



An  
Bord  
Pleanála

## Inspector's Report ABP-319336-24

### Development

Protected Structure: construction of four storey apartment building providing 26 no. apartment units, communal rooftop terrace, car parking, bicycle parking and bin stores. demolition of shed structure and the reconfiguration of pedestrian/ cycle route on Johnstown close to the south to facilitate access. The site was formerly within Ashbourne garden and is considered to be within the curtilage and attendant grounds of Ashbourne House which is a protected structure (Ref 00498)

### Location

Lackenroe, Glounthaune, Co. Cork

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

236560

### Applicant(s)

Fintan and Valerie Coleman

### Type of Application

Permission

### Planning Authority Decision

Refuse

<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Fintan and Valerie Coleman
<b>Observer(s)</b>	(1) Geraldine O'Neill (2) An Taisce
<b>Date of Site Inspection</b>	13 <sup>th</sup> December 2024
<b>Inspector</b>	Oluwatosin Kehinde

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	6
3.3. Prescribed Bodies .....	7
3.4. Third Party Observations .....	7
4.0 Planning History .....	8
5.0 Policy Context .....	10
5.3. Development Plan .....	14
5.4. Natural Heritage Designations .....	18
6.0 EIA Screening .....	18
7.0 The Appeal .....	18
7.1. Grounds of Appeal .....	18
7.2. Planning Authority Response .....	19
7.3. Observations .....	21
8.0 Assessment .....	22
9.0 AA Screening .....	34
10.0 Recommendation .....	35
11.0 Reasons and Considerations .....	36
Appendix 1 – Environmental Considerations	

## **1.0 Site Location and Description**

- 1.1. Glounthaune is located approximately 10km to the east of Cork City and 5km west of Carrigtwohill. Glounthaune is within the Cork County Metropolitan Area.
- 1.2. The 0.32ha site comprises of a woodland area and is located within the settlement boundary of Glounthaune. The site rises to the north and there is an existing shed on the site. There is also a grotto structure which formed part of the rock garden associated with Ashbourne House.
- 1.3. The site is bounded to the north by L2970 locally known as The Terrace and to the south by Johnstown Close Greenway. To the east, the site is bounded by Ashbourne House and gardens which is protected under the provisions of Cork County Development Plan 2022-2028. To the west is an existing apartment block and a retail food store.
- 1.4. The site is within proximity of the local neighbourhood centre and a train station is approximately 300m east of the site. There is also a dedicated pedestrian and cycle route (Route IU-1) along the L3004 road further south of the site.
- 1.5. The site is within the curtilage and attendant grounds of Ashbourne House. The site forms part of a larger site that was the subject of a Strategic Housing Development (SHD) refused permission under ABP – 312222-21.

## **2.0 Proposed Development**

- 2.1. Planning permission is being sought for the development of four storey building comprising of 26 apartment units and all associated site works.
- 2.2. The proposal will provide for a four storey building with a setback on the third floor. The height of the building is generally 13.45m at parapet level with a maximum height of 16.45m at the lift/stair core providing access to the roof garden.
- 2.3. The development will provide 3 no. 3 bedroom apartment units, 7 no. 2 bedroom apartment units and 16 no. 1 bedroom apartment units. With ancillary communal rooftop terrace.
- 2.4. The proposed apartment building is a moderately sized apartment block that is approximately 44.6m in length. The block edges are articulated to provide texture to

the building and the proposed finishes also provide architectural interest to the building.

- 2.5. The development also provides for the demolition of an existing shed structure and the realignment of/reconfiguration of the existing pedestrian/cycle route on Johnstown Close to the south to facilitate access.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority (PA) refused permission for the development and the reasons for refusal are as follows:

- *Reason 1 – Having regard to the loss of a section of an established woodland which is of high ecological value and to the loss of 2 no. heritage trees, the loss of which cannot be suitably mitigated, it is considered that the proposed development would have a significant negative impact on habitats of high ecological value and would result in a net loss of biodiversity at the site. The proposed development would, therefore, materially contravene Objectives BE 15-2 and BE 15-8 (Volume 1) and Objective GN-GO-03 (Volume 4) of the Cork County Development Plan 2022 and be contrary to the proper planning and sustainable development of the area.*
- *Reason 2 – The application site is located within the curtilage and attendant grounds of Ashbourne House which is listed on the Cork County Record of Protected Structures (RPS number 00498). It is considered that the proposed development, in particular the removal of 2 no. heritage trees which are of significant cultural value, would negatively impact on the cultural heritage value of the area and would have a significant adverse impact on the character and setting of Ashbourne House. The proposed development would, therefore, materially contravene Objectives HE 16-14 and HE 16-16 of the Cork County Development Plan 2022 and would be contrary to the proper planning and sustainable development of the area.*
- *Reason 3 – Having regard to the proposed access arrangements, the works required to the existing pedestrian/cycle route to the south of the site to*

*facilitate this access and the increased vehicular movements through the existing public car park to the west that will arise from this development it is considered that the proposal will impact on the safe movement of pedestrians and cyclists along the route to the immediate south of the site as well as along the Inter-Urban Route 1 located further south adjoining the L3004. The proposed development will lead to conflict between vehicular traffic, pedestrians and cyclists and would therefore endanger public safety by reason of a traffic hazard.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The decision to refuse permission by the PA is consistent with the Planning Officer's (PO) report. The PO concerns can be summarised as follows:

- There are concerns regarding the removal of a section of the woodland area.
- The proposed development does not protect the curtilage and attendant grounds of Ashbourne House.
- There are concerns regarding potential impact on residential amenity.
- There are concerns about the impact of the development on the rock garden and grotto feature.
- The PO also raised concerns about access and safety issues.

#### **3.2.2. Other Technical Reports**

- Area Engineer – Report dated 22<sup>nd</sup> January 2024 stated no objections subject to conditions.
- Estates Engineer – Report dated 11<sup>th</sup> January 2024 stated no objections subject to conditions.
- Water Services - Report dated 10<sup>th</sup> January 2024 stated no objection subject to conditions.

- Ecology Office - Report dated 19<sup>th</sup> February 2024 recommended a refusal because of the loss of woodland area and 2 heritage trees in a high ecological value woodland.
- Conservation Officer – Report dated 19<sup>th</sup> February 2024 suggested further information for the redesign of the development. Concerns about the significant impact of the development on the protected structure.
- Sustainable Travel Unit – Report dated 21<sup>st</sup> February 2024 recommended refusal because the development will reduce the amenity value of the Johnstown close pedestrian/cycle way, width of access point and safety concerns.
- Architects Department – Report dated 15<sup>th</sup> February 2024 stated no objection.
- Public Lighting – Report dated 24<sup>th</sup> January 2024 stated no objections subject to conditions.
- Housing – Report dated 26<sup>th</sup> January 2024 stated no objection.

### 3.3. Prescribed Bodies

Uisce Eireann – Report dated 20<sup>th</sup> January 2024 stated no objection subject to outlined constraints (changing network capacity) and conditions.

Iarnród Eireann – Report dated 17<sup>th</sup> January 2024 stated no objection in principle to the development.

Inland Fisheries Ireland – Report dated 09<sup>th</sup> January 2024 asks that Irish Water/Cork County Council confirm whether there is sufficient capacity in existence.

### 3.4. Third Party Observations

The PA received 9 submissions on the application and the issues are summarised as follows:

- The loss of heritage trees and biodiversity in the area.
- Lack of adequate parking for the development.
- The development constitutes an overdevelopment of the site.

- The development will impact on Ashbourne House and Gardens.
- The scale of development is inappropriate and has the potential to impact on the adjoining Waterside Apartment development.
- Excavation work has the potential to impact on the Champion trees.
- Alterations to the pedestrian route are not acceptable and the road network is unsuitable for construction traffic.

The PA also received 1 representation from Cllr Alan O'Connor supporting the development noting that the development should not impact on the nature and built heritage of the site. Retention of the heritage trees should be explored.

## 4.0 Planning History

ABP 312222-21 – Strategic Housing Development (SHD) refused for the development of 289 residential units (201 no. houses, 88 no. apartments), creche and associated site works.

This current appeal site formed part of the site that was the subject of the SHD application. I note that the SHD application was refused for the following reasons:

- *Having regard to the existing local road network which is substandard in terms of suitable pedestrian and cyclist facilities, it is considered that the increased demand generated by this development would result in future residents walking and cycling along the local roads and would lead to conflict between vehicular traffic, pedestrians, and cyclists. The proposed development would, therefore, endanger public safety by reason of traffic hazard.*
- *Having regard to the topography of the site, and in particular the steeply sloping nature of the site, it is considered that the provision of suitable and useable pedestrian/cyclist facilities cannot be achieved to an acceptable level, and that consequently, the proposed development would be dominated by car use for most journeys, including local trips to Glounthaune village, schools, and railway station. The development would therefore generate a significant volume of traffic which the road network in the vicinity of the site is not capable of accommodating safely due to the restricted width and capacity of the L-2968 Local Road in the vicinity of the site and the restricted capacity of*



*its junction at the 'Dry Bridge' with the L-2970 Local Road. The proposed development would, therefore, give rise to traffic congestion and would endanger safety by reason of traffic hazard.*

### **Adjoining site**

ABP 313739-22 – Permission refused for the construction of 94 residential units, provision of 1 no. café and revisions to existing vehicular entrance. Ashbourne House is a Protected Structure. Immediately east of the site. Refusal reasons are as follows:

- *Under the Cork County Development Plan 2022-2028, Objective GN-R-01 states that it is policy of Cork County Council to seek to achieve a high density on 1 hectare of the proposed site and to seek to achieve the density in such a way that the woodland setting is protected and that the trees of special heritage value and champion trees are protected. Furthermore, Objective HE 16-20 seeks to recognise the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources and to protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork. It is considered that the extent of the development which exceeds 1 hectare together with the nature of the proposed development would result in the loss of trees of special heritage value within the garden and woodland area associated with Ashbourne House that it is a specific objective to protect. It is, therefore, considered that the proposed development would contravene these policy objectives and would be contrary to the proper planning and sustainable development of the area.*
- *Having regard to the provisions of the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" issued by the Department of the Environment, Heritage and Local Government (2009) and its associated Design Manual in relation to housing density, design and layout on an existing and planned public transport corridor, it is considered that the proposed development would result in an inadequate housing density that would give rise to an inefficient use of zoned residential land and of the*

*infrastructure supporting it, would contravene Government policy to promote sustainable patterns of settlement and the policy provisions in the National Planning Framework, 2040, and would, therefore, be contrary to the provisions of the said Guidelines and national policy provisions. Furthermore, the proposed development would be contrary to the policy objectives in the Cork County Development Plan 2022–2028 as they relate to density for high residential density on suitably zoned lands, and therefore, the proposed development would be contrary to National and Local policy objectives and the proper planning and sustainable development of the area.*

- *Ashbourne House is listed on the Cork County Record of Protected Structures (RPS no. 00498). The protected structure, associated gardens and woodland of Ashbourne House are substantially included in the subject site. A number of the trees located within the woodlands are of a high cultural and visual value to the setting of the protected structure. The proposed development includes the removal of a significant number of these trees, including one champion trees and two heritage trees, and it is considered that their removal would negatively impact on the visual amenity and the cultural heritage value of the area and would have a significant adverse impact on the setting of protected structure. Having regard to the guidance contained within the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and policy Objectives HE 14-14 and HE 14-16 in the Cork County Development Plan 2022-2028, it is considered that the proposed development of residential units in the gardens associated with Ashbourne House, a protected structure, would have a detrimental, and irreversible, impact on the character, special cultural interest and setting of the protected structure. Consequently, it is also considered that the proposed development would directly conflict with policy Objectives HE 14-14 and HE 14-16 of the Cork County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.*

## **5.0 Policy Context**

### **5.1. National Policy**

The following are considered to be of relevance to the proposed development.

#### **5.1.1. Project Ireland 2040, National Planning Framework (2018)**

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

A number of key policy objectives are noted as follows:

National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.

National Policy Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.

National Policy Objective 13 provides that "In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

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

A number of key policy objectives are noted as follows:

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

National Policy Objective 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.

National Policy Objective 35 seeks 'To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

#### 5.1.2. **Section 28 Ministerial Guidelines**

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

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

The creation of sustainable communities also requires a diverse mix of housing and variety in residential densities across settlements. This will require a focus on the delivery of innovative housing types that can facilitate compact growth and provide greater housing choice that responds to the needs of single people, families, older people and people with disabilities, informed by a Housing Needs Demand Assessment (HNDA) where possible.

- Urban Development and Building Heights, Guidelines for Planning Authorities

It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2023).

The focus of this Guidance is on the locational and planning specific aspects to apartment developments generally.

- Quality Housing for Sustainable Communities (DoEHLG, 2007)

The guidelines aim to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards that have been found, from experience, to be particularly relevant.

- Architectural Heritage Protection – Guidelines for Planning Authorities 2011

These guidelines issue objectives for protecting structures, or part of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and for preserving the character of architectural conservation areas. Sections 13.1.1 and 13.2.1 provides definitions for curtilage and attendant grounds of protected structures.

### **5.1.3. Other National Guidance**

- Design Manual for Urban Roads and Streets

To ensure compact, connected neighbourhoods based on street patterns and forms of development that will make walking and cycling, especially for local trips, more attractive.

- Cycle Design Manual 2023

This manual provides guidance on the design of both on-road and off-road cycle facilities for both urban and rural locations.

- National Biodiversity Action Plan 2023 – 2030

The plan includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.

- Climate Action Plan 2024

Climate Action Plan 2024 sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022.

## **5.2. Regional Policy**

### **5.2.1. Regional Spatial and Economic Strategy (RSES)**

The Southern Regional Assembly's RSES seeks to achieve balanced regional development and full implementation of the National Planning Framework. The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford.

### 5.3. Development Plan

The Cork County Development Plan 2022 – 2028 is the pertinent statutory plan and the site is zoned ZU 18-9 – Existing Residential/Mixed Residential and Other Uses with the following specific development objective:

*“The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area”.*

Chapter 3 of the Development Plan relate to Settlements and Placemaking and it is the vision of the plan “To protect and enhance the unique identity and character of County Cork’s towns and villages and improve quality of life and well-being through the delivery of healthy placemaking underpinned by good urban design, with the creation of attractive public spaces that are vibrant, distinctive, safe and accessible and which promote and facilitate positive social interaction and supports the needs of the community”.

Section 10.17.1 states that “Any development proposal sited within or adjacent to a historic or culturally significant garden, a demesne or a landscaped estate should include a detailed appraisal of the site. Details on the methodology for preparing an appropriate site appraisal can be found in the “Guidance Notes for the Appraisals of Historic Gardens, Demesnes, Estates and their Settings” prepared by Cork County Council in 2005”

#### **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.

#### **BE 15-8: Trees and Woodlands**

a) Protect trees the subject of Tree Preservation Orders.

b) Make use of Tree Preservation Orders to protect important trees or groups of trees which may be at risk or any tree(s) that warrants an order given its important amenity or historic value.

c) Encourage the provision of trees for urban shading and cooling in developments in urban environments and as an integral part of the public realm.

d) Preserve and enhance the general level of tree cover in both town and country. Ensure that development proposals do not compromise important trees and include an appropriate level of new tree planting.

e) Where appropriate, to protect mature trees/groups of mature trees and mature hedgerows that are not formally protected under Tree Preservation Orders

#### **HE 16-14: Record of Protected Structures**

- a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the Plan as resources allow.
- c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.
- d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.
- h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.
- i) In the event of a planning application being granted for development within the curtilage of a protected structure, that the repair of a protected structure is prioritised in the first instance i.e. the proposed works to the protected structure should occur, where appropriate, in the first phase of the development to prevent endangerment, abandonment and dereliction of the structure.

#### **HE 16-16: Protection of Non- Structural Elements of Built Heritage**



Protect non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings, follies, gates, bridges, shopfronts and street furniture. The Council will promote awareness and best practice in relation to these elements.

#### **HE 16-20: Historic Landscapes**

- a) Recognise the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources.
- b) Protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork.
- c) All new development within historic landscapes should be assessed in accordance with and giving due regard to Cork County Councils 'Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estates and their Settings' or any other relevant guidance notes or documents issued during the lifetime of the Plan.

#### **Vol. 4 – South Cork**

It is stated (at Section 2.8.2) that as Glounthaune is projected to grow to over 1,500 people during the lifetime of the plan it is treated in a similar manner as regards zoning and land-use to the other main settlements which are over 1,500 people. Glounthaune is set out under Section 2.10.

**Objective GN-GO-01** – Plan for development to enable Glounthaune to achieve its target population of 2,432 persons, in tandem with the development of community facilities and enhancement of village centre, to provide for Glounthaune's sustainable development.

**Objective GN-GO-03** – The green infrastructure, biodiversity and landscape assets of Glounthaune include its hedge-rows, mature trees, woodlands, and other habitats. Glounthaune is located adjacent to the Great Island Channel Special Area of Conservation and the Cork Harbour Special Protection Area. New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity

and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity

#### **5.4. Natural Heritage Designations**

Special Area of Conservation: Great Island Channel (Site Code 001058) is located approximately 40m south of the site and Cork Harbour Special Protection Area (Site Code 004030) approximately 46m south of the site.

pNHA – Great Island Channel is located approximately 52m south of the site.

### **6.0 EIA Screening**

- 6.1. Having regard to the nature, size and location of the proposed development, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, EIA is not required.
- 6.2. Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) attached to this Report.

### **7.0 The Appeal**

#### **7.1. Grounds of Appeal**

This is a First Party appeal by Fintan and Valerie Coleman and the grounds for appeal are summarised as follows:

- The site forms part of the SHD proposal refused by the Board and in their determination, considered that the provision of a 4-storey apartment building was acceptable at the subject site.
- It is submitted that the Board determined that the loss of a relatively small number of important trees in the SHD proposal was justified given the benefit that could accrue. The PA misinterpreted the plans submitted with the application regarding the loss of trees. It is submitted that the development will result in net gain of 33 trees.

- The applicant states that the Ecological Impact Assessment submitted with the appeal confirms that the wider broadleaved woodland associated with Ashbourne House has been modified over a period of time largely due to the planting of non-native species and establishment of invasive species.
- The appeal submits that the ecological review concluded that the loss of the 7 trees would be mitigated by the planting of 38 native/pollinator friendly trees.
- The proposed access and parking arrangements are similar to the arrangements provided in the previous SHD scheme for the site and the proposed development has been designed to reflect the recommendations of the Road Safety Audit.
- It is submitted that if the proposed access and car parking are a concern to An Bord Pleanála, the applicant could provide a car-free development solution for the site given its proximity to the train station.
- The applicant states that the development presents an opportunity to integrate land-use and transport planning and deliver an infill village centre development. It is stated that in its current form the settlement represents an inefficient and unsustainable population base with access to high frequency public transport.
- The applicant submits that the tree management and mitigation strategy proposed contributes to the sensitive redevelopment of the site and also achieves to maintain the character and setting of Ashbourne House and Gardens.
- The applicant submits an Appropriate Assessment report concluding that the proposed development will not have any significant effect on designated EU sites.
- The appeal was accompanied by an arboricultural and tree Survey, an ecological review and an AA screening report.

## **7.2. Planning Authority Response**

The PA notes the applicant's grounds for appeal and provides the following response

- The PA states that the reference to 47 no. trees in the submitted documents included trees outside of the application site boundary. Notwithstanding, the PA considers that the proposal appears to require the removal of more than 7 no. trees indicated in the submitted documents. The PA refers to trees along the site boundaries particularly the southern boundary.
- The applicant refers to a robust planting strategy that includes the planting of 2 heritage trees. The PA reiterates the large concentration of trees around Ashbourne House and remains of the opinion that the loss of heritage trees at the site would negatively impact on the setting of the protected structure and would negatively impact on an ecologically and culturally valuable woodland habitat.
- The PA notes the report from the Ecology Office stating that heritage trees are of ecological value due to a mix of their age, size and conditions and as such irreplaceable. The development should not lead to a loss or deterioration of these trees unless there are wholly exceptional circumstances and a suitable compensation strategy exists.
- The assumption that the loss of the heritage trees on site can be mitigated by planting 2 no replacement trees is flawed, and the PA maintains that the loss of these trees is a permanent impact. Furthermore, the PA states that from the appeal, a further 3 no heritage trees and 1 no champion tree exists within the site and results in the removal of 40% of the heritage trees recorded at the site.
- The Ecology Office remains of the opinion that the woodland onsite is of high ecological value and a highly valued woodland habitat. This opinion is similar to the adjacent application determined by the Board under ABP-313739-22, which also evaluated the woodland as being of local high value ecological importance. The PA Ecology Office opinion remains that the proposal as is would contribute to the erosion of a habitat of high ecological value. It remains that the application would have a significant negative effect on habitats of high ecological value and as such the granting of permission would contravene the development objective contained in the development plan.

- The PA refers to the Conservation Officer's report and maintains that the removal of 2 no heritage trees would negatively impact on the cultural heritage value of the area and would have a significant adverse impact on the character and setting of Ashbourne House.
- Regarding the revised site layout for a car free development, the PA notes the compact guidelines and requests that if the Board is minded to granting permission, that cycle parking should be provided to comply with SPPR 4 of the guidelines.
- The PA also requests, in the event of a grant, that a special contribution condition be applied to the development in respect of pedestrian and cycle infrastructure in the area and ongoing works to the adjoining Inter-Urban Route (IU-1).

### 7.3. Observations

2 observations were received from Alan O'Callaghan on behalf of Geraldine O'Neill and An Taisce. The raised are summarised as follows:

- Development that advances the proper planning and sustainable development of Glounthaune is supported and refusal reason no. 3 regarding public safety and traffic hazard is noted.
- It is submitted that the new greenway has had a negative impact on the existing parking arrangements in the area and states that there will be further interference with the existing parking arrangements located west of the site.
- There are concerns about the impact of the development on access, pedestrian safety and connectivity in the area.
- It is submitted that the applicant's car free development solution is neither appropriate nor practical in real terms, and it should be seen as an admission of issues with their access and parking proposal.
- The proposal to remove car parking from the development would increase pressure on existing car parking arrangements in the vicinity and a car free development would only exacerbate issues of parking.

- While the site is close to a train station, the rural location of the village and the general lack of services within the same will continue to mean that residents will have a dependence and reliance on cars.
- There are additional knock-on effects of a car free development on the viability of the scheme. There is no turning circle for larger vehicles such as HGVs and refuse trucks. In addition, no Autotrack analysis was submitted in respect of same.
- There must be an emphasis on providing some form of parking within the subject site, particularly in the form of disabled and EV parking.
- An Taisce submits that the Board should uphold the Council's refusal on the ground of the removal of heritage trees and sections of an established woodland. The loss of the heritage trees would represent a major loss of biodiversity, given the high ecological value they possess. An Taisce considers that every effort should be made to retain as many trees as is safely possible up to and including a significant redesign of the proposal in any future application.

## 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, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Impact on the curtilage and attendant grounds of Ashbourne House
- Loss of Trees/Woodland and the Impact on Ecology
- Access and car parking
- Material Contravention

### 8.2. **Principle of Development**

8.2.1. The Development Plan seeks to secure an increase in the population of Glounthaune and maximise the sustainable transport benefit offered by the railway

station. The site is subject to the provisions relating to Glounthaune, set out within Volume 4 of the Development Plan. Section 2.10.7 provides for the population of Glounthaune to grow to 2,432 and for an additional 379 units to be provided within the lifetime of the Development Plan. The proposed development is for the construction of 26 no. apartment units and associated site works on lands zoned for residential development.

- 8.2.2. In terms of national policy, the National Planning Framework (NPF) targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. I refer the Board to NPO 11, which states that “In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”. In addition, the Board is also referred to the Regional Spatial and Economic Strategy (RSES) for the Southern Region which seeks to maximise developments to achieve compact growth. I note RPO 151(d) which states that “New employment and residential development will be consolidated and intensified in a manner which renders it serviceable by public transport and ensures that it is highly accessible, by walking, cycling and public transport”.
- 8.2.3. Glounthaune is some 10km to the east of Cork City and within the Cork County Metropolitan Area. The proposed development is within close proximity of a town centre/neighbourhood centre and approximately 300m away from a train station. There is a pedestrian/cycleway located south of the site (Route IU-1) linking the area with the city. Having regard to the location of the site and the quality of public transport available, I consider the development proposed to be suitably located and consistent with the provisions of national and county objectives to achieve compact growth.
- 8.2.4. Objective HOU 4-7 and Table 4.1 of the Development Plan set out density categories and indicate a high density of 50 units/ha+ for Glounthaune area. The proposed density of the development is 81uph and consistent with the objective. I also note Table 3.3 of the Sustainable Residential Development and Compact Guidelines for Planning Authorities (2024) which provides density ranges for Metropolitan Towns and Villages. The Development Plan provides the 2016

population figure for Glounthaune as 1,440 and having regard to the CSO 8% increase in Ireland's population in 2022, I consider Glounthaune to be a Metropolitan Town with over 1,500 population. And as such, a density range of 50uph to 150uph to lands around existing or planned high-capacity public transport nodes or interchanges is generally applied. The proposed development therefore complies with the guidelines.

8.2.5. Also of note is Sustainable Urban Housing: Design Standards for New Apartments (2022) and the Specific Planning Policy Requirements (SPPRs) therein. The guidelines provide minimum apartment design standards for floor areas, apartment mix, dual aspect ratios and floor to ceiling heights. I have reviewed the drawings submitted and I am satisfied that the proposed development is generally consistent with the SPPRs.

8.2.6. Having regard to the above, I consider that the proposed development would be generally acceptable at this location subject to the usual development assessment criteria. I am satisfied that the proposal is an appropriate use of the site.

### **8.3. Impact on the curtilage and attendant grounds of Ashbourne House**

8.3.1. Ashbourne House (RPS) is protected under the provisions of the Cork County Development Plan 2022-2028 and I note sections 13.1.1 and 13.2.1 of the Architectural Heritage Protection – Guidelines for Planning Authorities 2011 that states

“By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. It should be noted that the meaning of ‘curtilage’ is influenced by other legal considerations besides protection of the architectural heritage and may be revised in accordance with emerging case law” and

“The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. In many cases, the attendant grounds will incorporate a designed landscape deliberately laid out to complement the design of the building or



to assist in its function. For example, the attendant grounds to a mill building will include, where these survive, the mill-race, mill-pond, the tail-race, flumes, sluice-gates, and any related weirs and dams. Flax-mills may have had drying greens. The attendant grounds of a country house could include the entire demesne, or pleasure grounds, and any structures or features within it such as follies, plantations, earthworks, lakes and the like”.

I have had full regard to the Historic Landscape Impact Assessment (HLIA) report prepared by Louise M Harrington submitted with the application, and I note that the north-eastern section of the site formerly a quarry, was developed as a rock garden. The HLIA report stated that rock gardens were often made from a mix of real and artificial stone popular from the mid-to-late 19<sup>th</sup> century and were developed to create the right growing conditions for alpine plants.

The report details that the former quarry was the ideal location for a rock garden, with the area offering a natural rock setting, most likely a pool at the base, potential terraces or shelves and a location that was out of sight from the main house and its formal setting. Other plants in the rock garden might have included *celmissias*, *erythroniums*, *genitans*, *meconopsis* and *Asiatic primulas*.

The HLIA report details that presently, the rock garden is overgrown and the remains of the rock garden suggest that the natural hollow and pool left by the quarry were added to by some terracing and the creation of a grotto.

The rock garden within the appeal site was deliberately laid out and in use for the purpose of Ashbourne House. And as such I consider that the site is within the attendant grounds of the protected structure. Therefore, in considering the proposed development I will have regard to the rock garden/woodland within the site.

#### The Design and Impact on the Attendant Grounds

- 8.3.2. The PA refused the proposed development on the basis that the building proposed materially contravenes objectives HE 16-14 and HE16-16. The full text of these objectives is contained in Section 5.3 above. These objectives relate to protecting the curtilage and attendant ground of protected structures and non-structural elements of built heritage.

The proposed apartment building is four storeys in height with a setback on the third floor. The building has a maximum height of 16.45m. The proposed building is located at the southwest corner of the site and I note the PA conservation officer's report dated 19<sup>th</sup> February 2024 which stated that the building reads as blocky and does not reference the traditional style and character of the area. The report also stated that the building has a monolithic appearance and did not consider it sufficient for a conservation setting.

Upon site inspection of the area, I observed that there is a mixture of traditional single/two storey houses and modern apartment block architectural styles within the vicinity of the site. Chapter 16 of the Development Plan relates to Built and Cultural Heritage and Objective HE 16-21a states that the plan will "Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape". The design of the proposed development is similar to the existing Waterside development immediately west of the site in so far as scale and height. Materials for the development will comprise mainly of a mixture of brick and render finish that is also similar to the adjoining development.

In addition to the above, the proposed building will sit adjacent to the southwestern boundary of the site in close alignment with the adjoining Waterside apartment block. There is a minimum buffer of c.12m between the building and the eastern boundary. This setback distance from the east boundary allows the development to be read along with the architectural built form on the western side of the site. In this regard, I am of the view that the building proposed is appropriately designed. I consider that the proposed building block will have no impact on the setting of Ashbourne House given its location.

- 8.3.3. In refusing the development, the PA cited that the loss of 2 heritage trees of significant cultural value would impact on the cultural heritage value of the area and impact on the character and setting of Ashbourne House. The first party appellant points out that the site is neglected and overgrown. The appellant states that the cultural heritage reason for refusal is unclear, as the PA Conservation officer's concerns were focused on the design of the building rather than the loss of the heritage trees.

Having inspected the site, I am of the view that the site is overgrown. I also note the HLIA reported that the rock garden is now overgrown and its original planting scheme is gone. I can safely assume that the trees on the site have evolved over a number of years after the original planting associated with the rock garden was depleted. I also note from the grounds of appeal submitted by the appellant that the site was split from the original Ashbourne House lands by a change in ownership over 50 years ago and as such exhibits a different character to the current Ashbourne House. Upon site inspection, I do concur that character of the site different and is reflected by the “existing/mixed residential and other uses” zoning associated with the site. I therefore consider that the trees on the site are not original to the landscape of Ashbourne House. While the trees hold some cultural value, I am of the view that their cultural value is not associated with the curtilage or attendant grounds of Ashbourne House. In my opinion, I consider that the cultural value of the trees on the site is attributed to their age, size and condition. Accordingly, I do not consider that the loss of heritage trees on the site will impact on the curtilage or attendant grounds of Ashbourne House. I however, consider that the loss of heritage trees on the site will impact on the ecological value of the area as discussed in Section 8.4 below.

- 8.3.4. Notwithstanding the above, the remains of the rock garden within the site still form the attendant grounds of Ashbourne House. It is proposed that the existing grotto will be conserved and integrated into the landscaping scheme for the development. The applicant proposes to make the grotto a key feature of the proposed communal open space. A public access from the Johnstown Close greenway to the grotto with associated seating areas will be provided.

While I do not have any objection to the retention of the grotto, I have concerns that the full extent of the remains of the rock garden within the site has not been defined. Based on the information submitted with the appeal, there is no detailed information about the remains of the rock garden. Given that the rock garden is now overgrown, I consider that the existing overgrowth in the area would need to be carefully removed to reveal the full extent of the rock garden as stated in the HLIA.

Objective HE 16-20 of the Development Plan recognises the importance of historic landscapes and their significance as archaeological, architectural, historical and ecological resources. The plan seeks to protect such resources and I am of the view

that the remains of the rock garden add a historic and cultural element to the woodland area. In the absence of detailed information regarding the rock garden (size and boundaries), it is difficult to assess the potential impact of the development on the rock garden.

The conservation method statement submitted with the application only provides conservation guidance on the grotto. I am of the opinion that a detailed conservation method statement for the remains of the rock garden is required. A conservation report that would provide the full extent of the rock garden and offer best conservation guidance necessary to preserve and potentially reuse the rock garden.

Having regard to the limited information provided on the remains of the rock garden, I am not satisfied that the Historic Landscape Impact Assessment submitted has fully considered the impact of the proposed development on the setting of Ashbourne House. I therefore consider that the proposed development could potentially have an impact on the attendant grounds of Ashbourne House.

- 8.3.5. In relation to the PA determining that the development materially contravenes the Development Plan, I do not consider that the development materially contravenes objectives HE 16-14 and HE16-16 on the account of the loss of heritage trees for reasons set out in Section 8.3.3 above. I also consider that the objectives are general guidance on protecting the curtilage and attendant ground of protected structures and non-structural elements of built heritage. The objectives don't offer any specificity that could warrant the PA to use the term "materially contravene".

#### **8.4. Loss of Trees/Woodland and the Impact on Ecology**

- 8.4.1. The site is located within an established woodland area. I note section 2.10.6 of the Development Plan Vol 4, which highlights that the area around Ashbourne House contains an unusually large collection of significant trees – the largest concentration nationally in any single location of champion trees and trees of special heritage value. This area forms part of the woodland area and the Development Plan considers this woodland to be a green infrastructure asset for Glounthaune and I note Objective GN-GO-03 that requires new developments to be sensitively designed and planned to provide for the protection of woodlands. The development proposed includes the loss of 7 trees on the site including 2 heritage trees.

- 8.4.2. The PA has concerns regarding the loss of a section of the woodland and heritage trees on the site. The PA ecology report stated that the heritage trees by their nature are of high ecological value due to the mix of their age, size and condition. The PA considered that the woodland is of high ecological value and the loss of trees would have a negative impact on the habitats and would result in a net loss of biodiversity at the site.

The PA determined that the proposed development would materially contravene objectives BE 15-2 and BE 15-8 of the Development Plan. The full text of these objectives is in section 5.3 and they relate to the protection of sites, habitats, species, trees and woodland.

- 8.4.3. The Planning Officer noted in their report that the arboricultural survey submitted with the application stated the removal of 47 no. trees.

The First Party appellant submitted an Ecological Review report prepared by Kelleher Ecology Services as part of the appeal and confirms that a total of 7 trees will be removed and not 47. In response to the First Party appeal, the PA stated that it would appear that more than 7 trees would be removed from the site particularly at the southern boundary. Having reviewed the drawings and documentation submitted with the appeal, I am of the view that 7 trees are to be removed to facilitate the development including 2 heritage trees.

- 8.4.4. The ecological review submitted confirms that the removal of 47 trees as documented in the Arboricultural Survey was for a larger study area associated with the previous SHD application. The Tree Removal & Mitigation Summary report submitted extracted the tree information relevant to the current application boundary from the Arboricultural Survey report that had informed the SHD application. The seven trees to be removed include 3 No. Sycamore trees, a Beech tree, an English Oak, *Malus Domestica* (apple) heritage tree and a *Cotoneaster Frigidus* (Himalayan Cotoneaster) heritage tree.

- 8.4.5. The ecological review states that the site comprises broadleaved woodland that is dominated by non-native/naturalised Sycamore *Acer Pseudoplatanus* tree specimens with other tree species also of non-native varieties and just one native Pedunculate Oak *Quercus robur*. The appeal site is part of a wider area of broadleaved woodland that is dominated by Sycamore (predominantly self-seeding

specimens), with occasional non-native Cypress Leyland Cupressus x leylandii, where the understory and ground flora are also comprised of a number of non-native species including invasive plant species. The report states that the overall woodland is effectively a modified woodland that has resulted from legacy planting dominated by non-native/invasive species including garden escapes.

8.4.6. Having regard to the ecological review report submitted, I am of the view that the report is a response to the concerns raised by the PA and is not a full assessment of the ecological impact of the proposed development on the trees/woodland.

8.4.7. I have had full regard to the ecological review submitted and I consider that there is a lack of information regarding any existing fauna on site. The report stated that the potential suitability of on-site vegetation for commuting/foraging bats is considered high given the presence of a linear woody habitat feature. There is also no information on birds using the site or other species. Having regard to the association of the site with the overall woodland area, I note the Ecological Impact Assessment submitted with the application for the adjoining site (ABP-313739) and I refer the Board to sections 7.5.6 and 7.5.7 of the Inspector's report which states that bats and bird's species were recorded in the woodland. Given the above concern about the insufficient level of information contained in the ecological review, I am not satisfied that the proposed development will not impact on the ecological value of the woodland area.

8.4.8. Regardless of the assertion made by the ecological review that the trees are predominately non-native, I am of the opinion that the trees/woodland are of high ecological value and agree with the reports of the PA Ecology officer in this regard. The heritage trees proposed to be removed add biodiversity value to the woodland and I consider that the loss of these trees would negatively impact on the ecological value of the woodland area. I note the observation made by An Taisce, which states that the loss of heritage trees would represent a major loss of biodiversity, given the high ecological value they possess. In mitigating against the loss of trees/woodland, the applicant proposes to provide the following compensatory planting to enhance biodiversity over time.

- 5 native street trees
- 21 native open space trees

- 12 pollinator friendly garden specimen trees
- 2 replacement heritage trees
- Pollinator friendly large shrubs/shrub and groundcover
- Bulbs & perennials mix

I refer the Board to the ABP-313739 application and note the submission from the Heritage Council acknowledging that Ashbourne House gardens are now in poor condition with many flowers, trees and shrubs still surviving and stating that the gardens could be restored. As stated earlier, I did observe that the site is overgrown upon site visit and I consider it reasonable that some vegetative loss would be necessary to enhance the woodland over time and in particular to potentially preserve/restore the remains of the rock garden.

- 8.4.9. However, having regard to the ecological value of trees/woodland, I am not satisfied that the proposed development has adequately justified the removal of trees in a high ecological value woodland.

The PA also raised concerns that the loss of trees within the woodland associated with Ashbourne House will impact on the cultural value of the protected structure. As stated earlier, the HLIA report highlighted that the rock garden is now overgrown and its planting scheme is gone. Therefore, in terms of value I am of the view that the cultural significance of the current trees on the site is primarily as a result of their ecological contributions more than any cultural association with Ashbourne House.

Overall, while there is potential for some development on the site, I am not satisfied that the ecological review submitted has considered fully the impact of the loss of heritage trees on the ecological value of the woodland habitat. Therefore, I consider the proposed development would be contrary to the provisions of the Development Plan.

- 8.4.10. Again, in relation to the PA determining that the development materially contravenes the Development Plan, I do not consider that the development materially contravenes objectives BE 15-2 and BE 15-8. I consider that the objectives are general guidance on protection of sites, habitats, species, trees and woodland. Again, the objectives don't offer any specificity that could warrant the PA to use the term "materially contravene".

## 8.5. Access and Car parking

- 8.5.1. Access to the proposed development would be off the L3004 via an existing access point serving the existing Waterside apartments. The applicant proposes to reconfigure the pedestrian cycle route (Johnstown Close) to the south of the site to facilitate access to the development. The PA has concerns regarding the proposed access arrangements, works required to the existing pedestrian/cycle route at Johnstown Close and increased vehicular movements through the existing public car park.

I note the report from the Sustainable Travel Unit (STU) stating that the proposed vehicular access route will create an access pinch point at the south side of the Ashbourne pedestrian cycle facility adjacent to the pond's boundary wall. The STU stated that the 5.0m access route on the existing Ashbourne Walkway (Johnstown Close) is not sufficient and would likely result in over-run elsewhere around the site.

- 8.5.2. Figure 4.55 of the Design Manual for Urban Roads and Streets (DMURS) provides guidance for the standard carriageway width for local streets and that it should range between 5-5.5m. The proposed access complies with this requirement and I therefore have no objections to the proposed local street and access point for the development. Providing a vehicular access route of 5.0m for the development appears to be reducing the width of the south side access point to the pedestrian cycle facility (Johnstown Close) to c. 3m. Again, I do not have any objections to the width of the cycle facility at this south access point as Section 4.2.7.2 of the National Transport Authority (NTA) Cycle Design Manual (2023) provides for a minimum width of 3m for shared active travel facilities and greenways. The proposed access arrangements comply with the aforementioned guidelines, and I note that the Area Engineer did not have any concerns in this regard.

- 8.5.3. The observation received on behalf of Geraldine O'Neill states that there would be further interference to the existing parking arrangements that could create pedestrian and road safety issues to the front of the existing food store. I note that the food store and its associated car parking area is c.10m west of the appeal site. Firstly, I will have regard to the proposed car parking provision.

- 8.5.4. 9 car parking spaces are proposed for the development. Table 12.6 of the Development Plan sets out maximum car parking standards for apartments and



requires 1.25 spaces per unit. Accordingly, 32 spaces are the maximum spaces for the development. Table 12.6, point 2 of the Development Plan under allows for reduced car parking where the PA is satisfied that good public links are available or planned. I also note SPPR 3 (ii) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) states that “In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling”. Therefore, the maximum number of car parking spaces for the development will be 39. Having regard to the location of the site being within close proximity of the train station, bus services and a strategic cycle route, I consider that the applicant’s intention to provide 9 car spaces is acceptable. I also note that there is public on-street parking existing within the area.

8.5.5. Secondly, regarding the access arrangements and how it will impact on the safe movement of pedestrians and cyclists, I acknowledge the observer’s concerns and I note the Road and Safety Audit submitted with the application. It is proposed to raise the pedestrian cycle path at the access to avoid vehicles over-running into the path. In terms of potential cyclists arriving at the access point at high speed and colliding with vehicles or pedestrians, the audit provides for a barrier at the access point area to slow cyclists to a safe speed before crossing the car park. The audit also provides for a defined pedestrian link through to the existing car park. I refer the Board to submitted drawing no. 22051/P/003D. Having inspected the site and noting the volume of traffic that would be generated by the proposed development, I have no objections to the safety measures proposed. I am of the opinion that the proposed access arrangements for the development leading to a revised width at the southern access point of the Johnstown Close pedestrian cycle way will not lead to any significant safety issue in the area.

8.5.6. In addition to the above, upon site inspection of the area I observed that the existing car parking area associated with the food store west of the site operates on a one-way system arrangement from L3004. Therefore, there is no direct vehicular access from the proposed development to the food store and as such, I do not see how the proposed development will interfere with the existing car parking at the food store.

- 8.5.7. The STU again raised concerns that the increased vehicular movements associated with the development will have safety issues for cyclists and pedestrians using the Inter-Urban (IU-1) Route 1 located further south of the site adjoining L3004 road. To access the public road (L3004), cars from the development would firstly access the existing Waterside building car park area. I note that the access point onto L3004 is already in use by the Waterside apartments. This access point onto L3004 has traffic calming measures in place and having inspected the site I am of the opinion that vehicles will not reach any significant speed at this point to raise any significant pedestrian/cyclist safety issue. Accordingly, I do not accept that the increased vehicular movements from the development would lead to any significant safety issue for users of the Inter-Urban Cycle Route 1.
- 8.5.8. The observation received on the appeal also raised issues about the lack of a turning circle for larger vehicles such as HGVs and refuse trucks. The proposed development provides for a turning head of 8m x 10m and I note that the Road Safety Audit states that the turning head provided will not facilitate the turning of a refuse truck and the audit recommended that to avoid reversing out of the site by trucks, the development should be restricted to cars. It would appear that if the site is restricted to cars, refuse trucks and other larger vehicles will most likely use the existing Waterside car parking. Having regard to the pedestrian and cyclist traffic adjacent to the site, I have concerns that trucks accessing the site would generate conflicts with pedestrians and cyclists and would endanger public safety by reason of traffic hazard. Therefore, I am of the view that the proposed development has not adequately provided sufficient space to facilitate the turning of refuse trucks and other heavy goods vehicles accessing the site. Accordingly, I consider that the proposed development would endanger public safety by reason of traffic hazard and therefore would be contrary to proper planning and sustainable development of the area.

## **8.6. Material Contravention**

- 8.6.1. As per my assessment outlined above, I note that two of the Planning Authority's reasons for refusal state that the proposed development materially contravenes Objectives HE 16-14, HE 16-16, BE 15-2 and BE 15-8 of the Development Plan. These policy objectives refer to a general approach to protection of the curtilage and attendant ground of protected structures, of non-structural elements of built heritage,

and of sites, habitats, species, trees and woodland. These objectives are not, in my view, sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

## **9.0 AA Screening**

9.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information.

I conclude that 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] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

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

## **10.0 Recommendation**

10.1. I recommend that permission be refused for the proposed development

## 11.0 Reasons and Considerations

1. The site is within the attendant grounds of Ashbourne House (RPS no.00498). Objective HE16-20 of the Cork County Development Plan 2022-2028 seeks to recognise the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources and to protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork. In the absence of detailed information regarding the extent of the remains of the rock garden occurring within the site and potential impact thereon, the Board is not satisfied that the development proposed would not impact on the historical, architectural and archaeological setting of the rock garden. It is considered that the proposed development would contravene the policy objective of the plan and would impact on the curtilage and attendant grounds of Ashbourne House. Therefore, the development proposed would be contrary to the proper planning and sustainable development of the area.
2. The woodland area is identified as a green infrastructure asset of Glounthaune and under the Cork County Development Plan 2022-2028, Objective GN-GO-03 states that new development should be sensitively designed and planned to provide for the protection of woodland features. Furthermore, Objectives BE 15-2 and BE 15-8 seeks to protect habitats, species, trees and woodlands. The site is located within a woodland area of high ecological value consisting of a number of trees that are of ecological significance by reason of their age, size and condition. In the absence of an Ecological Impact Assessment for the site and having regard to the loss of trees including 2 no. heritage trees, the Board is not satisfied that the proposed development would not have a significant impact on the woodland habitats. The proposed development would directly conflict with policy Objectives GN-GO-03, BE 15-2 and BE 15-8 of the plan and would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the proposed road layout, it is considered that the development lacks the sufficient space to facilitate the turning of refuse trucks

and other heavy goods vehicles accessing the site. This would lead to trucks reversing out of the site or using the existing car park adjacent to the site. It is considered that this proposal would lead to conditions that conflict with pedestrian and cyclists and would endanger public safety by reason of traffic hazard. Therefore, the proposed development would be contrary to 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.

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Oluwatosin Kehinde  
Senior Planning Inspector

08<sup>th</sup> April 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319336-24		
<b>Proposed Development Summary</b>	Construction of 26 Residential units and associated site works		
<b>Development Address</b>	Lackenroe, Glounthaune, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units Schedule 5 Part 2 Class 10 (b) (iv) Urban Development which involve an area greater than 10Ha	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>Yes</b>	X	Schedule 5 Part 2 Class 10 (b) (i) 500 dwellings and the development is for 26 dwellings Schedule 5 Part 2 Class 10 (b) (iv) 10Ha and the site area of the development is 0.32Ha	Preliminary examination required (Form 2)
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<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319336-24</b>
<b>Proposed Development Summary</b>	Construction of 26 units and associated site works
<b>Development Address</b>	Lackenroe, Glounthaune, Co. Cork
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (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>The proposed development is on a 0.32Ha site and comprises of a 4-storey building block with a maximum height of 16.45m.</p> <p>The site begins to rise from approximately 41m in from the southern boundary up to Terrace Road. it is proposed to demolish</p>

	<p>an existing shed on the site. The site 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.</p>
<p><b>Location of development</b></p> <p>(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, 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).</p>	<p>The development is situated in an urban setting surrounded by properties and in particular the protected Ashbourne House to the east of the site. The site is an infill development located in a built up area that is removed from sensitive natural habitats and designated sites of identified significance in the Cork County Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>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 significant effects on the environmental factors listed in section 171A of the Act.</p>



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:** Oluwatosin Kehinde

**Date:** 08/04/2025

## Appendix 2 - AA Screening Determination

Template 2: Screening for Appropriate Assessment Screening Determination
<p><b>Step 1: Description of the project</b></p> <p>I have considered the proposed residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.</p> <p>The subject site is located within the settlement boundary of Glounthaune and within proximity of the local neighbourhood centre and the Glounthaune train station is approximately 300m east of the site. The nearest European Site is located approximately 40m south of the site.</p> <p>A full description of the proposed development is detailed in Section 2 of the report above. The development will be served by public mains connections. Wastewater from the development will be dealt with by the Killarney WWTP. SuDS measures are proposed.</p> <p>No AA report was submitted with the initial application and the PA concluded on the basis of limited information, that the proposed development has the potential risk to impact on the designated European Sites. The applicant as part of the appeal submitted a screening assessment for Appropriate Assessment.</p>

**Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]**

In determining the Natura 2000 sites to be considered, I note the nature and scale of the proposed development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of Natura 2000 sites. Wastewater from the development will be connected to the existing public network.

The site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development.

**Indirect impacts and effect mechanism**

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Ground water pollution/ alteration of flows- effects on groundwater dependent habitats
- Human disturbance/ noise/ lighting - resulting in disturbance and displacement effects to QI species
- Physical structures- barrier effect, collision risk, avoidance for mobile species
- Resource requirements (e.g. water supply).
- Emissions (release to land, water or air)
- Recreational pressure
- Changing nature, area, extent, intensity, timing or scale of existing activities

**Step 3: European Sites at risk**

With reference to the potential impact mechanisms from the proposal, identify the European site(s) and qualifying features potentially at risk. Examine Site specific conservation objectives and relevant and supporting documents.

**Table 1 European Sites at risk from impacts of the proposed project [example]**

<b>Effect mechanism</b>	<b>Impact pathway/Zone of influence</b>	<b>European Site(s)</b>	<b>Qualifying interest features at risk</b>
Impairment of water quality	No direct hydrological link. Indirect risk because of construction works	Great Island Channel SAC	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330]

Habitat Loss and Alteration	Development located outside any European Site and works restricted to the development site.	Cork Harbour SPA	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]  Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]  Cormorant (<i>Phalacrocorax carbo</i>) [A017]  Grey Heron (<i>Ardea cinerea</i>) [A028]  Shelduck (<i>Tadorna tadorna</i>) [A048]  Wigeon (<i>Anas penelope</i>) [A050]  Teal (<i>Anas crecca</i>) [A052]  Pintail (<i>Anas acuta</i>) [A054]  Shoveler (<i>Anas clypeata</i>) [A056]  Red-breasted Merganser (<i>Mergus serrator</i>) [A069]  Oystercatcher (<i>Haematopus ostralegus</i>) [A130]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Lapwing (<i>Vanellus vanellus</i>) [A142]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Curlew (<i>Numenius arquata</i>) [A160]  Redshank (<i>Tringa totanus</i>) [A162]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Common Gull (<i>Larus canus</i>) [A182]  Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]  Common Tern (<i>Sterna hirundo</i>) [A193]  Wetland and Waterbirds [A999]</p>
Habitat Fragmentation	Indirect risk because of potential construction surface water runoff		
Disturbance of species	Having regards to the distances between the European Sites and the development, disturbance or displacement of species is highly unlikely		

Having regards to nature and scale of the development, I consider that Cork Harbour SPA and Great Island Channel SAC are the sites most relevant to the subject site.

#### Step 4: Likely significant effects on the European site(s) 'alone'

**Table 2: Could the project undermine the conservation objectives 'alone'**

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Water quality	Habitat Loss	Habitat Fragmentation	Disturbance
Great Island Channel SAC	To restore and maintain the favourable conservation condition of QIs. See full details as of February 2025 below.	N	N	N	N

	<a href="#">ConservationObjectives.rdl</a>				
Cork Harbour SPA	To maintain the favourable conservation conditions of Qis. See full details as of February 2025 <a href="#">ConservationObjectives.rdl</a>	N	N	N	N

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

The proposed development is connecting to the existing public water supply network and existing wastewater public network.

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

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Great Island Channel SAC and Cork Harbour SPA Further AA screening in-combination with other plans and projects is required.

#### **Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

**Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.**

e.g. approved but uncompleted, or proposed

<b>Plan /Project</b>	<b>Effect mechanism</b>
There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.	

**Table 4: Could the project undermine the conservation objectives in combination with other plans and projects?**

<b>European Site and qualifying feature</b>	<b>Conservation objective</b>	<b>Could the conservation objectives be undermined (Y/N)?</b>

		Effect A	Effect B	Effect C	Effect D

I conclude, therefore, 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.

### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that 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] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

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

**Inspector:** Oluwatosin Kehinde

**Date:** 08/04/2025