the planning authorities appeal response, and as such the position and distance of the proposed access and driveway relative to same is not the pertinent issue. Rather it is the severance of the right of way/wayleave by the driveway crossing, serving only one dwelling unit, that would in my view be premature pending the determination of a final road/development layout for this expanding urban area and could prejudice orderly development and would not contribute to permeability of the area, contrary to development plan objective TM12-2 Active Travel.
- 8.2.7. I acknowledge the applicant's concerns in respect to limitations on vehicular access to their house, which was in my opinion built at risk given the stated issues identified at tendering stage in respect to the viability of constructing the permitted driveway. It has not been demonstrated, further, that there is no other arrangement possible within the confines of the original site. Furthermore, I acknowledge the submitted examples of precedent of road crossing pedestrian/cycle ways. I would not agree that such examples are directly comparable to the subject site.
- 8.2.8. On a point for clarity condition no.1 of 22/5726, which is worded as follows: "*The direct access to the existing dwelling to the west of the application site as illustrated on the layout plan submitted on 22/07/22 is not permitted*", the applicant states that the subject property and access did not form part of the redline boundary of 22/5726 and therefore the council could not permit or refuse permission for same. I agree that the driveway shown to the applicant's dwelling sits outside the redline boundary, and

as such does not form part of the application, but I note that the entrance to the driveway from Cooline Estate (annotated as proposed direct access to existing dwelling to be maintained by dwelling owner) is within the red line and forms a crossing point of the internal pedestrian pathway and cycleway of the Cooline estate. As such, I do not agree with the applicant's view that the reason for condition 1 to avoid the development of an unsafe cycle facility as being '*ambiguous as the area in question has not been identified as a cycleway*', when the access point omitted by condition no. 1 is directly cutting across the internal cycleway and pedestrian pathway on the internal estate road. I do not agree with the applicant's assumption that the junction with the internal Cooline estate road is already permitted under 22/5726.

- 8.2.9. In conclusion on this point, I am of the opinion that the construction of a new vehicular entrance and driveway crossing a right of way/wayleave serving one private dwelling, would, be premature pending the determination of a final road/development layout for this expanding urban area and would compromise future pedestrian and cycle links to the lands within the Ballynoe Urban Expansion Area (UEA), constitute haphazard development and would not be acceptable in principle. Furthermore, given the difference in ground levels in the immediate area and having regard to ground levels within the Ballynoe Urban Expansion Area (UEA) it is unclear how the driveway would integrate pending final proposals for this area, as such, I consider a refusal is warranted in the interests of orderly development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

8.3. *Impact on watercourse/flooding*

- 8.3.1. The second reason for refusal refers to the proposed development's potential impact on an existing stream, with respect to future maintenance and flood storage potential. As noted in section 1.0 of my report on the day of my site inspection, a watercourse was not clearly evident due to the earth works undertaken to facilitate the construction haul route associated with the build out of the Cooline estate, the change in ground levels and the vegetation along the northern field boundary. I highlight to the Board that, as set out in section 4.0 of my report, condition no. 9 of planning authority register reference 22/5726 requires the reinstatement of the land and full extents of the stream to its natural state within the right of way/wayleave.

- 8.3.2. The applicant states in their appeal submission that the proposed driveway crosses an existing field drain which runs between the applicant's property and the Cooline estate. It is proposed to cross the drain with a suitably sized piped culvert. The applicant states that 'following assessment of the channel and existing hydrological environment a 6m long 600 mm diameter pipe is considered suitable' (section 4.3 of appeal submission). No further reports or detailed drawings are submitted to support the proposed drainage measures.
- 8.3.3. The planning authority's response to the appeal includes a report from the Senior Executive Engineer from the Housing Infrastructure Implementation Team which states that in the absence of side slope analysis and further profile details the impact of the proposed development on the stream/watercourse corridor is difficult to assess. I note for the Board that a contingency condition is put forward in the event the Board is minded to grant of permission, requiring a topographic survey of the route of the proposed driveway and access and that any pipe culvert crossing the channel of the watercourse should be constructed to the council's satisfaction using a minimum of 900mm diameter concrete pipe.
- 8.3.4. On the basis of the information before me, and noting the contingency condition put forward in the appeal response by Cork County Council I am of the view that there is not sufficient evidence to justify a refusal by reason of adverse impact to the watercourse and its flood storage potential.

9.0 AA Screening

- 9.1. I have considered the proposed development to be retained in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Great Island Channel Special Area of Conservation (SAC) (Site Code 001058) 2.5 km approximately north of the subject site and the Special Protection Area (SPA) Cork Harbour (Site Code 004030) approximately 2.5km north and 2.5km southwest of the subject site.
- 9.3. The proposed development is located within the designated development boundary of Cobh and the works comprise the creation of a driveway, access gate, boundary wall and landscaping associated works to house (previous planning authority register

reference 17/6848). The proposed driveway crosses, with a proposed suitably sized piped culvert, an existing field drain/stream which runs between the applicant's property and the Cooline estate.

9.4. A screening report for Appropriate Assessment was not submitted with this planning appeal case. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

9.5. The reason for this conclusion is as follows:

- The nature and scale of the development.
- The distance from European Sites and absence of direct ecological pathways to any European Site.

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

10.0 Recommendation

I recommend that permission for the development be refused for the following reasons and considerations:

11.0 Reasons and Considerations

1. The proposed vehicular entrance and driveway crossing a right of way/wayleave serving one private dwelling, would, be premature pending the determination of a final road/development layout for this expanding urban area and would compromise future pedestrian and cycle links to the lands within the Ballynoe Urban Expansion Area (UEA), constitute haphazard development and would not be acceptable in principle. The proposed development 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.

Claire McVeigh
Planning Inspector

12 February 2025

Appendix 1: Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319302-24		
Proposed Development Summary	Construction of driveway, access gate, boundary wall, landscaping and associated works (planning ref.: 17/6848).		
Development Address	Ballyvoloon, Ringmeen, Cobh, 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	√
		No	Tick if relevant. 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)?			
Yes	√	Class 10 (dd) All private roads which would exceed 2000 metres in length.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√	Class 10 (dd) All private roads which would exceed 2000 metres in length.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10 (dd) All private roads which would exceed 2000 metres in length. The proposed driveway is approximately 27metres in length.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		

Inspector: _____ Date: _____

Appendix 2: Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-309302-24
Proposed Development Summary	Construction of driveway, access gate, boundary wall, landscaping and associated works (planning ref.: 17/6848).
Development Address	Ballyvoloon, Ringmeen, Cobh, Co. Cork
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the construction of a 27m (approximate) driveway linking to the Cooline residential estate (under construction), access gate and new rear boundary wall.</p> <p>The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources,</p>	<p>The subject site is located on zoned lands within the development boundary of Cobh. The subject site is not located</p>

absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	within or adjacent to any European Site. The proposed development would not be likely to have a significant effect individually or in combination with other plans or programmes. With respect the test of likely significant effect for EIA purposes I consider that environmental sensitivity of the location of the development would not be of such significance to require EIA.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for likely significant effects on the environmental factors listed in section 171A of the Planning and Development Act (2000), as amended.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)